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COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., TUESDAY, MARCH 9, 1937. No. 27.

SENATE

TUESDAY, March 9, 1937

The Senate met at 12 o'clock noon.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, L. L. D., offered the following prayer:

We thank Thee, O Our Father,
For our watch-care thorugh the night.
Thou hast brought us through the shadows
To Thy precious morning light.
Through the darkness and its silence
Ceaseless vigil Thou hast kept-
Anointing weary eyelids,
Thou hast blest us as we slept.
With riches all around us,
We think we are rich-and yet
In the presence of the Giver
We know ourselves in debt;
For all we think we own-yea,
For health and life and Grace,
We do recognize the Owner
When we look into Thy Face.
Again we come as beggars,
On this, another day;
For Thy Presence and Thy counsel
We do meekly, humbly pray;
That the coming of the twilight
And the setting of the sun
May bring to us, Thy servants,
Thy precious word, "Well done." Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr.CAVALCANTE, the further reading was dispensed with, and the Journal approved.

PETITIONS AND REMONSTRANCES

OPPOSING THE TAKING OVER OF THE TOWNSHIP ROADS BY THE STATE

The Chair cleared his table and laid before the Senate.

Communication from the Board of Supervisors of Albrightsville opposing the taking over of the township roads by the State.

Which was referred to the Committee on Highways.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOTARIES PUBLIC

Commonwealth of Pennsylvania
Governor's Office Harrisburg, March 9, 1937

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

PHILADELPHIA COUNTY

Stanley K. Brunner 3238 N. Front St., Phila., March 9, 1937.

Mrs. May Fowden Purnell 19 Maplewood Ave., March 10, 1937.

Thomas J.Gavaghan 2615 W. Lehigh Ave., Phila., March 11, 1937

DELAWARE COUNTY

Mrs. Anna Tobin, Delaware, Chester, March 14, 1937.

MIFFLIN COUNTY

Ralph H. Taylor, Armagh Twp., Milroy, March 14, 1937.

NORTHAMPTON COUNTY

William Sinwell, Bethlehem, March 16, 1937.

BEAVER COUNTY

Miss Minnie Hilpert, Beaver Falls, March 18, 19

COLUMBIA COUNTY

Harry S. Barton, Bloomsburg, March 25, 1937.

PHILADELPHIA COUNTY

Asher Steinberg, 314 Fairmount Ave., Phila., March 25, 1937.

BRADFORD COUNTY

Miss Mollie W. Rice, Rome, March 26, 1937.

NORTHAMPTON COUNTY

G. E. Kiefer, Easton, April 9, 1937.

CHESTER COUNTY

Miss Catherine Armstrong, Tredyffrin Twp., Berwyn, April 10, 1937.

CAMERIA COUNTY

Mrs. Jennie Boyer Williams, Johnstown, April 11, 1937.

MERCER COUNTY

Joseph Wolf, Wheatland, April 11, 1937.

CHESTER COUNTY

Miss Winifred A. Mason, West Chester, April 15, 1937.

MERCER COUNTY

C. E. Brockway, Sharon, March 25, 1937.
Donovan H. Henry, Greenville, April 25, 1937.

CARBON COUNTY

Frank Lench, Banks Twp., Tresckow, April 26, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvana,
Governor's Office, Harrisburg, March 9, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

W. J. Jacquette, Medical Arts Bldg., Pittsburgh.
C. D. Lamade, Wilkinsburg.
Stanley S McGuire, Elizabeth.
T. J. Munsch, Ingram.
Miss Helen C. Ronnberg, Farmers Bank Bldg., Pittsburgh.
H. Earl Whitehead, Commonwealth Bldg., Pittsburgh.

BERKS COUNTY

Harry I. Focht, Reading.
Miss Catharine G. Rothermel, Reading.
James A. Nelson, Clearfield, Sandy Twp., DuBois.

DAUPHIN COUNTY

Mrs. Katherine E. Ott, Harrisburg.

DELAWARE COUNTY

Earle F. Hewes, Chester.

JEFFERSON COUNTY

Earl Holben, Ringgold Twp., Ringgold.

LUZERNE COUNTY

Henry Elters, Hazleton.
Miss Anna J. Lerence, West Hazleton.

MERCER COUNTY

Miss Evelyn I. Purdie, Sharon.

MONTGOMERY COUNTY

Harry A. Simpson, Lower Morton Twp., Narberth.
Morris Werther, Pottstown.

NORTHAMPTON COUNTY

Mrs. Elizabeth K. Clemens, Easton.
Miss Naomi I. Crouthamel, Easton.

PHILADELPHIA COUNTY

James A. Biddison, Jr., 217 W. Chelten Ave., Phila.
Benj. B. Brasler, 4911 York Rd., Phila.
Raymond G. Frick, 1346 W. Somerset St., Phila.
Joseph Green, 4427 Lancaster Ave., Phila.
William A. Hammeke, 3164 N. 6th St., Phila.
Charles R. Hugentugler, 2d and Erie Ave., Phila.
Miss Gladys F. Roemhild, 122 Dock St., Phila.
Mrs. Margaret Snyder, S. Phila. Nat'l Bank, Phila.
Mrs. Marjorie C. Taffe, 2300 Carpenter St., Phila.
Albert A. Teitell, 5838 Ludlow St., Phila.

SCHUYLKILL COUNTY

Miss M. Evelyn O'Donnell, Coaldale.

ERIE COUNTY

Mrs. Lenore Rossbacher, Corry.

WESTMORELAND COUNTY

Miss Madeline DeBone, Greensburg.
O. W. Laughrey, Scotdale.

YORK COUNTY

Wm. S. Grove, New Freedom.
Archie B. Rose, York.

GEORGE H. EARLE.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in resolution from the Senate as follows:

In the Senate, March 8, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, March 15th, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 15th, at nine o'clock.

CONGRESS TO APPROPRIATE FUNDS TO DEEPEN CHANNEL FROM PORT OF PHILADELPHIA TO ATLANTIC OCEAN

He also presented for concurrence extract from the Journal of the House of Representatives, which was twice read, as follows:

In the House of Representatives, February 23, 1937.

Whereas, The port of Philadelphia is of great importance as a port in the volume of domestic shipping and the domestic commerce flowing through the port of Philadelphia has increased substantially over and above increases in such commerce for other ports on the eastern seaboard; and

Whereas, Despite such increases in domestic commerce there has been no increase but on the contrary a diversion and decrease in the flow of foreign commerce through the port of Philadelphia for the principal reason that the channel to and from Philadelphia to the Atlantic Ocean is not deep enough to accomodate the entry of ships coming from foreign ports; and

Whereas, The port of Philadelphia is the only port of this Commonwealth for the entry and flow of foreign commerce and it is of vital interest to protect and develop facilities necessary for such foreign commerce; and

Whereas, In order to prevent great economic loss to industry in Pennsylvania by reason of lack of a channel deep enough to admit entry of foreign commerce it is necessary that the channel be deepened from Philadelphia to the Atlantic Ocean; therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully petitions the Congress of the United States to enact the necessary legislation and to make the necessary appropriation to deepen the channel from the port of Philadelphia to the Atlantic Ocean to a depth of at least forty (40) feet with suitable widths; and be it further

Resolved, That a copy of this Resolution be forwarded to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States and to each Senator and Representative in the Congress of the United States from this Commonwealth by the Chief Clerk of this House.

Mr. CAVALCANTE, Mr. President, I ask unanimous

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consent that rule 39 which requires concurrent resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives for concurrence.

HOUSE CONCURS IN SENATE BILL NO. 203

He also reutrned to the Senate, Senate Bill No. 203, entitled:

A Joint Resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer general jail delivery and quarter sessions of the peace in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia with special reference to the prosecution trial and disposition of all criminal cases and the probation and parole of persons guilty of crime conferring upon the commission full power to issue subpoenas requiring the commission if possible to make a report of its findings to the present session of the General Assembly together with its recommendations as to such legislation as may be necessary or desirable otherwise to make such report and recommendations to the Governor authorizing the commission to employ counsel and employes and making an appropriation.

With the information that the House has passed the same without amendment.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 6, (Senate Bill No. 461), entitled:

An Act to amend section two hundred sixty-five of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925," revising, consolidating, and changing the law relating to fish in, making Sunday fishing with rods and lines lawful under certain circumstances.

Which was committed to the Committee on Game and Fisheries.

House Bill No. 32, (Senate Bill No. 462), entitled:

An Act to amend clause (b) of section three thousand two hundred and forty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," as amended, providing for compensation for members of joint sewer boards.

Which was committed to the Committee on City Government.

House Bill No. 93, (Senate Bill No. 463), entitled:

An Act to amend the title and section one of the act, approved the first day of June, one thousand nine hundred and thirty-one (P. L. 299), entitled "An act requiring retail dealers in liquid fuels to state the rate of the liquid fuels tax, separately from the price of such liquid fuels, on liquid fuel price display signs; and imposing a penalty," as amended, by changing the purposes of said act and prohibiting the statement of the tax on liquid fuels separately from the price thereof.

Which was committed to the Committee on Finance.

House Bill No. 565, (Senate Bill No. 464), entitled:

An Act prohibiting the use of the designation of "college" by any institution not conforming to the standards of a college prescribed by the State Council of Education; and providing for injunctions and penalties.

Which was committed to the Committee on Education.

House Bill No. 679, (Senate Bill No. 465), entitled:

An Act abating certain interest charges, expenses and fees added to county, city, borough, town, township, school district or poor district claims imposed or assessed for improvements or for the abatement of nuisances; prohibiting the sale of real property for the nonpayment of such claims for a certain period; preserving the liens of such claims and providing for the extension thereof.

Which was committed to the Committee on Municipal Government.

House Bill No. 740, (Senate Bill No. 466), entitled:

An Act creating a Self Insurers' Reserve Fund to guarantee the payment on the workmen's compensation liability of self insuring employers, and providing for the custody of such fund by the State Treasurer and its management by a departmental administrative board to be known as the Self Insurers' Reserve Fund Board; prescribing the powers and duties of said board; imposing duties on and requiring payments into said fund by self insuring employes; providing for and regulating the payment of compensation claims from said fund; prescribing penalties; and making appropriations.

Which was committed to the Committee on Insurance.

House Bill No. 916, (Senate Bill No. 467), entitled:

An Act to amend section one of the act, approved the seventeenth day of June, one thousand nine hundred nineteen (P. L. 1025), entitled "A supplement to an act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "Mercantile License Tax Law," by providing for the annual appointment by the Auditor General, of mercantile appraisers in cities of the first class.

Which was committed to the Committee on Finance.

House Bill No. 1040, (Senate Bill No. 468), entitled:

An Act to reenact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred thirty-five (P. L. 341) entitled "Cigarette Tax Act" by extending the provisions of the act for a further period of time, and by making further provisions for penalties.

Which was committed to the Committee on Finance.

House Bill No. 1042, (Senate Bill No. 469), entitled:

An Act to further amend sections twenty and twenty-one of the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine", by continuing the tax upon that portion of the capital stock of certain corporations, joint-stock associations, limited partnerships, and companies which were formerly exempt; and by further defining the method of computing the franchise tax of foreign corporations.

Which was committed to the Committee on Finance.

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House Bill No. 1044, (Senate Bill No. 470), entitled:

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June,, Anno Domini one thousand eight hundred and seventy-nine," by increasing for a limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, copartnerships, and persons.

Which was committed to the Committee on Finance.

House Bill No. 1045, (Senate Bill No. 471), entitled:

An Act to further amend section four of the act approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 149), entitled "Liquid Fuels Tax Law" by imposing an additional tax on liquid fuels for a limited period of time, and making further provision for the determination and payment of the tax.

Which was committed to the Committee on Finance.

House Bill No. 1048, (Senate Bill No. 472), entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (P. L. 292), entitled "An act to provide revenue by taxation," by increasing the rate of tax.

Which was committed to the Committee on Finance.

BILL SIGNED

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 203, entitled:

A Joint Resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer, general jail delivery and quarter session of the peace, in the various counties of the Commonwealth, and the Municipal Court in the City and County of Philadelphia, with special reference to the prosecution, trial and disposition of all criminal cases and the probation and parole of persons guilty of crime; conferring upon the commission full power to issue subpoenas; requiring the commission, if possible, to make a report of its findings to the present session of the General Assembly, together with its recommendations as to such legislation as may be necessary or desirable, otherwise, to make such report and recommendations to the Governor; authorizing the commission to employ counsel and employes; and making an appropriation.

Whereupon,

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. McGINNIS, from the Committee on Appropriations, reported as committed, Senate Bill No. 386, (House Bill No. 742), entitled:

A Supplement to the act, approved the twentieth day of July, one thousand nine hundred thirty-five (Appropriation Acts, page seventy-one), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-five; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five," providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first, one thousand nine hundred and thirty-seven.

Mr. McCREESH, from the Committee on Banking, reported as committed, Senate Bill No. 287, entitled:

An Act to amend section two of the act approved the the seventeenth day of June, one thousand nine hundred and fifteen (P. L. 1012), entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less, either with or without security, to individuals pressed by lack of funds to meet immediate necessities; fixing the rates of interest and charges therefor; requiring the licensing of lenders; and prescribing penalties for the violation of this act," as amended, reducing the interest rate on small loans.

Mr. McCREESH, from the Committee on Appropriations, reported as committed, Senate Bill No. 454, (House Bill No. 748), entitled:

A Supplement to the act, approved the nineteenth day of July, one thousand nine hundred thirty-five (One Thousand Nine Hundred Thirty-five Appropriation Acts, page forty-one), entitled "An act making an appropriation to the Department of Welfare for Pensions for the Blind."

Mr. KUNKEL, from the Committee on Appropriations, reported as committed, Senate Bill No. 456, (House Bill No. 738), entitled:

A Supplement to the act approved the twelfth day of July one thousand nine hundred and thirty-five (1935 Appropriation Acts page 23) entitled "An act making appropriations to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals."

Mr. GILSON, from the Committee on City Government, reported as committed, Senate Bill No. 421, entitled:

An Act to validate indebtedness incurred by cities of the third class for the extension, enlargement and improvement of the water-works of such city.

Mr. WOLFENDEN, from the Committee on Municipal Government, re-reported as amended, Senate Bill No. 316, entitled:

An Act providing a method through payroll deductions for the payment of delinquent taxes, penalties and interest and costs due to political subdivisions by public officers and employes paid from moneys in the treasury thereof; and conferring powers and imposing duties on the city controller, city treasurer, receiver of taxes and bonded paymasters.

Mr. OWLETT, from the Committee on Banking reported as committed, Senate Bill No. 326, (House Bill No. 554), entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations

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or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers. directors, trustees, and employes of such corporations and persons.

BILLS INTRODUCED

Mr. LAW read in his place and presented to the Chair Senate Bill No. 473 entitled:

An Act making an appropriation to the Christian H. Buhl Hospital, Sharon, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. KILGALLEN read in his place and presented to the Chair Senate Bill No. 474 entitled:

An Act to amend section six of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by abolishing the commission allowed to tax collectors or receivers of taxes.

Which was committed to the Committee on Municipal Government.

Also read in his place and presented to the Chair Senate Bill No. 475 entitled:

An Act to further amend section seven hundred twenty-three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the tilting, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal wit hthe subject mater of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; inmopsing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negilgent operation of their motor vehicles; imposing penalties; inmposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds;" authorizing boroughs to levy a license fee or tax on certain motor vehicles under certain circumstances.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair Senate Bill No. 476 entitled:

An Act authorizing boroughs and townships of the first class to enter into agreements with the Federal Works Progress Administration for sponsoring and carrying out projects for making and distributing free clothing to the poor and needy in such municipalities and validating agreements heretofore made.

Which was committed to the Committee on Judiciary General.

Also read in his place and presented to the Chair Senate Bill No. 477 entitled:

An Act to repeal the act, approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 992), entitled "An act prohibiting cities, boroughs, towns, and townships to increase or diminish the salary, compensation or emoluments of elected officers after their election.

Which was committed to the Committee on Municipal Government.

Also read in his place and presented to the Chair Senate Bill No. 478 entitled:

An Act to repeal the act, approved the twenty-ninth day of April, one thousand nine hundred and twenty-nine (P L. 851), entitled "An act fixing the time of holding elections on questions submitted to electors of boroughs."

Which was committed to the Committee on Elections.

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 479 entitled:

A Supplement to the act, approved the eighteenth day of March, one thousand eight hundred and seventy-five (P. L. 30), entitled "An act to authorize changes of venue in criminal cases," forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor.

Which was committed to the Committee on Judiciary Special.

Mr. RICE read in his place and presented to the Chair Senate Bill No. 480 entitled:

An Act to prohibit the defrauding of hospitals and sanitoria.

Which was committed to the Committee on Judiciary General.

Mr. MUNDY read in his place and presented to the Chair Senate Bill No. 481, entitled:

An Act to amend a part of section three of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (P. L. 73), entitled "An act to provide for the incorporation and regulation of certain corporations," vesting discretion in the governor with respect to the approval of the charter of certain corporations.

Which was committed to the Committee on Corporations.

Also read in his place and presented to the Chair Senate Bill No. 482, entitled:

An Act to further amend sections four and five of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescrib-

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ing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," providing that taxes returned to the county commissioners shall remain liens until settled and satisfied, and requiring the treasurer to satisfy tag liens entered in the office of the prothonotary in certain cases.

Which was committed to the Committee on County Government.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 253 (House Bill No. 541), entitled:

An Act directing the Department of Military Affairs to select procure furnish and award certain decorations medals and badges.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gelder,	Kunkel,	Rice,
Buckman,	Gilson,	Lanius,	Roberts,
Cavalcante,	Haluska,	Law,	Rodgers,
Chapman,	Henney,	Mallery,	Rupp,
Dando,	Heyburn,	McCreesh,	Ruth,
Deitrick,	Homsher,	McGinnis,	Shapiro,
Dent,	Huffman,	Mundy,	Sones,
DiSilvestro,	Jacobs,	Owlett,	Stiefel,
Ealy,	Jaspan,	Pytko,	Thompson,
Eroe,	Kahle,	Rankin,	Wolfenden,
Frey,	Kilgallen,	Reed,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 308, as follows:

An Act fixing the hours of rest each calendar week and the vacation period of members of the Pennsylvania State Police and the Pennsylvania State Highway Patrol

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That each member of the Pennsylvania State Police and each member of the Pennsylvania State Highway Patrol shall be permitted to have at least twenty-four consecutive hours of rest in every calendar week except in emergency cases for the suppression of riots or tumults or the preservation of the public peace in times of war riot conflagration or public celebration and to have an annual vacation of not less than fourteen days without diminution of his salary or compensation as provided according to law

Section 2 All acts and parts of acts inconsistent with this act are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Gelder,	Kunkel,	Rice,
Buckman,	Gilson,	Lanius,	Roberts,
Cavalcante,	Haluska,	Law,	Rodgers,
Chapman,	Henney,	Mallery,	Rupp,
Dando,	Heyburn,	McCreesh,	Ruth,
Deitrick,	Homsher,	McGinnis,	Shapiro,
Dent,	Huffman,	Mundy,	Sones,
DiSilvestro,	Jacobs,	Owlett,	Stiefel,
Ealy,	Jaspan,	Pytko,	Thompson,
Eroe,	Kahle,	Rankin,	Wolfenden,
Frey,	Kilgallen,	Reed,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 312 (House Bill No. 552), as follows:

An Act to amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" as amended by further defining the rights powers duties liabilities and immunities of building and loan associations and of their officers directors shareholders solicitors and other employes and by further regulating the merger and consolidation of building and loan associations and the creation of building and loan associations by merger consolidation or conversion and by providing for the reorganization of building and loan associations and by providing for the conversion of building and loan associations into Federal savings and loan associations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six hundred five section six hundred seven section six hundred eleven section six hundred twelve section six hundred thirteen section six hundred fifteen section six hundred seventeen section eight hundred two section eight hundred three section nine hundred three section nine hundred seven section nine hundred eight section nine hundred eleven section one thousand one section one thousand four section one thousand five section one thousand six section one thousand seven section one thousand eight section one thousand ten and section one thousand two hundred three of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of build-

ing and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows and that Article X of that act is hereby amended by adding at the end of a new section to read as follows and that section two section four hundred two section four hundred fifteen section six hundred sixteen section six hundred eighteen section eight hundred one section eight hundred eight section nine hundred ten section one thousand two section one thousand three section one thousand nine and section one thousand one hundred twelve of that act as last amended by the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws five hundred seventy-four) are hereby further amended to read as follows

Section 2 Definitions A The following terms shall be construed in this act to have the folowing meanings except in those instances where the context clearly indicates otherwise

"Articles" includes the original articles of incorporation any or all amendments thereto articles of merger or consolidation and also what have heretofore been designated by law as certificates of incorporation or charters

"Assets" includes all the property and rights of every kind of the association

"Association" includes any building and loan association organized under this act or heretofore organized under or by virtue of any other law of this Commonwealth

"Authorized Capital" means the sum of the par value of the shares authorized to be issued by an association

"Corporation" means a corporation or a joint stock association organized under the laws of this Commonwealth of the United States or of any other state territory foreign country or dependency

"Department" means the Department of Banking of this Commonwealth

"Incorporator" means a signer of the original articles of incorporation.

"Mortgage Loans" means loans which are secured pursuant to the provisions of this act by the bond of the borrower by a mortgage on real property and by installment shares

"Person" means an individual or an unincorporated association including a partnership a limited partnership or any other form of unincorporated enterprise owned by two or more individuals

"Shares" means the units into which the shareholders' rights to participate in the control of a building and loan association are divided

"Share Certificate" means a written instrument signed by the proper corporate officers as required by this act and evidencing the fact that the corporation or person therein named is the registered owner of the shares therein described it also includes the term "certificate of stock" as used in existing laws

"Share Loans" means loans which are secured pursuant to the provisions of this act by the note of the borrower and by prepaid full-paid optional payment or installment shares

"Shareholder" means a registered owner of shares in a building and loan association

"Subscriber" means one who subscribes for shares in a building and loan association whether before or after incorporation

"Written" includes printed typewritten engraved lithographed telegraphed cabled radiogramed photographed photostated telephotographed or other form of recorded or transmitted message

B The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 402 Term of Office and Qualification of Directors A The business and affairs of every association shall be managed by a board of at least five directors Except as otherwise provided by this act or by the articles or by-laws of the association such board of directors shall exercise all the powers and fulfill all the duties granted to or imposed upon the association by this act

B Each director shall hold office for the term for which he is elected and until his successor shall have been duly elected and qualified The names and terms of office of the first directors shall be stated in the articles Except as otherwise provided in this act for the filling of vacancies directors other than those constituting the first board of directors shall be elected by the shareholders

C Every director shall during his term of office be a citizen of the United States and at least two-thirds of the directors shall during their terms of service be bona fide residents in this Commonwealth

Every director shall [be a shareholder of the association] own in his own name shares of the association other than direct reduction loan shares Any director who during his term of service ceases to be a shareholder shall forthwith cease to be a director of the association and his office shall be declared vacant Any vacancy thus occurring shall be filled in the regular manner for filling vacancies in the board

Section 415 Purchases from and Sales and Loans to Directors Officers Solicitors or Employes A An association shall not contract for or purchase from any of its directors officers solicitors or employes any securities or other property or contract for or pay for services rendered in the repair maintenance or management of properties belonging to or under the control of the association unless such transaction is made in the regular course of business upon terms not less favorable to the association than those offered to any other corporation or person unless such transaction could not be made with another reliable source at a more favorable price or upon more favorable terms and unless such transaction is authorized by the vote of at least two-thirds of all the members of the board of directors of such association who are not interested in such transaction except in their capacity as directors of the association

B An association shall not sell securities or other property owned or held by it to any of its directors officers solicitors or employes unless such sale is made in the regular course of business upon terms not less favorable to the association than those offered to any other corporation or person unless such sale could not be made elsewhere at a more favorable price or upon more favorable terms and unless such sale is authorized by the vote of at least two-thirds of all the members of the board of directors of such association who are not interested in such transaction except in their capacities as directors of the association

C An association shall not make a mortgage loan to any of its directors officers solicitors or employes unless the real property securing the loan shall be occupied by such director officer solicitor or employe as his home

[C] D For the purpose of this section a purchase from or a sale or a loan to a corporation of which any director officer solicitor or employe described in this section owns ten per centum or more of the outstanding shares or a purchase from or a sale or a loan to an unincorporated association of which any such director officer solicitor or employe is a member shall be considered a purchase from or a sale or a loan to such director officer solicitor or employe

[D] E Any director officer solicitor or employe of an association who knowingly violates the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be subject to an imprisonment not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine equal to any profit which he shall have made upon the transaction

Section 605 Payments for Installment Optional Payment Direct Reduction Loan Full-paid and Prepaid Shares An association may issue shares under any or all of the following plans of payment

(1) Shares the par value of which is to be paid in part by periodical payments in cash at such times and in

such amounts as shall be established by the articles or by-laws and in part by accrual of earnings on such shares Such periodical payments shall be known as dues and such shares shall be known as installment shares

(2) Shares the par value of which has been paid by a single cash payment at the time of their issuance Such shares shall be known as full-paid shares

(3) Shares the par value owfhcih has been paid in part by a single cash payment at the time of their issuance and in part by accrual of earnings on such shares Such shares shall be known as prepaid shares

(4) Shares the par value of which is to be paid in part by payments in cash at such times and in such amounts as the holder may from time to time elect and in part by accrual of earnings on such shares Such shares shall be known as optional payment shares Holders of optional payment shares shall not be subject to fines for failure to make payments on account of such shares

(5) Shares to be known as direct reduction loan shares and to be issued only to borrowers contracting to repay mortgage loans by a direct reduction method The dues or periodical installments on such shares shall fluctuate as required by the loan contract and such shares shall not participate in the profits of the association nor be subject to losses

Section 607 Share Certificates Issuance and Preservation A Every association shall furnish to each holder of record of an installment optional payment or direct reduction loan share a copy of the by-laws of the association and of all amendments thereto and a receipt by pass book or otherwise for all dues premiums fines or other payments made to the association by him but an association shall not be required to issue a share certificate to any holder of an installment optional payment or direct reduction loan share

B Every association shall furnish to each holder of record of a prepaid or a full-paid share a copy of the by-laws of the association and of all amendments thereto and a share certificate upon which the name of the association shall be printed and which shall state

(1) That the association is incorporated under the laws of this Commonwealth

(2) The name of the registered holder of the shares represented thereby

(3) The date of issuance of the shares

(4) The type of shares which the certificate represents that is whether they are prepaid or full-paid

(5) The number of shares which the certificate represents

(6) The par value of each share represented and in the case of prepaid shares the amount of the single cash payment made on each share by the shareholder

C Every share certificate shall be signed by the president or vice-president and the secretary or treasurer or by such officers as the by-laws may provide and sealed with the corporate seal In case any officer who has signed any share certificate shall have ceased to be such officer because of death resignation or otherwise before the certificate is issued it may be issued with the same effect as if the officer had not ceased to be such at the date of its issue

D Share certificates shall bear printed consecutive numbers and shall be issued from a bond share certificate book containing a stub for each certificate Each stub shall bear the same number as the share certificate which was attached to it the name and address of the person in whose name the share certificate is issued the number of shares represented by the certificate and the date of the issuance of the certificate The president or vice-president and the secretary or treasurer or such officers as the by-laws provide shall certify on each stub that the information contained thereon is correct and in accordance with the share certificate bearing the same number

E Upon the withdrawal of prepaid or full-paid shares and upon payment by the association the certificate representing such shares shall be surrendered to the association and preserved by it indefinitely Likewise any share certificate for which the association has issued a substitute certificate or which for any other reason has been surrendered to the association shall be preserved by it indefinitely

Section 611 Transfer of Shares A Installment optional payment or direct reduction loan shares for which share certificates have not been issued shall be transferable in the manner provided by the by-laws of the association provided such by-laws are not inconsistent with law

B Except as otherwise specifically provided in this act the transfer of shares for which share certificates have been issued and the share certificates representing them may be regulated by the by-laws provided such by-laws are not inconsistent with the provisions of the Uniform Stock Transfer Act approved the fifth day of May one thousand nine hundred eleven (Pamphlet Laws one hundred twenty-six) its amendments and supplements

Section 612 Voluntary Withdrawals A Any shareholder may upon giving written notice to the association withdraw any shares whether full-paid prepaid optional payment or installment which are not pledged to the association as security for a mortgage loan granted by it The secretary or other officer designated by the by-laws of the association shall endorse on the written notice of an intention to withdraw required by this section the date of its receipt by the association and shall record such notice and the date of its receipt by the association in a book to be used solely for the recording of notices of withdrawals

B The association shall pay to a shareholder who has withdrawn his shares the amount paid to the association by him on such shares less all fines or other indebtedness or charges due by him plus such proportion of the earnings of the association or such rate of dividends as may be prescribed by the by-laws of the association minus the losses properly apportionable to such shares but the board of directors may by general rule or regulation and with the prior written consent of the department change such proportion of earnings or such rate of dividends The amount payable to a shareholder who has withdrawn his shares shall be known as the withdrawal value of his shares [Except as herein otherwise specifically provided a withdrawal shall become effective thirty days after presentation by the shareholder of the written notice required by this section at a meeting of the association or if not presented by him at a meeting then thirty days after the first meeting of the association held after the receipt of such notice at the place of business of the association]

C Any shareholder may upon giving written notice to the association withdraw amounts paid or credited on account of optional payment shares or non-serial installment shares without reducing the number of shares owned by him The term withdrawn shares in any other section of this act shall be construed to include such a withdrawal of amounts paid or credited on account of optional payment shares or non-serial installment shares

D Except as herein otherwise specifically provided a withdrawal shall become effective thirty days after presentation by the shareholder of the written notice required by this section at a meeting of the association or if not presented by him at a meeting then thirty days after the first meeting of the association held after the receipt of such notice at the place of business of the association

Section 613 Involuntary Withdrawal of Prepaid Optional Payment or Installment Shares A An association may at or before maturity compel withdrawal of prepaid optional payment or installment shares which are not pledged to the association as security for mortgage loans granted by it but it shall not have the power to compel withdrawal of any prepaid any optional payment or any installment share as the case may be unless it shall have on hand sufficient funds to pay such withdrawals immediately and until all prepaid all optional payment or all installment shares respectively issued prior to the date of issuance of such share have first been voluntarily or involuntarily withdrawn In the case of installment shares issued in series such compulsory withdrawal shall be pro rata among the shares of the same series

B The association shall pay on each prepaid share thus involuntarily withdrawn the full amount of the cash payment made thereon by the shareholder at the time of the issuance of such share plus the full portion of the

accumulated earnings of such association properly apportionable to such share

C The association shall pay on each installment or optional payment share thus involuntarily withdrawn the full amount of the dues paid thereon by the shareholder plus the full portion of the accumulated earnings of such association properly apportionable to such share

Section 615 Matured Shares A An installment , optional payment or prepaid share shall be declared matured by the board of directors of an association whenever in the case of a prepaid share the cash payment made thereon by the shareholder at the time of the issuance of such share or in the case of an installment or optional payment share the dues paid thereon by the shareholder plus the full portion of the accumulated earnings of such association properly apportionable to such prepaid , optional payment or installment share as the case may be after deducting the reserve for contingent losses created pursuant to the provisions of this act equal the par value of the share Notice of such maturity shall forthwith be given to the holder of such share

B If the shares thus declared matured have not been pledged to the association as security for a loan the association shall before making payment deduct an amount equal to any delinquent fines or other charges due it by such shareholder

C If the shares thus declared matured have been pledged to the association as security for a loan which is secured also by a mortgage upon real property then the mortgage shall be furthwith satisfied upon the payment of any delinquent fines or other charges due the association and upon the payment of a fee not in excess of three dollars and in addition thereto a fee of ten cents per mile if the place of business of the association is not located in the county where the mortgage is to be satisfied

D If the shares thus declared matured have been pledged to the association pursuant to a loan upon which the sole security is such shares the note shall be forthwith cancelled and the amount of the loan together with the amount of any delinquent fines or other charges due the association shall be deducted from the matured value of such shares The balance shall be payable to such shareholder in the same manner as provided by this act in the case of shares which have been declared matured which are not pledged to the association as security for a loan

E The holder of a share which has been declared matured pursuant to the provisions of this section shall be entitled to cash dividends upon any unpaid portion of the par value thereof at the rate of four per centum per annum from the date of the declaration of maturity but the rate of such dividends shall not in any event exceed the rate of earnings apportioned during such period to installment optional payment or prepaid shares which have not been declared matured

Section 616 Order of Payment and Funds to Be Used to Pay Matured or Withdrawn Shares Power to Sue A Withdrawn or matured shares shall be paid in the order in which the withdrawals become effective or the maturities are declared but withdrawals which become effective or maturities which are declared upon the same day shall be paid on a pro rata basis However the board of directors may at any time either authorize payment of withdrawn shares on a pro rata basis or with the consent of the department fix a maximum amount to be paid periodically on such shares The action of the board of directors in authorizing payment to be made on a pro rata basis or in fixing a maximum amount to be paid periodically shall also apply to unpaid withdrawals which become effective prior to the date on which such action was taken by the board of directors

B At least two-thirds of the funds in the treasury of an association shall be applied to the payment of matured or withdrawn shares whenever such amount is necessary for this purpose but the association shall first deduct such amount as shall be necessary to pay current expenses and interest or dividends on full-paid shares to protect or preserve the assets of the association and to make proper provisions for meeting such obligations as it may reasonably be expected to be compelled to pay Whenever two-thirds of the funds in the treasury other than such amounts as are required by this section to be deducted are insufficient to pay in full all matured or withdrawn shares [one-third of such funds shall be applied to the payment of matured shares and one-third to the payment of withdrawn shares but if less than one-third of such funds shall be sufficient to pay in full all matured shares the balance of such one-third shall be applied to pay withdrawn shares and conversely if less than one-third of such funds shall be sufficient to pay in full all withdrawn shares the balance of such one-third shall be applied to pay matured shares] such funds shall be applied to the payment of withdrawn and matured shares in proportion to the total amount of unpaid claims in each class

C Whenever funds are not available in the manner hereinbefore provided to pay any matured or withdrawn share upon which payment has been due for a period in excess of six months eighty per centum of the funds in the treasury other than such amounts as are required by this section to be deducted shall be applied to the payment of matured or withdrawn shares Whenever eighty per centum of the funds in the treasury other than such amounts as are required by this section to be deducted are insufficient to pay in full matured or withdrawn shares [forty per centum of such funds shall be applied to the payment of matured shares and forty per centum to the payment of withdrawn shares If less than forty per centum of such funds shall be sufficient to pay in full all matured shares the balance of such forty per centum shall be applied to pay withdrawn shares and conversely if less than forty per centum of such funds shall be sufficient to pay in full all withdrawn shares the balance of such forty per centum shall be applied to pay matured shares] such funds shall be applied to the payment of withdrawn and matured shares in proportion to the total amount of unpaid claims in each class

D Whenever matured or withdrawn shares have not been paid by an association for a period of six months after the maturities have been declared or the withdrawals have become effective owing to the fact that the funds in the treasury which under this act are to be applied to the payment of such shares are insufficient to pay them in full so much of the bonds or other obligations of the United States of the Commonwealth of Pennsylvania of the Federal Home Loan Bank Board or of a Federal Home Loan Bank owned by the association as shall be necessary to pay such matured or withdrawn shares shall be sold and the proceeds paid into the treasury of the association to be used to pay such shares unless the department shall give written permission to the association to hold such bonds or other obligations for a longer period of time

E For the purposes of this section the words "funds in the treasury" shall be construed to include all moneys received by the association from any source whatsoever except money borrowed from the Federal Home Loan Bank

F The holders of matured or withdrawn share shall not have the power to sue for the amount due them by virtue of such maturity or such withdrawal until such time as under the provisions of this section such matured or such withdrawn shares should have been paid

Section 617 Fines A Any association may impose fines upon its shareholders for failure to pay dues [,] on installment shares interest or premiums but a fine shall not exceed one per centum per month of the amount of the dues interest or premiums which are in arrears for the period during which they have been in such arrears Such fines may be deducted from or charged against the earnings of the association properly apportionable to the shares in the association on account of which such defaults are made but fines for a longer period than six months shall not under any circumstances be deducted from or charged against the dues paid by the shareholders upon such shares

B An association shall not impose fines upon the shares of a deceased shareholder for the defaults incurred after his death unless his legal representative makes a payment upon such shares in which case fines may be levied

against such shares for all defaults after the date of such payment

C Fines levied pursuant to the provisions of this act shall not be deemed usurious

Section 618 Restriction on Dividends on Full-Paid Shares Undivided Profits A The rate of cash dividend paid on full-paid shares during any year shall not exceed the rate of earnings apportioned during such year to installment optional payment or prepaid shares of the association

B An association may retain earnings in an undivided profit account to be used at the discretion of the board of directors for the purpose of paying additional dividends Provided That the total undivided profits on hand at any one time shall not exceed two per centum of the amount paid in by shareholders on account of shares

Section 801 Powers of Associations In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to an association elsewhere in this act an association shall have the following powers subject to the limitations and restrictions imposed by this act

(1) To issue full-paid prepaid optional payment direct reduction loan and installment shares

(2) To borrow money and in the case of the Federal Home Loan Bank or any other agency or instrumentality of the United States Government other than a national bank to pledge collateral therefor

(3) To grant loans to its shareholders

(4) To make investments

(5) To become a member of the Federal Home Loan Bank or of any other corporation or agency established under the authority of the United States Government and to comply with any of the provisions required for membership in the Federal Home Loan Bank or in such other corporation or agency provided the association is authorized to do so by resolution of its board of directors

(6) To become a member of a league or leagues organized to protect and promote the interests of building and loan associations and to pay dues to or a proportionate share of the expenses of such league or leagues

(7) To purchase improve or lease real property for its accommodation

(8) To make application for and obtain insurance of mortgages and shares or accounts as provided by the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements

Section 802 Power to Borrow Money Issuance of Notes Pledging of Collateral A An association may by resolution of its board of directors borrow money at a rate of interest not exceeding six per centum per annum to a total amount not exceeding [thirty-five] fifty per centum of the amount paid in by shareholders on account of shares which have not been pledged to the association as security for loans or which have not on the date of such borrowing been matured or for which notice of withdrawal has not on such date been given

B An association shall issue to any corporation or person from whom it borrows money except the Federal Home Loan Bank or any other agency or instrumentality of the United States Government other than a national bank a note for the amount borrowed All such notes shall be issued in the following manner and in the following form only

(1) Each such note shall have the corporate title of the association printed thereon

(2) A copy of the resolution of the board of directors of such association authorizing the loan certified by the secretary of such association or by such other officer as shall be determined by the by-laws shall be permanently attached to such note and each such resolution shall state the borrowing capacity of the association and the amount then owing by the association for borrowed money

(3) Each such note shall be signed on behalf of the association by the president or vice-president and by the secretary or treasurer thereof or by any other two or more officers designated in the by-laws

(4) Such notes shall bear printed consecutive numbers and shall be issued from a bound notebook containing for each note a stub bearing a number corresponding to the number on such note The stub shall also bear the name and address of the payee of the note the date on which the note was issued the date of maturity the amount of the note and the rate of interest

(5) The officers of such borrowing association who signed the note on behalf of the association shall certify on the stub that the information contained thereon is correct and is in accordance with the note bearing the same number

An association shall issue to the Federal Home Loan Bank or to any other agency or instrumentality of the United States Government from which it borrows money other than a national bank its bond obligation or note in such form as is prescribed by the Federal Home Loan Bank or by such other agency or instrumentality of the United States Government

Upon the repayment of such borrowed money the note or the bond obligation or note as the case may be shall be surrendered to the association and shall be cancelled and preserved for a period of not less than seven years

C An association shall not have power to pledge or hypothecate any of its assets for money borrowed by it except in the case of money borrowed from the Federal Home Loan Bank or any other agency or instrumentality of the United States Government other than a national bank An association may pledge or hypothecate to the Federal Home Loan Bank or to any other agency or instrumentality of the United States Government other than a national bank for money borrowed its bonds and mortgages or other assets including the shares pledged with the association as security and it shall not be required to secure the consent of the owner of the mortgaged real property or of the shares in order to make such pledge

D An association shall not grant any mortgage loan if the amount of borrowed money owed by it to any corporation or person except the Federal Home Loan Bank or any other agency or instrumentality of the United States Government other than national banks exceeds ten per centum of the amount paid in by shareholders on account of shares which have not been pledged to the association as security for loans or which have not been matured or for which notice of withdrawal has not been given but this provision shall not be construed to affect the right of an association to readjust or otherwise refinance any mortgage loan which it has granted

Section 803 Authorized Investments A Except as otherwise specifically provided in this act an association shall not make any investments except as follows

(1) Bonds or other interest-bearing obligations of the United States or those for the payment of the principal and interest on which the faith and credit of the United States is pledged

(2) Bonds or debentures issued by a Federal Home Loan Bank or consolidated debentures issued by the Federal Home Loan Bank Board under the provisions of the Federal Home Loan Bank Act approved the twenty-second day of July one thousand nine hundred thirty-two its amendments and supplements

(3) Bonds or other interest-bearing obligations of the Commonwealth of Pennsylvania or those for the payment of principal and interest on which the faith and credit of this Commonwealth is pledged

B An association shall not at any one time without the written approval of the department have more than twenty-five per centum of the amount paid in by its shareholders on account of shares invested in the bonds debentures or other interest-bearing obligations authorized by this section as investments for associations

Section 808 Segregation of Dues Upon Order of Department A Whenever it shall appear to the department that the affairs of an association are in such condition that the action hereinafter provided in this section is justified the department may by written order issued in the manner provided by law direct that all payments [of dues] made thereafter on account of [installment] shares which have not been transferred and pledged to the association as security for loans shall be segregated from the other assets of the association and that the association shall not grant any further loans make any payments on account of withdrawn or matured shares or allow any

credit for the value of any shares on account of the principal of any loan until such order is revoked in writing by the department Such order of the department shall be known as an order of segregation Such segregated moneys shall either be kept on deposit in a depository selected in the manner provided by this act or invested in the bonds designated by this act as authorized investments for associations The moneys so segregated and the bonds in which such moneys are invested shall be known as the segregated fund

If an association at any time after an order of segregation has become effective has no liability except to its shareholders arising from the ownership of shares it may with the written consent of the department transfer to the segregated fund a portion or all of any cash which it may have on hand and bonds if any designated by this act as authorized investments Cash and bonds so transferred shall become a part of the segregated fund the same as though paid into the segregated fund by the shareholders whose shares are not pledged to the association as security for loans in proportion to the amounts paid in on account of their shares on the date that the order of segregation was issued Such segregated fund shall not be subject to any attachment issued on a judgment obtained by any creditor or shareholder of the association

During the period of segregation the segregated fund shall be available exclusively for the benefit of the shareholders who made such payments or for whose benefit the transfer of cash and bonds was made and may be withdrawn during such period of segregation upon thirty days' written notice

B All dues paid in during the period of segregation by shareholdehs whose shares are pledged to the association as security for loans shall be known as segregated credits and shall be applied as credits against the principal of any loans so secured which are repaid during the period of segregation

When any transfer of cash and bonds is made to the segregated fund the shareholders whose shares are pledged to the association as security for loans shall be entitled to segregated credits which shall bear the same relation to the amounts paid in by them on account of their shares prior to the effective date of the order of segregation as the amount of cash and bonds so transferred bears to the total amount paid in on account of shares prior to the effective date of the order of segregation by shareholders whose shares are not pledged as security for loans

If at any time during the period of segregation the segregated credits on shares pledged for a loan exceed the amount of the loan for which such shares are pledged all payments made by the borrower thereafter shall be segregated in the same manner as payments made by shareholders whose shares have not been pledged to the association as security for loans

C If the Secretary of Banking shall in the manner provided by law take possession of the business and property of an association while an order of segregation is in force or if a liquidating trustee or liquidating trustees shall pursuant to a plan of voluntary dissolution take possession of the business and property of such association while such order is in force the amount in the segregated fund shall be paid only to the shareholders whose payments were segregated or for whose benefit the transfer of cash and bonds was made and only to the extent that they can be paid from the segregated fund or from the proceeds of the sale of the bonds in which such segregated fund has been invested and the shareholders whose shares have been transferred and pledged as security for loans shall receive credit on account of the principal of their loans for the full amount of their segregated credits

D If an association while an order of segregation is in force shall enter into an agreement of merger or consolidation with another association or with other associations the shareholders whose shares have not been pledged to the association as security for loans shall receive credit in full for their interest in the segregated fund on account of the shares of the surviving or new association into which their shares are converted and the shareholders whose shares have been pledged to the association as security for loans shall receive credit in full for their segregated credits on account of the shares of the surviving or new association into which their shares are converted

E If while an order of segregation is in force the liability of an association to its shareholders shall be reduced by order of the court of common pleas pursuant to the provisions of this act the interest of the shareholders in the segregated fund and the segregated credits of shareholders shall not be reduced by the order of court but such shareholders shall receive credit in full on account of their shares for such interest in the segregated fund or for such segregated credits

F The department may revoke an order of segregation whenever it shall appear that the condition of an association justifies such action In such event the association may exercise all the powers it could have exercised prior to the issuance of such order It shall treat all payments on account of shares or otherwise made by shareholders during the period of segregation and all segregated credits in the same manner as all other payments on account of shares whenever made

G The department in its order of segregation may impose all or any part of the directions authorized by this section or may limit modify or qualify them and may also from time to time after an order of segregation has been issued by an amended order or orders limit modify or qualify directions already given but this subsection shall not be construed to authorize the department to omit from the original order of segregation or to limit modify or qualify the requirement that all payments [of dues] made on account of [installment] shares which have not been transferred and pledged to the association as security for loans shall be segregated from the other assets of the association In the event that a limited modified or qualified order of segregation is issued by the department the association shall have the right to conduct its business in accordance with such order or amended order of segregation as limited modified or qualified

Section 903 Security for Mortgage Loans A An association shall grant mortgage loans to its shareholders or to any person intending to become a shareholder upon the following security only

(1) The bond of the borrower secured by the transfer and pledge to the association of installment shares in such association which belong to the borrower and which have a par value at least equal to the amount of the loan and further secured by a mortgage upon real property which belongs to the borrower such mortgage being for at least the full amount of the loan A loan secured in this manner shall be known as a share-mortgage loan and the mortgage securing such loan as a share mortgage

(2) The bond of the borrower secured by the transfer and pledge to the association of direct reduction loan shares in such association which belong to the borrower and which have a par value at least equal to the amount of the loan and further secured by a mortgage upon real property which belongs to the borrower such mortgage being for at least the full amount of the loan A loan secured in this manner shall be known as a direct reduction mortgage loan and the mortgage securing such loan as a direct reduction mortgage

[(2)] (3) The bond of the borrower secured by a mortgage upon real property which belongs to the borrower such mortgage being for an amount not to exceed one-half of the amount of the loan such portion of the loan to be known as the straight-mortgage portion of the loan and a bond for the remainder of the loan secured by the transfer and pledge to the association of installment shares in such association which belong to the borrower and which have a par value at least equal to the amount of such remainder of the loan and further secured by a mortgage upon such real property for an amount equal to such remainder of such loan such remainder of such loan to be known as the share-mortgage portion of the loan A loan secured by both a straight mortgage and a share mortgage in this manner shall be known as a split-mortgage loan A split-mortgage loan may also be

in the form of a single bond and mortgage which meets all the requirements of this section

The straight-mortgage portion of a split-mortgage loan shall not be secured by shares and an association shall not charge fines upon such portion of the loan

An association shall not demand payment of the straight-mortgage portion of a split-mortgage loan except in case of a default by the borrower in the terms of the loan until the share-mortgage portion of such loan has been repaid in full by the maturing of the shares assigned or pledged as security therefor or by any other method Upon such payment of the share-mortgage portion of a split-mortgage loan an association shall either demand and enforce payment of the straight-mortgage portion of the loan or convert such loan to a share-mortgage loan or to a direct reduction mortgage loan upon the transfer and pledge to the association of installment shares or direct reduction loan shares in such association which belong to the borrower and which have a par value at least equal to the amount of such loan

B An association shall not grant any mortgage loan unless the mortgage securing such loan (1) is a first lien upon unencumbered improved real property the improvement being a dwelling for not more than four families which is used or to be used in whole or in part for residential purposes or upon real property upon which such a building is in the process of construction situated anywhere within the Commonwealth or where it is not a first lien upon such property every equal or prior lien is owned by the association and (2) does not together with any other lien held by such association upon such property exceed eighty per centum of the fair market value of such real property as determined by a qualified appraiser who is not a director officer or employe of the association plus the amount paid to the association prior to or upon the day of the granting of such loan upon shares to be assigned or pledged to the association as security for such loan An association shall not take any lien upon real property as security for a mortgage loan if such lien is equal to any lien owned by any other corporation or person

The provisions of this subsection shall not be construed to apply to a purchase money mortgage taken by an association upon real property owned by it nor to the readjustment or refinancing in any other manner of a mortgage loan owed to the association upon the effective date of this act

Notwithstanding the provisions of this subsection an association may prior to the first day of June one thousand nine hundred thirty-five grant a loan upon improved real property encumbered by a mortgage not owned by the association provided that the prior encumbered not owned by the association does not exceed forty per centum of the fair market value of such real property and that it will not together with the mortgage securing such loan exceed sixty per centum of the fair market value of such real property

C An association shall not directly or indirectly grant to any one corporation or person mortgage loans to a total amount exceeding five per centum of the amount paid in by its shareholders on account of shares but any association may grant to any one corporation or person mortgage loans to a total amount of ten thousand dollars

In computing the total mortgage loans made by an association to an individual there shall be included all mortgage loans made by the association to a partnership or other unincorporated association of which he is a member all mortgage loans made either for his benefit or for the benefit of such partnership or other unincorporated association and all mortgage loans to or for the benefit of a corporation of which he owns twenty-five per centum or more of the capital stock

In computing the total mortgage loans made by an association to a partnership or other unincorporated association there shall be included all mortgage loans to its individual members all mortgage loans made for the benefit of such partnership or other unincorporated association or of any member thereof and all mortgage loans to or for the benefit of any corporation of which the partnership or unincorporated association or any member thereof owns twenty-five per centum or more of the capital stock

In computing the total mortgage loans made by an association to a corporation there shall be included all mortgage loans made for the benefit of the corporation and all mortgage loans to or for the benefit of any individual who owns twenty-five per centum or more of the capital stock of such corporation

A mortgage loan shall be deemed to be made for the benefit of a corporation or person to the extent that the proceeds of such loans are credited or transferred to such corporation or person

D An association shall not upon the security of any one piece of real property grant mortgage loans totaling [-

(1) More] more than [twenty-five] twenty thousand dollars [if the amount paid in by its shareholders on account of shares exceeds five hundred thousand dollars but does not exceed one million dollars

(2) More than thirty-five thousand dollars if the amount paid in by its shareholders on account of shares exceeds one million dollars but does not exceed five million dollars

(3) More than fifty thousand dollars if the amount paid in by its shareholders on account of shares exceeds five million dollars .]

Section 907 Interest Reduction Loans and Direct Reduction Loans A A borrower with the consent of the association may have the periodical installments of dues on his shares credited on account of the principal of the mortgage loan at such times as shall be provided in the mortgage and also in its accompanying bond or other obligation if any and the interest and the premium if any thereon shall be computed on the balance of the principle of the loan in each case when the dues have been so credited The borrower in such case may agree that the subsequent dues on his shares shall become automatically increased by the amount of the reduction of interest and of premium if any in each case when the dues have been so credited so that the total of each monthly installment of dues and interest and premium if any shall remain the same until the loan has been paid in full but the right to have the dues on the shares credited on account of the principal of the loan as well as the agreement if any that the dues on the shares shall become automatically increased as herein provided shall be set forth in the mortgage and also in its accompanying bond or other obligation if any

The borrower shall have the right with the consent of the association when the dues so credited on account of the principal of the loan shall equal the par value of one or more shares to have the number of shares reduced to such number that their aggregate par value shall not be less than the reduced amount or balance of the principal of the loan still remaining unpaid The periodical installments of dues on the shares thus reduced as well as the interest on the reduced principal of the loan and premium thereon if any shall be payable after the date of such reduction the same as if the shares had been originally issued in such reduced number as of such date and such loan made for such reduced amount

When the dues on the shares are credited on account of the principal of the loan as herein provided such shares shall not participate in the profits of the association nor be subject to losses When the loan has been paid in full by the crediting of the dues thereon as herein provided the borrower shall be entitled to have his mortgage satisfied upon the payment of a fee not exceeding three dollars and in addition thereto a fee of ten cents per mile if the place of business of the association is not located in the county where the mortgage is to be satisfied

B Direct reduction mortgage loans secured by the transfer and pledge of direct reduction loan shares shall be repaid by the monthly application and credit of the dues paid on such shares on account of the principal of the mortgage loan Such loans shall be known as direct reduction mortgage loans The interest or interest and premium shall be computed monthly on the unpaid balance of the principal of the loan and such interest or interest and premium of not paid may be added to the unpaid principal together with any and all payments or advances made by the association for taxes water rents assessments insurance premiums or other charges or ad-

vances permitted by law Payments made by the borrower shall be applied first to the interest or interest and premium due the association and the remainder of the monthly payment shall be credited on account of dues on the direct reduction loan shares The subsequent periodical dues on the direct reduction loan shares shall become automatically increased by the amount of the reduction of interest or interest and premium when the dues have been so credited to the principal of the loan so that the total of each monthly installment of dues and interest or dues interest and premium shall remain the same until the loan has been paid in full When the loan has been repaid in full by the crediting of the dues thereon as herein provided the borrower shall be entitled to have this mortgage satisfied upon the payment of a fee not exceeding three dollars and in addition thereto a fee of ten cents per mile if the place of business of the association is not located in the county where the mortgage is to be satisfied

C The borrower shall have the right with the consent of the association to have the number of direct reduction loan shares reduced to such number that their aggregate par value shall not be less than the reduced amount or balance of the principal of the loan still remaining unpaid The periodical installments of dues on the shares thus reduced as well as the interest or interest and premium on the reduced principal of the loan shall be payable after the date of such reduction the same as if the shares had been originally issued in such reduced number as of such date and such loan made for such reduced amount

D A borrower may with the consent of the association convert a share-mortgage loan into a direct reduction mortgage loan or convert a direct reduction mortgage loan into a share-mortgage loan

Section 908 Foreclosure on Mortgage for Non-Payment of Dues Interest Premiums or Fines In the case of a default in the payment of dues interest premiums or fines due on a mortgage loan an association if there be no other default shall not have the power to enforce payment of the principal of such loan by legal proceedings unless [in the case of a mortgage which is a first lien upon real property dues or interest owing for six months has not been paid or in the case of a mortgage which is not a first lien upon real property dues or interest owing for three months has not been paid] the total arrearages are equivalent to at least four contracted monthly payments

Section 910 Security for Share Loans An association may grant share loans to any of its shareholders upon the following security only The note of the borrower secured by the transfer and pledge to the association of installment optional payment full-paid or prepaid shares which have not previously been transferred or pledged to anyone other than the association the amount paid in on account of such shares prior to or at the time of the granting of any loan upon the security of such shares shall be at least equal to the total amount of all loans granted thereon

Section 911 Repayment of Loans before Maturity A A borrower shall have the right to repay a loan to an association at any time before the maturity of the shares securing such loan unless the by-laws of an association provide that such repayment can be made only at a regular meeting of the board of directors of such association

B When a borrower repays a loan to an association before the maturity of the shares securing such loan he may

(1) Pay the amount of the principal of the loan in cash and have the shares securing such loans re-transferred to him by the association or

(2) In the case of a mortgage loan apply the withdrawal value of the shares securing such loan against the principal of such loan and pay the balance in cash or

(3) In the case of a share loan take credit for the withdrawal value of the shares securing such loans up to the amount of the principal of the loan and as to any balance remaining acquire the rights of a withdrawing shareholder

C Upon paying a loan to an association in the manner provided in this section a borrower shall be entitled in the case of a mortgage loan to the satisfaction of his mortgage upon the payment of a fee not exceeding three dollars and in addition thereto a fee of ten cents per mile if the place of business of the association is not located in the county where the mortgage is to be satisfied and in the case of a share loan to the return of his note

D If a borrower shall repay a loan upon which the association has deducted the premium in advance such proportion of the premium as the by-laws shall determine shall be refunded to such borrower unless the same amounts to two per centum or less of the amount of such loan in which case no such refund need be made but if the premium exceeds two per centum of the amount of such loan the association shall not retain more than one one-hundredths of such premium for each ialendar month that has expired since the date of the meeting upon which the loan was granted

ARTICLE X

MERGER [AND] CONSOLIDATION CONVERSION AND REORGANIZATION

Section 1001 Merger [and] Consolidation and Conversion Authorized

A Any two or more associations may in the manner hereinafter provided in this act be merged into one of such associations hereinafter designated as the surviving association or consolidated into a new association to be formed under this act

B One or more associations and one or more Federal savings and loan asociations operating under the laws of the United States may in the manner hereinafter provided in this act and pursuant to the laws of the United States be merged into an association hereinafter designated as the surviving association or into a Federal savings and loan association or consolidated into a new association to be formed under this act or into a new Federal savings and loan association and an association may in the manner hereinafter provided in this act and pursuant to the laws of the United States be converted into a Federal savings and loan association and any Federal savings and loan association may in the manner hereinafter provided in this act and pursuant to the laws of the United States be converted into an association hereinater designated as the converted association No merger consolidation or conversion authorized by this subsection shall become effective until the Federal Home Loan Bank Board shall have given its written approval

Section 1002 Approval of Joint Plan of Merger or Consolidation or Plan of Conversion A The board of directors of each of the associations or Federal savings and loan associations which desire to merge [or] consolidate or convert shall by resolution adopted by at least a majority of all the members of each board approve a joint plan of merger or consolidation or a plan of conversion as the case may be setting forth the terms and conditions of the merger [or] consolidation or conversion and the mode of carrying the same into effect the manner and basis of converting the shares of each association or Federal savings and loan association into shares or other securities or obligations of the surviving [or] new or converted association or Federal savings and loan association as the case may be and such other details and provisions as are deemed necessary

B The board of directors of each association or Federal savings and loan association upon approving such plan of merger [or plan of] consolidation or conversion in accordance with the provisions of this act shall by resolution direct that the plan be submitted to a vote of the shareholders of such association or Federal savings and loan association entitled to vote thereon at an annual or special meeting of the shareholders Written notice shall not less than fifteen days before such annual or special meeting be given respectively to each shareholder of record unless the plan of merger or consolidation contemplates an increase in the authorized capital of the constituent associations in which event sixty days' notice of such meeting shall be given to each shareholder The notice shall state the place day hour and purpose of the meeting and a copy or a summary of the plan of merger [or plan of] consolidation or conversion as the case may be shall be included in or enclosed with such notice Provided however That in the case of the surviving association in a

merger if the articles or by-laws specifically so provide the plan of merger shall not be required to be submitted to the shareholders for approval but in such case written notice of such contemplated merger shall be given to all shareholders of the surviving association prior to the day upon which the articles of merger are filed with the Department of State And provided further That in such event upon request in writing to the secretary of the association any shareholder of the surviving association shall be entitled to receive forthwith a copy of the proposed plan of merger

C The plan of merger [or] consolidation or conversion to form a surviving new or converted association shall be ratified upon receiving the affirmative vote of the holders of at least a majority of the outstanding shares entitled to vote thereon of each of the merging or consolidating associations or Federal savings and loan associations except in the case of a surviving association the articles or by-laws of which pursuant to this act provide that action by the shareholders shall not be required in which case no ratification shall be necessary

D The plan of conversion of an association into a Federal savings and loan association or the plan of merger or consolidation of one or more associations with one or more Federal savings and loan associations to form a Federal savings and loan association shall be ratified upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares entitled to vote thereon of the association converting or of each of the merging or consolidating associations

Section 1003 Articles of Merger [or] Consolidation [,] or Conversion Upon the approval pursuant to the provisions of this act of the plan of merger [or the plan of] . consolidation or conversion by the shareholders of the associations or Federal savings and loan associations desiring to merge [or] . consolidate or convert or in the case of a surviving association the articles or by-laws of which pursuant to this act provide that action by the shareholders shall not be required upon the giving of written notice to the shareholders of the intention of the board of directors to file articles of merger with the Department of State articles of merger [or articles of] . consolidation or conversion as the case may be shall be executed under the seal of each association or Federal savings and loan association and verified by two duly authorized officers of each association or Federal savings and loan association and shall set forth

(1) The name of the surviving [or] . new or converted association [or] Federal savings and loan association

(2) The time and place of the meeting of the directors at which the plan of merger [or] . consolidation or conversion was proposed and except where pursuant to the provisions of this act the plan of merger is not submitted to a vote of the shareholders of the surviving association the time and place of the meeting of the shareholders of each association or Federal savings and loan association at which the plan of merger [or] . consolidation or conversion as the case may be was ratified the kind and period of notice given to the shareholders and the total vote by which the plan was adopted

(3) In the case of a merger [,] into a surviving association any changes desired to be made in the articles of the surviving association or in the case of a consolidation [,] into a new association or the conversion of a Federal savings and loan association into an association all of the statements required by this act to be set forth in the original articles in the case of the formation of an association

(4) The number names and addresses of the persons to be the first directors of the surviving [or] . new or converted association [or] Federal savings and loan association

(5) The plan of merger [or] . consolidation [,] . or conversion

Section 1004 Advertisement The association or Federal savings loan association shall advertise its intention to file articles of merger . [or articles of] consolidation or conversion as the case may be with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of an association Advertisements shall appear at least three days prior to the day on which the articles of merger [or articles of] consolidation or conversion are to be presented to the Department of State and shall set forth briefly

(1) The name and the location of the principal place of business of each of the associations or Federal savings and loan association intending to merge . [or] consolidate or convert

(2) The name and the location of the principal place of business of the surviving . [or] new or converted association or Federal savings and loan association

(3) A statement that the articles of merger . [or] consolidation or conversion are to be filed under the provisions of this act

(4) The purpose or purposes of the surviving . [or] new or converted association

(5) The time when the articles of merger . [or] consolidation or conversion will be delivered to the Department of State

Section 1005 Filing of Articles of Merger . [or] Consolidation or Conversion Payment of Fees Approval by Department of State A The articles of merger [or articles of] . consolidation or conversion as the case may be and the proof of publication of the advertisement required by this act shall be delivered to the Department of State

B The Department of State shall examine such articles of merger [or articles of] . consolidation or conversion and such proof of publication to determine whether they contain all the information and are in the form required by this act and also whether the name of the surviving [or] . new or converted association as the case may be conforms with the requirements of law for the name of such an association or if the name is not the same as either or any of the merging or consolidating associations whether it is the same as one already adopted or reserved by another corporation or person or is so similar thereto that it is likely to mislead the public

After all the fees taxes and other charges have been paid as required by law except for the costs of an examination made by the Department of Banking pursuant to the provisions of this act to determine whether to approve the merger [or] consolidation or conversion or any other charges made by the Department of Banking the Department of State if the articles of merger [or articles of] . consolidation or conversion and the proof of publication contain the information and are in the form required by this act shall forthwith but not prior to the day specified in the advertisement of the intention to file the articles endorse its approval thereon and shall forthwith transmit them to the Department of Banking

C If the Department of State shall disapprove the articles of merger [or the articles of] . consolidation or conversion pursuant to this act it shall forthwith give notice thereof to the association or Federal savings and loan association stating in detail its reasons for doing so and stating how such association or Federal savings and loan association can remedy the non-conformance with the provisions of this act Upon remedying the defect such association or Federal savings and loan association may in the same manner file the same or amended articles whichever the particular case may require

Section 1006 Approval of Articles of Merger . [or] Consolidation or Conversion by Department of Banking A The Department of Banking shall immediately upon the receipt from the Department of State of the articles of merger [or articles of] consolidation or conversion conduct such examination as it may deem necessary to ascertain from the best sources of information at its command

(1) Whether the name of the surviving , [or] new or converted association or Federal savings and loan association is likely to mislead the public as to its character or purpose[

(2) Whether the consolidation . [or] merger or conversion is made for legitimate purposes

(3) Whether the interests of the shareholders or creditors are adequately protected

(4) Whether the surviving , [or] new or converted association meets all the requirements of this act and violates none of its prohibitions

The cost of such examination and any other charges of the Department of Banking bearing upon the filing of the

articles of merger [or articles of] consolidation or conversion shall be assessed upon the associations in the manner provided by law for assessments by the Department of Banking of costs of examinations or other charges

Each Federal savings and loan association desiring to merge consolidate or convert shall pay to the Department of State at the time the articles of merger consolidation or conversion are filed such reasonable fees as shall be established by rule and regulation by the Department of Banking for the investigation made by the Department of Banking pursuant to the provisions of this act to determine whether the articles should be approved Such fees shall be paid by the Department of State through the Department of Revenue into the Banking Department Fund

B Within thirty days after the receipt of the articles of merger . [or articles of] consolidation or conversion from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles of merger . [or articles of] consolidation or conversion it shall endorse its approval thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of merger . [or the articles of] consolidation or conversion it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the associations or Federal savings and loan association desiring to [or] merge consolidate or convert or to the Federal savings and loan association desiring to convert of the action of the Department of Banking and of the reason therefor as stated to it by that department Such [corporations] associations or Federal savings and loan association may within thirty days after the Department of State sends them notice of the disapproval of their articles of merger . [or articles of] consolidation or conversion appeal from such disapproval to the Governor who shall hear such appeal promptly and shall within thirty days thereafter decide the matter and certify his decision to the Department of Banking The decision of the Governor shall be conclusive and not subject to review The Department of Banking shall act in accordance therewith

Section 1007 Issuance of Certificate of Merger . [or Certificate of] Consolidation or Conversion Immediately upon receipt of the approved articles of merger . [or articles of] consolidation or conversion from the Department of Banking and upon receipt by the Department of State of the written approval of the Federal Home Loan Bank Board if such approval is required by this act the Department of State shall file the articles and shall issue to the surviving new or converted association or Federal savings and loan association or its representative a certificate of merger . [or a certificate of] consolidation or conversion A copy of the approved articles of merger . [or articles of] consolidation or conversion shall be sent by the Department of State to the Department of Banking

Section 1008 Effect of Merger [or] . Consolidation or Conversion Upon the merger or consolidation becoming effective the several associations or Federal savings and loan associations parties to the plan of merger or consolidation shall be a single association or Federal savings and loan association which in the case of a merger shall be that association or Federal savings and loan association designated in the plan of merger as the surviving association or Federal savings and loan association and in the case of a consolidation shall be the new association or Federal savings and loan association provided for in the plan of consolidation The separate existence of all associations parties to the plan of merger or consolidation shall cease except in the case of a merger that of the surviving association or Federal savings and loan association The surviving [or] . new or converted association as the case may be shall not thereby acquire authority to engage in any business or exercise any right which cannot be acquired by or which is forbidden to any association which is incorporated under this act All the property real personal and mixed of each of the associations or Federal savings and loan associations parties to the plan of merger [or] , consolidation or conversion and all debts or obligations due to any of them including subscriptions to shares and other choses in action belonging to either or any of them shall be taken and deemed to be transferred to and vested in the surviving [or] , new or converted association or Federal savings and loan association as the case may be without further act or deed The surviving [or] , new or converted association or Federal savings and loan association shall thenceforth be responsible for all the liabilities and obligations of each of the associations or Federal savings and loan associations so merged [or] , consolidated or converted but the liabilities of the merging [or] , consolidating or converting associations or Federal savings and loan associations or of their shareholders directors or officers shall not be affected nor shall the rights of the creditors thereof or of any persons dealing with such associations or Federal savings and loan associations or any liens upon the property of such [corporations] associations or Federal savings and loan associations be impaired by such merger [or] , consolidation or conversion and any claim existing or action or proceeding pending by or against any of such associations or Federal savings and loan associations may be prosecuted to judgment as if such merger [or] , consolidation or conversion had not taken place or the surviving [or] , new or converted association or Federal savings and loan association may be proceeded against or substituted in its place In the case of a merger the articles of incorporation of the surviving association shall be deemed to be amended to the extent if any that changes in its articles are stated in the articles of merger and in the case of a consolidation or conversion into a converted association the statements set forth in the articles of consolidation or conversion and which are required or permitted to be set forth in the articles of incorporation of associations formed under this act shall be deemed to be the articles of incorporation of the new or converted association

Section 1009 Rights of Dissenting Shareholders A If any shareholder of an association or Federal savings and loan association which becomes a party to a plan of merger [or] consolidation or conversion shall file with such association or Federal savings and loan association prior to or at the meeting of shareholders at which the plan of merger , [or] consolidation or conversion is submitted to a vote or in the case of a shareholder of a surviving association which pursuant to the provisions of this act becomes a party to a plan of merger without action by its shareholders shall file within twenty days after the written notice of such merger has been given as required by this act a written objection to such plan of merger , [or] consolidation or conversion and shall not vote in favor thereof and such shareholder within twenty days after the merger , [or] consolidation or conversion was effected shall make written demand on the surviving , [or] new or converted association or Federal savings and loan association for the payment of the fair value of his shares as of the day prior to the date on which the vote was taken approving the merger , [or] consolidation or conversion or in case of a surviving association which pursuant to this act became a party to the merger without action of its shareholders the day prior to the date on which the articles of merger were filed with the Department of State without regard to any depreciation or appreciation thereof in consequence of the merger . [or] consolidation or conversion the surviving [or] new or converted association or Federal savings and loan association shall pay to such shareholder the fair value of his shares upon surrender of the share certificate or other evidence of his shares The demand of the shareholder shall state the number and kind of the shares owned by him Any shareholder who fails to file such written objection or any shareholder who files such written objection and fails to make demand within the twenty-day period shall be conclusively presumed to have consented to the merger , [or] consolidation or conversion and shall be bound by the terms thereof If within thirty days after the date on which such merger [or] , consolidation or conversion was effected the value of such shares shall be agreed upon by the dissenting shareholder and the surviving [or] , new or converted association or Federal savings and loan association payment thereof shall be made in cash within ninety days after the date on which

such merger [or] . consolidation or conversion was effected upon the surrender of the share certificate or other evidence of his shares Upon payment of the agreed value the dissenting shareholder shall cease to have any interest in such shares or in the association or Federal savings and loan association

B If within such period of thirty days the shareholder and the surviving [or] , new or converted association or Federal savings and loan association do not so agree then the dissenting shareholder may within sixty days after the expiration of the thirty-day period apply by petition to the court of common pleas in equity within the county in which the place of business of the surviving [or] . new or converted association or Federal savings and loan association is situated for the appointment by the court of three disinterested persons to appraise the fair market value of his shares without regard to any depreciation or appreciation thereof in consequence of the merger [or] , consolidation or conversion The award of the appraisers or of a majority of them when confirmed by the court shall be final and conclusive The costs of such appraisal including a reasonable fee to the appraisers shall be fixed by the court and shall be assessed either upon the new [or] . surviving or converted association or Federal savings and loan association or upon the dissenting shareholder or upon both in the discretion of the court The award shall be payable only upon and simultaneously with the surrender to the surviving [or] . new or converted association or Federal savings and loan association of the share certificate or certificates representing the shares of the dissenting shareholder If the award shall not be paid by the surviving [or] , new or converted association or Federal savings and loan association within thirty days after the award was made by the appraisers the amount of the award shall be a judgment against the surviving [or] . new or converted association or Federal savings and loan association as the case may be and may be collected as other judgments in such court are by law collectible Upon the payment of the award or judgment the dissenting shareholder shall cease to have any interest in such shares or in the surviving [or] . new . or converted association or Federal savings and loan association Unless the dissenting shareholder shall file a petition within the time herein limited such shareholder and all persons claiming under him shall be conclusively presumed to have approved and ratified the merger [or] . consolidation or conversion and shall be bound by the terms thereof The right of the dissenting shareholder to be paid the fair value of his shares as herein provided shall cease if and when the association shall abandon the merger [or] . consolidation or conversion

Section 1010 Effective Date of Merger [or] . Consolidation [.] or Conversion Upon the issuance of the certificate of merger [or the certificate of] . consolidation or conversion by the Department of State the merger [or] . consolidation or conversion shall be effective The certificate of merger [or the certificate of] . consolidation or conversion shall be conclusive evidence of the performance of all conditions precedent to such consolidation [or] . merger or conversion and the creation or existence of a new [or] . surviving or converted association except as against the Commonwealth

Section 1011 Reorganization of Associations Any association may adopt any plan of reorganization which the department shall deem equitable and to the best interests of the creditors and shareholders The plan of reorganization shall be valid only if approved after such notice as the department shall sanction by the holders of at least eighty per centum of the outstanding shares of the association and by creditors to whom is due at least ninety per centum of the total amount of all liability of the association to creditors However claims of creditors which will be satisfied in full under the provisions of the plan of reorganization shall not be included among the creditor liability of the assocaition in computing the ninety per centum thereof required by this section Any plan of reorganization which shall have been adopted and approved in the manner provided by this section shall be binding upon all shareholders and creditors of the association whether or not they have consented to such plan of reorganization

Without limiting the power of an association to adopt any plan of reorganization approved by the department any association may

(1) Transfer title to any of its assets to another association organized under this act solely for the purpose of liquidating such assets Such liquidating association shall immediately file a certificate of election to dissolve with the department and shall dissolve in accordance with the provisions of this act subject to the right of the department to take possession whenever it shall appear to the department that the best interests of the shareholders will be served by such action The liquidating association shall pay the reorganizing association for the assets acquired in shares of the liquidating association which shares shall be distrubuted pro rata to the shareholders of the reorganizing association The shares of the reorganizing association shall be reduced in value as provided in the plan of reorganization Title to the assets so transferred pursuant to this section shall vest in the liquidating association by operation of law with the same legal effect as provided by this act in the case of a merger or consolidation

(2) Set up a "Participating Reserve" by transferring thereto the aggregate book value of any assets of the association The value of the shares of the association shall be reduced as provided in the plan of reorganization The association shall issue pro rata to the shareholders non-withdrawable participating certificates for the amounts by which the value of their shares is reduced The assets represented by participating certificates shall be identified on the books of the association and shall remain a separate fund from the other assets of the association for the sole benefit of the holders of the participating certificates As and when such assets are liquidated all net proceeds therefrom shall be paid pro rata from time to time to the holders of participating certificates in cash or with the written consent of any certificate holder by credit upon his shares in the association If the net proceeds of the final liquidation of such assets do not equal the face value of the participating certificates the loss shall be absorbed pro rata by the holders of such certificates and the association shall have no further liability in relation thereto or arising therefrom

Section 1112 Order of Preference in Distribution A The following shall be the order followed by the liquidating trustee or trustees as the case may be in the distribution pursuant to the provisions of this act of the assets of any association which is being liquidated in pursuance of a plan of voluntary dissolution

First Any reasonable expense incurred by the liquidating trustee or trustees as the case may be in the management liquidation or distribution of the assets and affairs of the association any fee or other debt owing to the department for examinations or other services rendered or penalties incurred any other claim of the Commonwealth of Pennsylvania and any other claim which is given a preference by law

Second Any claim of a creditor of the association other than the claim of a shareholder arising from his ownership of shares

Third Any claim of a shareholder whether or not reduced to a judgment arising from his ownership of shares whether such shares be installment optional payment full-paid prepaid matured or any other type and whether or not notice of withdrawal of such shares has been given to the association The amount of the claim arising from each share shall be the amount actually paid in on account of such share less any amount lawfully deductible therefrom by the association except in the case of a lawfully and properly matured share in which case the amount of the claim shall be the actual par value of the share less any payment received on account thereof from the association and less any other amount lawfully deductible therefrom by the association

B Every claim enumerated above shall have the same rank and priority as every other claim in the same numbered paragraph regardless of the order in which such claims are enumerated

C All claims provided for in this section shall be construed to refer only to claims presented to the liquidating trustee or trustees in the manner provided in this act

and approved by him or them in accordance with the plan of dissolution

Section 1203 Relationship of Association with Employes of Department A An association shall not grant or give any sum of money or other property whether as a gift credit loan or otherwise either directly or indirectly to the Secretary of Banking or to any deputy examiner clerk or other employe of the department or to a deputy receiver or other employe of the Secretary of Banking as receiver However any association may grant a loan to the Secretary of Banking or any deputy examiner clerk or other employe of the department or to a deputy receiver or other employe of the Secretary of Banking as receiver if such loan is secured by a mortgage upon his own home which meets all the terms and conditions provided by this act for mortgage loans and which in addition meets any additional conditions imposed and followed by such association in granting such loan

B Any officer director or employe of an association who knowingly violates the provisions of this section or who on his own behalf grants or gives any sum of money or other property whether as a gift credit loan or otherwise either directly or indirectly to the Secretary of Banking or to any deputy examiner clerk or other employe of the department of to a deputy receiver or other employe of the Secretary of Banking as receiver shall be guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount of the gift credit loan or other sum of money or the value of any other property given in violation of this section

Section 2 Effective Date This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Gelder,	Kunkel,	Roberts,
Buckman,	Gilson,	Lanius,	Rice,
Cavalcante,	Haluska,	Law,	Rodgers,
Chapman,	Henney,	Mallery,	Rupp,
Dando,	Heyburn,	McCreesh,	Ruth,
Deitrick,	Homsher,	McGinnis,	Shapiro,
Dent,	Huffman,	Mundy,	Sones,
DiSilvestro,	Jacobs,	Owlett,	Stiefel,
Ealy,	Jaspan,	Pytko,	Thompson
Eroe,	Kahle,	Rankin,	Wolfenden,
Frey,	Kilgallen,	Reed,	Woodward.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 77, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws twelve hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" empowering counties of the second class to employ police officers at the expense of such counties and defining their powers

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. KILGALLEN. Mr. President I ask unanimous consent to amend setion 1 (section 330), page 2, line 15, by inserting after the word "authorities" the following:

Provided, however, That in cases of offenses for violation of any of the provisions of the Vehicle Code, the power to make arrests without warrant shall be limited to cases where the offense is designated a felony or a misdemeanor or in cases causing or contributing to an accident resulting in injury or death to any person

The PRESIDENT. Is there objection?

Mr. KILGALLEN. Mr. President, for the information of the Senate, permit me to say that this amendment will make certain, if any assurance is necessary, that the provisions of the Motor Vehicle Code are not in any way affected by this bill.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 98, entitled:

An Act to amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended; extending the retirement provisions relating to former teachers to those who returned to service only temporarily.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Gelder,	Kunkel,	Rice,
Buckman,	Gilson,	Lanius,	Roberts,
Cavalcante	Haluska,	Law,	Rodgers,
Chapman,	Henney,	Mallery,	Rupp,
Dando,	Heyburn,	McCreesh,	Ruth,
Deitrick,	Homsher,	McGinnis,	Shapiro,
Dent,	Huffman,	Mundy,	Sones,
DiSilvestro	Jacobs,	Owlett,	Stiefel,
Ealy,	Jaspan,	Pytko,	Thompson,
Eroe,	Kahle,	Rankin,	Wolfenden,
Frey,	Kilgallen,	Reed,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL OVER IN ORDER

Mr. HALUSKA. Mr. President I ask unanimous consent that Senate Bill No. 177, on third reading, entitled:

An Act prohibiting persons and officers from hiring requesting and inducing miners to purchase spirituous vinous or brewed and malt liquors

go over in its order

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 197, entitled:

An Act to amend section one of the act, approved the twenty-sixth day of June, one thousand nine hundred and thirty-one (P. L. 1379), entitled "An act creating in counties of the third class a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commissioners; providing for their salaries, payable by the county; abolishing existing boards; defining the powers and duties of such board; regulating the assessment of persons, property, and occupations for county, borough, town, township, school, and poor purposes; authorizing the appointment of subordinate assessors, a solicitor, engineers, and clerks; providing for their compensation payable by such counties; abolishing the office of ward, borough, and township assessors, so far as the making of assessments and valuations for taxation is concerned; and providing for the acceptance of this act by cities"; providing for the appointment of the members of the boards for the assessment and revision of taxes by the Auditor General of the Commonwealth; terminating the terms of the existing members of such boards; and fixing the membership of the county salary boards for certain purposes.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. DENT. Mr. President, I ask unaminous consent to amend Section 1, page 3, line 8 by inserting after the part word "bers" the following: (residents of the county for which appointed).

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to,

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 222, entitled:

An Act to amend sections five hundred and fifty-nine and five hundred and sixty-two of the act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the voliation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the collection of taxes for which collectors have been exonerated and other delinquent taxes; and authorizing the appointment of collectors of delinquent taxes therefor.

An said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Buckman,	Gilson,	Kunkel,	Rice,
Cavalcante,	Haluska,	Lanius,	Roberts,
Chapman,	Henney,	Law,	Rodgers,
Dando,	Heyburn,	McCreesh,	Rupp,
Deitrick,	Huffman,	McGinnis,	Ruth,
Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,			

NAYS—8

Bean,	Homsher,	Owlett,	Wolfenden,
Gelder,	Mallery,	Salus,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 255, (House Bill No. 545), entitled:

An Act to repeal section two of the act approved the thirteenth day of June one thousand nine hundred and seven (P. L. 560) entitled "An act designating the official flag of the Commonwealth of Pennsylvania and describing the same providing for the carrying of such flag by the regiments of the National Guard of Pennsylvania authorizing the Secretary of the Commonwealth to provide and have deposited in the office of Secretary of the Commonwealth a model of said flag and making an appropriation therefor."

An said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. BUCKMAN. Mr. President, I would like someone on the floor of the Senate to explain the purport of this bill, which seems to be a bill repealing an Act of 1907, designating the State flag. The only information we have is, it is the repealing of a certain Act. I would like information as to the need of the repealer.

Mr. LAW. Mr. President, I may say on that, as a member of the committee I was asked to take this up with the Department of Military Affairs, to find out the reason for this change; and when I took it up with them they informed me that according to the present practice

under the National Guard Act the Government furnishes flags of a uniform kind, with a State marker; and as these flags do not conform to the National Guard flag, and under this Act the State would have to furnish the flags, and this would mean the spending of a considerable sum of money. Under the National Defense Act they cannot carry it. Under Federal supervision the State would be put to the expense of buying the flags, and that money would be saved by the passing of this repeal bill.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator whether, if this repealer be passed, would the State be without a State flag?

Mr. LAW. No, Mr. President, this has to do with the flags carried by the National Guard. This only repeals the second section of the Act of 1907. The first section designates the State flag; the second section provides for regimental flags similar in design.

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Gilson,	Lanius,	Roberts,
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Salus,
Deitrick,	Huffman,	Mundy,	Shapiro,
Dent,	Jacobs,	Owlett,	Sones,
DiSilvestro	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	Woodward,

NAYS—1

Ealy,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk rteurn said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 304, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto," by adding thereto new sections, providing for the issuance of certificates of indebtedness or special revenue bills in counties of the second class; and providing that they shall not be subject to taxation.

And said bill having been read at length the third time.

On the question,

Will the Senate agree to the bill?

Mr. DENT. Mr. President, I ask unanimous consent.

Amend Title, page 1, lines 8 and 9 of the title, by striking out the words: "of the second class"; Amend Section 1 (Sec. 354), page 2, lines 4, 5 and 6, by striking out the words, "in Counties of" in line 4, all of line 5, and the words "county controller" in line 6, and inserting in lieu thereof: The board of county commissioners of any county; Amend Section 1 (Sec. 354), page 2, line 23, by striking out the words: "controller in his" and inserting in lieu thereof: county commissioners in their; Amend Section 1 (Section 355), page 3, lines 11 and 12, by striking out the words: "county controller in counties of the second class may be authorized by the"; Amend Sec. 1 (Sec. 355), page 3, line 13, by striking out the word: "to" and inserting in lieu thereof: may

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 321, (House Bill No. 94), entitled:

A Joint Resolution proposing an amendment to section one Article eighteen of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Gilson,	Lanius,	Roberts
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Salus,
Deitrick,	Howell,	Mundy,	Shapiro,
Dent,	Huffman,	Owlett,	Sones,
DiSilvestro,	Jacobs,	Pytko,	Stiefel,
Ealy,	Jaspan,	Rankin,	Thompson,
Eroe,	Kahle,	Reed,	Wolfenden,
Frey,	Kilgallen,	Rice,	Woodward
Gelder,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 391, (House Bill No. 333), entitled:

An Act to repeal the act approved the twenty-second day of June one thousand eight hundred and ninety-seven (P. L. 178) entitled "An act taxing certain stocks of building and loan associations for State purposes"

And said bill having been read at length the third time

On the question,

Will the Senate agree to the bill?

Mr. SONES. Mr. President, I ask unanimous consent to

amend title, page 1, line 4 of title, by inserting after the word "purposes" the following: and prescribing the effect of such repeal

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 286, as follows:

An Act to amend the title and sections one three six fifteen sixteen and eighteen and to repeal section nineteen of the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1379) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such board regulating the assessment of persons property and occupations for county borough town township school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuation for taxation is concerned and providing for the acceptance of this act by cities" making the provisions of said act mandatory in cities located in such counties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and sections one three six fifteen sixteen and eighteen of the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1379) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such board regulating the assessment of persons property and occupations for county borough town township school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuations for taxation is concerned and providing for the acceptance of this act by cities" are hereby amended to read as follows

An Act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such board regulating the assessment of persons property and occupations for county city borough town township school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties and abolishing the office of city ward borough and township assessors so far as the making of assessments and valuations for taxation is concerned [and providing for the acceptance of this act by cities]

Section 1 Be it enacted etc That in all counties of the third class in this Commonwealth there is hereby created a board to be known as the Board for the Assessment and Revision of Taxes which shall be composed of three members The members of said board shall be appointed by the county commissioners of such counties to serve for terms of four years each Vacancies happening in said office shall be filled by appointment by the county commissioners for the unexpired terms The salary of the members of said board shall be fixed by the salary board of the county

The terms of office of any persons [any] now acting as members of any such board for the assessment and revision of taxes in any such county of the third class shall cease and terminate and the duties and terms of the city borough ward and township assessors in such counties so far as assessments for taxation are concerned shall cease and terminate upon the passage and approval of this act by the Governor

Section 3 It shall be the duty of said board in each county to which this act applies to make and have supervision of the making of all assessments of persons property and occupations now or hereafter made subject to assessment for taxation for county city borough town township school and poor purposes

Section 6 The field assessors shall make the triennial assessment of all property and persons taxable upon occupations subject to assessment for taxation for aforesaid purposes together with a list of all persons subject to a school per capita tax or a poll tax within their respective districts and in so doing shall view all properties in their district taxable for said purposes and shall make a personal house to house canvass for their district in order that the lists of persons taxable upon occupation or subject to a school per capita tax or poll tax may be accurate and correct insofar as it is possible to make them They shall also have and possess except as modified by this act the same powers and perform the same duties and be subject to the same liabilities as are now or shall hereafter be conferred or imposed upon city borough ward town and township assessors with respect to making assessments and valuations for taxation purposes All such assessors who shall fail to make assessments and lists in the manner herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars and in default of the payment of such fine and costs to undergo an imprisonment not exceeding ninety days

Section 15 When the said valuations and assessments have been made all taxation for county city borough town township school purposes [(except in cities)] and poor purposes within the limits of such county shall be based upon such valuations

Section 16 The office of city ward borough town and township assessor as now existing in counties coming under the provisions of this act is hereby abolished insofar as respects the assessment and valuation of persons and property for taxable purposes

Section 18 The corporate authorities of any city borough town township school and poor district who may feel grieved by any assessment of property or subjects of taxation for its corporate purposes shall have the right to appeal therefrom to the court of common pleas or the Superior or Supreme Court in the same manner subject to the same procedure and with like effect as if such appeal were taken by a taxable with respect to his property

Section 2 That section nineteen of said act is hereby repealed

Section 3 This act shall become effective on the first day of June one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 370, as follows:

An Act authorizing cities of the first class to set-off delinquent taxes and interest penalties and costs due thereon against claims and accounts due by such cities and prescribing the powers and duties of the city controller in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "person" as used in this act shall be construed to include any individual association copartnership and corporation

The phrase "delinquent taxes" as used in this act shall include all delinquent taxes whether or not liens for such taxes have been filed in the office of the prothonotary of the county and shall include also all penalties interest and costs due on such delinquent taxes

Section 2 The city controller of any city of the first class in auditing the claim or account of any person against such city shall have power in his discretion to inquire of the receiver of taxes of the city whether such person is indebted to the city for or on account of any delinquent taxes In any case where it shall be found that such person is so indebted to the city the controller shall have power to withhold his approval to the payment of such claim or account in whole or in part until such person shall have entered into an agreement with the controlled as hereinafter provided

Section 3 The city controller shall have power to enter into such agreements as he may deem necessary to assure the payment of delinquent taxes by persons having claims or accounts against the city including therein provision for the application of moneys due by the city on any such claim or account to the payment of such delinquent taxes and the satisfaction of such taxes on the public records in whole or in part If any person shall upon demand of the city controller refuse to enter into any such agreement the city controller shall have power to continue to further withhold his approval of the payment of such claim or account against the city or any part thereof and advise such person that the city has a set-off against his claim or account or the part thereof not approved for delinquent taxes and that payment thereof will be refused until such delinquent taxes are paid or provision for their payment made

Section 4 All acts and parts of acts inconsistent with this act are hereby repealed

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 453, (House Bill No. 603), entitled:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureau police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LAW. Mr. President, I move that Senate Bill No. 453, (House Bill No. 603), the bill just read, be recommitted to the Committee on Elections for the purpose of a hearing which will be held tomorrow afternoon.

Mr. McCREESH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. LAW. Mr. President, in view of the fact that a hearing has been set for tomorrow afternoon, this motion is made to recommit this bill.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 455, (House Bill No. 808), entitled as follows:

An Act to amend section three thousand five hundred and one as amended and sections three thousand five hundred and forty and three thousand five hundred and eighty of the act aproved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" vesting the legal title of waterworks in cities heretofore owning the equitable title to such waterworks providing for the management operation and maintenance of such waterworks and repealing inconsistent general local and special laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three thousand five hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 927) is hereby further amended to read as follows

Section 3501 Exclusive Right to Furnish Water to City Frontage Tax Each city shall have the exclusive right at all times to supply the city with water and such persons partnerships and corporations therein as may desire the same at such prices as may be agreed upon and for that purpose to have at all times the unrestricted right by ordinance subject to the provisions of existing laws to make erect and maintain all proper works machinery buildings cisterns reservoirs pipes conduits for the raising reception conveyances and distribution of water or in territory not supplied with water to make contracts with and authorize any person company or association so to do and to give such person company or association the privilege of furnishing water as aforesaid for any length

of time not exceeding ten years Whenever an extension of a supply of water to portions of the city not previously supplied shall be made it shall be lawful to charge all owners of houses lots and buildings on each side of the street a frontage tax at such rate per foot as council may by ordinance fix This tax shall be collected and recovered in the manner provided by law for the recovery of municipal claims [The provisions of this section shall not apply to any city wherein the title to the waterworks therein located is in the name of the commissioners of waterworks] The legal title to all waterworks heretofore vested in any city by equitable title shall after the effective date of this act be vested in such city Said waterworks shall be operated maintained and managed in the same manner and subject to the same provisions as any waterworks owned or acquired by cities

Section 2 That sections three thousand five hundred and forty and three thousand five hundred and eighty of said act are hereby amended to read as follows

Section 3540 All cities wherein the title to the waterworks therein located is or shall hereafter be in the name of the city [and the commissioners of waterworks of any city wherein the title to the waterworks is in the name of the commissioners of waterworks] may extend the water pipes and improvements of any such waterworks beyond the bounds of the cities wherein they are located into the county and municipalities of the county in the vicinity of such cities and furnish water to any and all corporations institutions persons and municipalities in the counties in which said cities are located in accordance with law and the rules and regulations of the Public Service Commission This section does not authorize a city to extend water pipes or supply water in territory outside the boundaries of such cities which territory is being supplied with water by a private company

Section 3580 Creation of Water and Lighting Department Any city which now has or which may hereafter have the title to any water gas or electric light works by conveyance to the same or by operation of law in its corporate name or which may hereafter erect or purchase water gas or electric light works under the provisions of this act may create a department to be called the water and lighting department and for the organization and government of the same the council may divide the city into three districts for the election of a board of commissioners which districts shall be numbered one two and three one commissioner to be chosen from each respective district of which he shall be a resident at the time of his election and no member of council or person holding any city office shall be eligible as a member of said board

Section 3 All acts or parts of acts general local or special inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Mr. HALUSKA. Mr. President, I move that the Senate do now proceed to the third reading and consideration of Senate Bill No. 177, entitled,

An Act prohibiting persons and officers from hiring requesting and inducting minors to purchase spirituous vinous or brewed and malt liquors.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 177, as follows:

An Act prohibiting persons and officers from hiring requesting and inducing minors to purchase spirituous vinous or brewed and malt liquors

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person or officer to hire or request or induce any minor to purchase or offer to purchase spirituous vinous or brewed and malt liquors from a duly licensed dealer for any purpose whatsoever. Any person violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of five hundred dollars ($500) or to suffer imprisonment not exceeding one year or both at the discretion of the court

Aand said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. HALUSKA. Mr. President, I ask unanmious consent to amend page 2, by adding thereto the following section:

Section 2. This act shall become effective immediately upon final enactment.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct the titles were publicly read as follow:

House Bill No. 190, entitled:

An Act to amend clause (f) of section two hundred eight of the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 7), entitled "An act establishing a system of unemployment compensation to be administered by the department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties"; providing for additional credits in civil service examinations for persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged, and who were honorably discharged from such service.

House Bill No. 298 entitled

An Act to amend section two thousand one hundred and three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one, (P. L. 932), entitled "Third Class City Law" as amended; further regulating the employment of firemen; and repealing existing laws.

House Bill No. 532, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hndred and seventy-four (P. L. 65), entitled "Municipal Indebtedness Law," and the amendments and supplements thereto, and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections; and in case any bondshave been sold by a municipality, and the publication of notices of the sale have been defective, to cure such defective publication of sale notices, and validated the sale thereof.

House Bill No. 540, entitled:

An Act empowering the Department of Property and Supplies to sell all or part of the Pennsylvania Military Reservation at Mount Gretna crediting the moneys received to the biennial appropriation for the Department of Military Affairs and providing for the expenditure thereof; and providing for the transfer of the whole or part of such reservation to another department in lieu of sale thereof.

House Bill No. 631, entitled:

An Act appropriating certain accumulations in the Fire Insurance Tax Fund to cities, townships and boroughs for payment to firemen's relief, pension and retirement funds.

House Bill No. 739, entitled:

An Act to amend section one of the act approved the ninth day of July, one thousand nine hundred and thirty-five (P. L. 639), entitled "An act appropritaing the moneys in the State Forests and Waters Fund," regulating payments from said fund to the Government of the United States.

House Bill No. 805, entitled:

An Act authorizing political subdivisions to stipulate in specifications upon which contracts for the construction, alteration or repairs of any public work or improvement are entered into the minimum wages to be paid to laborers and mechanics, and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated and for the recovery of such penalties, and their return in certain cases.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

BILL INTRODUCED

Mr. SALUS. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SALUS, read in place and presented to the Chair Senate Bill No. 483 entitled:

An Act making an appropriation to the Pennsylvania Seamen's Friend Society, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

REPORTS FROM COMMITTEES

Mr. HOWELL. Mr. President, I ask unanimous consent to make a report from commitee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOWELL from the Committee on Banking reported as commited, Senate Bill No. 404 entitled:

An Act to amend section one of the act, approved the eleventh day of June, one thousand nine hundred and thirty-five (P. L. 336), entitled "An act authorizing courts to stay legal proceedings, except in certain cases, against banks, bank and trust companies, and trust companies where any such corporation has guaranteed or otherwise obligated itself, to pay in cash the amount or value of trust, or other funds, placed with it for investment, and the same have been invested in mortgages, or participations in mortgages, or in pools or funds of mortgages, and suspending the operation of the Statute of Limitations, and inconsistent acts of Assembly," extending said act for a further period of two years.

ANNOUNCEMENTS BY THE SECRETARY

Immediately following the announcement of Recess, the Committee on Executive Nominations will meet in the office of the President Pro Tempore.

The Committee on Constitutional Changes will meet in Room No. 265 the room on my left at 1:45 p. m. today.

The Joint Legislative Committee on Relief will meet in the Senate Caucus Room at 2:00 p. m. today.

The Committee on County Government will meet in Room 265 at 2:00 p. m. today.

The Committee on Education will meet in Room 400 at 4:00 p. m. today.

The Committee on Finance will meet in Room No. 400 after adjournment this afternoon.

RECESS

Mr. ROBERTS. Mr. President, I move that the Senate do now take a recess until four thirty this afternoon.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEE

Mr. WOODWARD. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD from the Committee on Constitutional Changes reported as committed, Senate Bill No. 265, entitled:

A Joint Resolution proposing an amendment to section one Article nine of the Constitution of the Commonwealth of Pennsylvania.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE from the Committee on Judiciary Special reported as committed, Senate Bill No. 379, entitled:

An Act to amend section one of the act, approved the nineteenth day of July, one thousand nine hundred and seventeen (P. L. 1122), entitled "An act providing that every advertisement and notice required by authority of law or rules of court to be published in any county in the Commonwealth, or in any city coincident to the boundaries of a county may, in addition to the publication of such advertisements or notices required to be made in newspapers published and printed in the English language, be also published, by the public officer, body, or court

directed by law or rules of court to publish such advertisement or notice in newspapers printed in the English language, in one or more daily, or weekly, newspapers printed in a foreign language, or languages; such newspapers printed in a foreign language, or languages, to be printed in and have general circulation in the county, or the city coincident to the boundaries of said county, for at least three years continuously before the publication of such advertisement or notices; and further providing for the prices to be charged for publishing such advertisements or notices in any such foreign newspapers, how often the same shall be published, and the stipulation and regulations under which the same shall be published" as amended, by requiring that certain newspapers shall be printed in certain counties.

Mr FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on Banking reported as amended, Senate Bill No. 242 (House Bill No. 441) entitled:

An Act licensing and regulating the business of pawnbrokers, providing for the issuance of licenses by the Secretary of Banking, authorizing the Secretary of Banking to make examinations and issue regulations, limiting the interest and charges on loans and prescribing penalties for the violation of this act.

Mr. FREY. Mr. President, in connection with Senate Bill No. 242 (House Bill No. 441) just reported, it was with the understanding that after two readings, it will be recommitted for the purpose of amendment.

Mr. LAW. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW from the Committee on Education reported as amended, Senate Bill No. 369, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by designating who shall be known as professional employees in the several school districts, and making provisions for their election and dismissal.

Mr. FREY, from the Committee on Executive Nominations reported with a favorable recommendation the following Nominations made by His Excellency, the Governor of the Commonwealth:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public for terms of four years to compute from the dates set opposite their names:

ALLEGHENY COUNTY

Miss Mary Ann Rody, McKees Rocks, March 2, 1937.

CHESTER COUNTY

William E. Bushong, Phoenixville, March 2, 1937.

PHILADELPHIA COUNTY

Miss Edna E. Price, 4120 Main St., Philadelphia, March 2, 1937.

SCHUYLKILL COUNTY

Miss Margaret M. Dailey, McAdoo, March 2, 1937.

LEHIGH COUNTY

A. J. Trump, Allentown, March 5, 1937.

PHILADELPHIA COUNTY

J. N. Ash, 5609 Thomas Ave., Philadelphia, March 5, 1937.

PHILADELPHIA COUNTY

Alfred J. Snyder, Philadelphia, Fidelity Phila. Bldg., March 5, 1937.

PHILADELPHIA COUNTY

Anthony Vignola, 2609 S. Sartain St., March 5, 1937.

SCHUYLKILL COUNTY

Miss Grace M. Carr, Tamaqua, March 5, 1937.

NORTHAMPTON COUNTY

Edward Sylvester, Northampton, March 3, 1937.

BLAIR COUNTY

Mrs. Freda H. Cherry, Altoona, March 6, 1937.

PHILADELPHIA COUNTY

Mrs. Helen Gibbs, 847 N. Broad St., Philadelphia, March 6, 1937.

SCHUYLKILL COUNTY

Gordon D. Reed, Schuylkill Haven, March 6, 1937.

WAYNE COUNTY

Merritt R. Olver, Honesdale, March 6, 1937.

WESTMORELAND COUNTY

C. L. Spence, Mr. Pleasant Twp., Mt. Pleasant, March 6, 1937.

ALLEGHENY COUNTY

George E. Morcroft, 21st and Penn Ave., Pittsburgh, March 7, 1937.

DAUPHIN COUNTY

John S. Stapf, Harrisburg, March 7, 1937.

PHILADELPHIA COUNTY

Miss Esther Federman, 506 Pine St., Philadelphia, March 7, 1937.

Wm. C. Haldeman, 4644 N. Broad St., Philadelphia, March 7, 1937.

Morton S. Klaus, Liberty Trust Bldg., Philadelphia, March 7, 1937.

ALLEGHENY COUNTY

Charles H. Bode, 1626 Broadway, Pittsburgh, March 8, 1937.

BUTLER COUNTY

T. S. Peters, Slippery Rock, March 8, 1937.

CAMBRIA COUNTY

M. P. Westrick, Carrolltown, March 8, 1937.

DELAWARE COUNTY

Richard C. Bergeman, Darby, March 8, 1937.

LEHIGH COUNTY

Gerald J. Reinsmith, Allentown, March 8, 1937.

NORTHAMPTON COUNTY

Edward J. Fox, Jr., Easton, March 8, 1937.

PHILADELPHIA COUNTY

Francis E. McGill, 4425 Main St., Philadelphia, March 8, 1937.
Israel Prusky, 538 N. 63d St., Philadelphia, March 8, 1937.
Harold Webb, 26 S. 51st St., Philadelphia, March 8, 1937.
D. A. Willis, 6330 N. Broad St., Philadelphia, March 8, 1937.

ALLEGHENY COUNTY

Albret E. Beckman, Mt. Oliver, March 11, 1937.

LUZERNE COUNTY

Arthur T. Norman, Shickshinny, March 11, 1937.

NORTHAMPTON COUNTY

Miss E. M. Castilla, Bethlehem, March 11, 1937.

PHILADELPHIA COUNTY

Maurice Kaufman, Girard Trust Co., Bldg., Philadelphia, March 14, 1937.
Miss Elizabeth M. King, Land Title Bldg., Philadelphia, March 16, 1937.

INDIANA COUNTY

F. C. McClure, Indiana, March 15, 1937.

YORK COUNTY

Royce Kohr, York, March 22, 1937.

MERCER COUNTY

Miss Edith I. Wagenman, Greenville, March 24, 1937.

CHESTER COUNTY

Louis Cutillo, Phoenixville, March 25, 1937.

INDIANA COUNTY

W. C. Chapman, Indiana, March 25, 1937.

ALLEGHENY COUNTY

Carrie B. Mercer, Neville Twp., Neville Island, March 27, 1937.

DELAWARE COUNTY

Miss Florence Gardner, Haverford Twp., Upper Darby, March 28, 1937.
Ernest Hibberd, Media, March 28, 1937.

ALLEGHENY COUNTY

Mrs. Ella L. Braszo, Munhall, March 30, 1937.

NORTHAMPTON COUNTY

Miss C. F. Michael, Nazareth, March 30, 1937.

LUZERNE COUNTY

Miss Esther Kaplan, Hazleton, April 7, 1937.

MONTGOMERY COUNTY

Miss Elizabeth R. Hoffman, Lansdale, April 7, 1937.

ALLEGHENY COUNTY

Jos. J. King, 242 5th Ave., Pittsburgh, April 11, 1937.

CENTRE COUNTY

Miss Celia C. Brungant, Rebersburg, Miles Twp., April 11, 1937.

PHILADELPHIA COUNTY

Miss Margaret A. Carton, Bulletin Bldg., Phila., April 16, 1937.

ALLEGHENY COUNTY

Miss Bessie L. McGratty, Frick Bldg., Annex, Pittsburgh, April 17, 1937.

PHILADELPHIA COUNTY

Miss Alice E. Culling, Jewish Hospital, Phila., April 17, 1937.
Mrs. Helen H. Gow, 1616 Walnut St., Phila., April 30, 1937.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Ruth M. Ely, Ingram.
Edward F. Ende, Carnegie.
C. Gibson Shaw, McKeesport.

CLINTON COUNTY

Miss Beatrice M. Kress, Lock Haven.

CRAWFORD COUNTY

G. Stanley Maxwell, Meadville.

MONTGOMERY COUNTY

Miss Myrtle M. Kramer, Hatboro.

PHILADELPHIA COUNTY

Miss C. F. Donnelly, 22d and Westmoreland Sts., Philadelphia.
Miss Edwina M. Froelich, 411 N. Broad St., Philadelphia.
Roberts B. McGowan, Jr., 215 S. 16th St., Philadelphia.
Miss Frances D. Moran, 1238 N. 44th St., Philadelphia.
Harry J. Pressman, 250 S. Broad St., Philadelphia.
Mrs. Anna K. Smith, 1632 Sansom St., Philadelphia.
Louis Stefan, 5611 Chew St., Philadelphia.

SCHUYLKILL COUNTY

Miss Kathryn Londergan, Pottsville.

WASHINGTON COUNTY

Miss Ida E. Beadling, Donora.

WESTMORELAND COUNTY

James W. Ramsey, Ligonier.

GEORGE H. EARLE.

March 3, 1937

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public for terms of four years to compute from the dates set opposite their names:

ARMSTRONG COUNTY

Bartholomew C. Favero, Leechburg, March 6, 1937.

CUMBERLAND COUNTY

W. H.Crider, Carlisle, March 23, 1937.

DAUPHIN COUNTY

George W. Core Harrisburg, March 6, 1937.

PHILADELPHIA COUNTY

Israel Kohn 1512 S. 5th St., Philadelphia, March 6, 1937.

ALLEGHENY COUNTY

F. J. Breen Ross Twp., Bellevue Branch, March 3, 1937.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 8, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public for terms of four years to compute from the dates set opposite their names:

ELK COUNTY

Miss Wilda G. Irwin, Ridgway, March 8, 1937.

BLAIR COUNTY

Morgan J. Sheedy, Altoona, March 8, 1937.

YORK COUNTY

Martin L. Mundis, York, March 14, 1937.

ALLEGHENY COUNTY

George H. Clark, Pittsburgh, 720 Grant Bldg., March 15, 1937.

PHILADELPHIA COUNTY

Moritt G. Williams, Phila., 5933 Torresdale Ave., March 15, 1937.

ALLEGHENY COUNTY

H. J. Kreiling, Pittsburgh, Pittsburgh-Press Bldg., March 23, 1937.

MONTGOMERY COUNTY

Wm. J. Cheatley, Norristown, March 27, 1937.

DAUPHIN COUNTY

P. W. Fetterhoff, Harrisburg, March 29, 1937.

PHILADELPHIA COUNTY

Anthony Ziernicki, Phila., 4173 Germantown Ave., April 4, 1937.

C. E. Lehr, Phila., Public Ledger Bldg., April 6, 1937.

CENTRE COUNTY

Miss Hannah B. Schroyer, Bellefonte, April 20, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 8, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Helen Chalmers, Pittsburgh, 396 Union Trust Bldg.

BERKS COUNTY

Harry B. Davis, Reading.

FAYETTE COUNTY

William A. Crow, Smithfield.
Harold R. Romesburg, Uniontown.

LAWRENCE COUNTY

Roy W. Hazen, New Castle.
Mrs. Alice S. Rhodes, North Beaver Twp., Enon Valley.

LUZERNE COUNTY

Miss Jane M. Gorman, Hazleton.

MERCER COUNTY

Raymond R. Hum, Sharon.

MONTGOMERY COUNTY

Miss Kathryn M. Bulger, West Conshohocken.
Charles Frankel, Lansdale.

NORTHUMBERLAND COUNTY

Miss Gertrude M. Hartzel, Milton.

PHILADELPHIA COUNTY

Miss Marie De W. Breneman, Phila., 1737 Chestnut St.
Vincent S. Shirar, Phila., 36th and Grays Ferry Ave.

SCHUYLKILL COUNTY

Daniel K. Deegan, Cass Twp., Pottsville.
Peter Stec, Gilberton, Mahanoy Plane.

SOMERSET COUNTY

Martin Ruttkay, Windber.

WESTMORELAND COUNTY

H. G. English, Vandergrift.
George K. Mentzer, Monessen.
Thos. W. Shields, Greensburg.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 8, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

CLEARFIELD COUNTY

P. J. Swift, Dubois.

DAUPHIN COUNTY

C. Sylvester Jackson, Harrisburg.

FRANKLIN COUNTY

Mrs. Abigail J. Kaufman, Chambersburg.

McKEAN COUNTY

W. F. Craig, Port Allegany.

PHILADELPHIA COUNTY

Elston C. Cole, Phila., 737 Commercial Trust Bldg.
Miss Christine R. Falco, Phila., 305 B. Keystone State Bldg.
Earl H. Markee, Phila., 3322 N. Broad St.
Miss Marguerite J. Miller, Phila., 1012 Finance Bldg.
George Sterner, Phila., 701 Crozer Bldg., 1420 Chestnut St.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 8, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public for terms of four years to compute from the dates set opposite their names.

PHILADELPHIA COUNTY

Clarence M. Gerhart, Phila., 130 E. Duval St., March 8, 1937.
Miss Anna Wagner, Phila., 116 S. 19th St., March 11, 1937.

FAYETTE COUNTY

Warren G. Dunaway, Fairchance, March 13, 1937.

PHILADELPHIA COUNTY

Harry J. Covvey, Phila., 2315 S. Front St., March 13, 1937.
Joseph J. Rosenbluth, Phila., 509 W. Girard Ave., March 13, 1937.
Peter Penrose, Phila., 827 N. 16th St., March 14, 1937.

ALLEGHENY COUNTY

W. Stewart Beswick, Wilmerding, March 25, 1937.

FAYETTE COUNTY

Mrs. Cora Wyncoop Griffith, Uniontown, March 25, 1937.

MONTGOMERY COUNTY

Russell Y. Pullinger, Lower Merion Twp., Bala Cynwyd, March 26, 1937.

CHESTER COUNTY

Miss Linda M. Fulmer, Parkesburg, March 27, 1937.

DAUPHIN COUNTY

Walter W. Moul, Harrisburg, March 27, 1937.

ELK COUNTY

Thomas M. Hickey, St. Marys, March 27, 1937.

LANCASTER COUNTY

Roy G. Hubley, Columbia, March 29, 1937.

ALLEGHENY COUNTY

Cyril A. Pyros, Pittsburgh, 514 Smithfield St., March 31, 1937.
F. R. Duffy, Pittsburgh, 1414 Beaver Ave., April 6, 1937.
Duane S. Junker, McKeesport, April 14, 1937.

LACKAWANNA COUNTY

Wendell P. Evans, Scranton, April 14, 1937.

ERIE COUNTY

William O. Morrow, Union City, April 29, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 8, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

LACKAWANNA COUNTY

Miss Ann B. Igoe, Scranton, March 8, 1937.
Joseph T. Kelly, Archbald, March 8, 1937.
Leo J. Rafferty, Scranton, March 8, 1937.

ALLEGHENY COUNTY

William L. Dean, 345 Fourth Ave., Pittsburgh, March 13, 1937.

LYCOMING COUNTY

Clyde E. Carpenter, Jersey Shore, March 18, 1937.

PHILADELPHIA COUNTY

Isaac E. Gealt, 1211 Chestnut St., Phila., March 25, 1937.
E. Irving Shuttleworth, 3054 Kensington Ave., March 25, 1937.

ALLEGHENY COUNTY

Miss Bernadette Stewart, Koppers Bldg., Pittsburgh, April 4, 1937.

CAMBRIA COUNTY

Boyd E. Thompson, Portage, April 4, 1937.

PHILADELPHIA COUNTY

H. Raudenbush, 4441 Frankford Ave., Phila., April 5, 1937.

ALLEGHENY COUNTY

Miss Marie A. Brednich, Jones Law Bldg., Pittsburgh, April 6, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 8, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Louis A. Barmen, Pittsburgh, 527 5th Ave.
Hayden Cohen, East Pittsburgh.
G. J. Neel, Pittsburgh, Farmers Bank Bldg.
Mrs. Helen E. Rees, Mt. Lebanon Twp., Pittsburgh.
John F. White, Pittsburgh, 1105 Plaza Bldg.

BEAVER COUNTY

Ernest J. Laney, Beaver.

CHESTER COUNTY

Miss Lorraine Taylor, Oxford.

ERIE COUNTY

Miss M. L. Koford, Corry.

LYCOMING COUNTY

Clarence R. Kempf, Williamsport.

PHILADELPHIA COUNTY

Robert Aiken, Phila., 705 City Hall Annex.
Miss Ella M. Cohee, Phila., 2100 E. Cumberland St.
Charles Bentley Collins, Phila., 1218 Chestnut St.
Owen J. Greene, Phila., 1420 Walnut St.
John W. Hawkshaw, Phila., Integrity Trust Co.
Miss Anne C. McDonald, Phila., City Hall Annex.
Mrs. Minerva P. Simons, Phila., 256 N. 3d St.

VENANGO COUNTY

William J. Knight, Oil City.

WASHINGTON COUNTY

G. M. Challener, Canonsburg.
Clare Stewart, Claysville.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 8, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ADAMS COUNTY

John F. Grinder, Gettysburg.

BEAVER COUNTY

Miss Bertha Neidorfer, Beaver.

CAMBRIA COUNTY

Miss Helen A. Trail, Johnstown.

LAWRENCE COUNTY

Victor Doyno, New Castle.
W. H. Montgomery, New Castle.

NORTHAMPTON COUNTY

Mrs. Madeline Frace, Easton.

WARREN COUNTY

Ray C. Pickett, Warren.

WASHINGTON COUNTY

Mrs. Alice M. Bechtel, Charleroi.

GEORGE H. EARLE.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 9, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

PHILADELPHIA COUNTY

Stanley K. Brunner, 3238 N. Front St., Philadelphia, March 9, 1937.
Mrs. May Fowden Purnell, 19 Maplewood Ave., Philadelphia, March 10, 1937.
Thomas J. Gavaghan, 2615 W. Lehigh Av., Philadelphia, March 11, 1937.

DELAWARE COUNTY

Mrs. Anna Tobin, Chester, March 14, 1937.

MIFFLIN COUNTY

Ralph H. Taylor, Armagh Twp., Milroy, March 14, 1937.

NORTHAMPTON COUNTY

William Sinwell, Bethlehem, March 16, 1937.

BEAVER COUNTY

Miss Hinnie Hilpert, Beaver Falls, March 18, 1937.

COLUMBIA COUNTY

Harry S. Barton, Bloomsburg, March 25, 1937.

PHILADELPHIA COUNTY

Asher Steinberg, 614 Fairmount Ave., Philadelphia, March 25, 1937.

BRADFORD COUNTY

Miss Mollie W. Rice, Rome, March 26, 1937.

NORTHAMPTON COUNTY

G. E. Kiefer, Easton, April 9, 1937.

CHESTER COUNTY

Miss Catharine Armstrong, Tredyffrin Twp., April 10, 1937.

CAMBRIA COUNTY

Mrs. Jennie Boyer Williams, Johnstown, April 11, 1937.

MERCER COUNTY

Joseph Wolf, Wheatland, April 11, 1937.

CHESTER COUNTY

Miss Winifred A. Mason, West Chester, April 15, 1937.

MERCER COUNTY

C. E. Brockway, Sharon, March 25, 1937.
Donovan H. Henry, Greenville, April 25, 1937.

CARBON COUNTY

Frank Lench, Banks Twp., Tresckow. April 26, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 9, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

W. J. Jacquette, Medical Arts Bdg., Pittsburgh.
C. D. Lamade, Wilkinsburg.
Stanley S. McGuire, Elizabeth.
T. J. Munsch, Ingram.
Miss Helen C. Ronnberg, Farmers Bank Bdg., Pittsburgh.
H. Earl Whitehead, Commonwealth Bdg., Pittsburgh.

BERKS COUNTY

Harry I. Focht, Reading.
Miss Catharine G. Rothermel, Reading.

CLEARFIELD COUNTY

James A. Nelson, Sandy Twp., DuBois.

DAUPHIN COUNTY

Mrs. Katherine E. Ott, Harrisburg.

DELAWARE COUNTY

Earle F. Hewes, Chester.

JEFFERSON COUNTY

Earl Holben, Ringgold Twp., Ringgold.

LUZERNE COUNTY

Henry Elters, Hazleton.
Miss Anna J. Ference, West Hazleton.

MERCER COUNTY

Miss Evelyn I. Purdie, Sharon.

MONTGOMERY COUNTY

Harry A. Simpson, Lower Merion Twp., Narberth.
Morris Werther, Pottstown.

NORTHAMPTON COUNTY

Mrs. Elizabeth K. Clemens, Easton.
Miss Naomi I. Crouthamel, Easton.

PHILADELPHIA COUNTY

James A. Biddison, Jr., 217 W. Chelten Ave., Philadelphia.
Benj. B. Brasler, 4911 York Rd., Philadelphia.
Raymond G. Frick., 1346 W. Somerset St., Philadelphia.
Joseph Green, 4427 Lancaster Ave., Philadelphia.
William A. Hammeke, 3164 N. 6th St., Philadelphia.
Charles R. Hugentugler, 2d and Erie Ave., Philadalphia.
Miss Gladys F. Roemhild, 122 Dock St., Philadelphia.
Mrs. Margaret Snyder, S. Phila. Nati. Bank, Philadelphia.
Mrs. Marjorie C. Taffe, 2300 Carpenter St., Philadelphia.
Albert A. Teitell, 5838 Ludlow St., Philadelphia.

SCHUYLKILL COUNTY

Miss M. Evelyn O'Donnell Coaldale.

ERIE COUNTY

Mrs. Denore Rossbacher, Corry.

WESTMORELAND COUNTY

Miss Madeline DeBone, Greensburg.
O. W. Laughery, Scottdale.

YORK COUNTY

Wm. S. Grove, New Freedom.
Archie B. Rose, York.

GEORGE H. EARLE.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg March 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mervin F. Rothenberger of Leesport, Berks County, for appointment as Justice of the Peace in the Township of Ontelaunee, Berks County, vice Urias Rothenger, deceased, until the first Monday in January, 1938.

GEORGE H. EARLE

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 8, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Howard Hewitt of Albion, Erie County, for appointment as Justice of the Peace in the Borough of Albion, Erie County, vice J. D. Hossler, resigned, until the first Monday in January, 1938.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be despensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bean,	Gilson,	Kunkel,	Roberts,
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Dando,	Heyburn,	McCreesh,	Ruth,
Deitrick,	Homsher,	McGinnis,	Salus,
Dent,	Howell,	Mundy,	Shapiro,
DiSilvestro,	Huffman,	Pytko,	Sones,
Ealy,	Jacobs,	Rankin,	Stiefel,
Eroe,	Jaspan,	Reed,	Wolfenden,
Frey,	Kahle,	Rice,	Woodward,
Gelder,	Kilgallen,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly:

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGE

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in the amendments made by the Senate to House bill No. 552, entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" as amended by further defining the rights powers duties liabilities and immunities of building and loan associations and of their officers directors shareholders solicitors and other employes and by further regulating the merger and consolidation of building and loan associations and the creation of building and loan associations by merger consolidation or conversion and by providing for the reorganization of building and loan associations and by providing for the conversion of building and loan associations into Federal savings and loan associations

SENATE BILL No. 29, RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 29, entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia; establishing therein a distinct and separate court of common pleas designated court of common pleas number six; and providing for the election and appointment of judges for said court.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. SHAPIRO. Mr. President, I move that the Senate concur in the amendments made by the House. For the information of the Senate, the only real change is extending the date of the Act.

Mr. BUCKMAN. Mr. President, under the rules of the Senate, this should lie over as all other bills, and should be printed for the use of the Senate.

The PRESIDENT. That is the rule, the rule is that amendments are to be printed and the bills lie over.

MOTION TO SUSPEND RULE 21

Mr. SHAPIRO. Mr. President, I see no reason for this, as the only change is in the effective date of the Act, and I feel that this bill should not lie over and I move that Rule No. 21, which requires that amended bills be noted on the Calendar, be in this case dispensed with and that the Senate proceed to the consideration of the amendments made by the House to the foregoing bill.

Mr. RANKIN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. MALLERY. Mr. President, I should like to state to the Senate my attitude in this matter. I do not see any reason why this rule should be suspended. If we have a rule, and a good rule, we ought to comply with it. I should like to see the Senator from Philadelphia, Mr Shapiro withdraw his motion.

Mr. SHAPIRO. Mr. President, I am perfectly satisfied to withdraw my motion, if objection is offered to immediate consideration of the amendments.

Mr. BUCKMAN. Mr. President. I have been informed that the Senator from Philadelphia, Dr. Woodward, wants to speak on this bill, and at this late hour he has left his seat.

MOTION WITHDRAWN

Mr. SHAPIRO. Mr. President, if that is the reason of the Senator from Bucks, I will withdraw my motion.

The PRESIDENT. The motion is withdrawn and the amendment will be noted on the calendar.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 850, (Senate Bill No. 484), entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "Administrative Code 1929," as amended, by abolishing The Public Service Commission of the Commonwealth of the Pennsylvania, terminating the terms of the members thereof, and creating as successor to such commission, the Pennsylvania Public Utility Commission; defining, in part, the powers and duties of the Pennsylvania Public Utility Commission, and transferring to such commission the records, employes, property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in, and complete, all pending proceedings, legal or otherwise, instituted before, by, or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the later commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission; and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania .

Which was committed to the Committee on Public Utilities.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows: House Bill No. 552, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "Building and Loan Code," as amended, by further defining the rights, powers, duties, liabilities, and immunities of building and loan associations, and of their officers, directors, shareholders, solicitors, and other employes; and by further regulating the merger and consolidation of building and loan associations and the creation of building and loan associations by merger, consolidation or conversion; and by providing for the reorganization of building and loan associations into Federal savings and loan associations.

House Bill No. 94, entitled:

A Joint Resolution proposing an amendment to section one, Article eighteen of the Constitution of the Commonwealth of Pennsylvania.

House Bill No. 541, entitled

An Act directing the Department of Military Affairs to select, procure, furnish and award certain decorations, medals and badges.

Whereupon, The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

MOTION TO READ BILLS THE FIRST TIME

Mr. HUFFMAN. Mr. President, I move that all bills reported at today's session be read for the first time.

Mr. CAVALCANTE. Mr. President, I second the motion.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 242 (House Bill No. 441), entitled:

An Act licensing and regulating the business of pawnbrokers providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations limiting the interest and charges on loans and prescribing penalties for the violation of this act.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 265, entitled:

A Joint Resolution proposing an amendment to section one Article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 287, entitled:

An Act to amend section two of the act, approved the seventeenth day of June, one thousand nine hundred and fifteen (P. L. 1012), entitled "An act regulating the business of loaning money in sums of three hndred ($300) dollars or less, either with or without security, to individuals pressed by lack of funds to meet immediate necessities; fixing the rates of interest and charges therefor; requiring the licensing of lenders; and prescribing penalties for the violation of this act," as amended; reducing the interest rate on small loans.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 326 (House Bill No. 554), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary pwers including the conversion of National banks into State banks nad for the licensing of private bankers defining the rights powers liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 379, entitled:

An Act to amend section one of the act approved the nineteenth day of July, one thousand nine hundred and seventeen (P. L. 1122), entitled "An act providing that every advertisement and notice required by authority of law or rules of court to be published in any county in the Commonwealth, or in any city coincident to the boundaries of a county, may, in addition to the publication of such advertisements or notices required to be made in newspapers published and printed in the English language, be also published by the public officer body or court directed by law or rules of court to publish such advertisement or notice in newspapers printed in the English language in one or more daily or weekly newspapers printed in a foreign language or languages; such newspapers printed in a foreign language or languages to be printed in and have general circulation in the county or the city coincident to the boundaries of said county, for at least three years continuously before the publication of such advertisements or notices; and further providing for the prices to be charged for publishing such advertisements or notices in any such foreign newspapers, how often the same shall be published and the stipulation and regulations under which the same shall be published," as amended, by requiring that certain newspapers shall be printed in certain counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 386 (House Bill No. 742), entitled:

A Supplement to the act approved the twentieth day of July, one thousand nine hundred thirty-five (Appropriation Acts page 71) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginnnig June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five" providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-seven.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 404, entitled:

An Act to amend section one of the act, approved the eleventh day of June, one thousand nine hundred and thirty-five (P. L. 336) entitled "An act authorizing courts to stay legal proceedings, except in certain cases, against banks, bank and trust companies, and trust companies where any such corporation has guaranteed, or otherwise obligated itself, to pay in cash the amount or value of trust, or other funds, placed with it for investment, and the same have been invested in mortgages, or participations in mortgages, or in pools or funds of mortgages, and suspending the operation of the Statute of Limitations, and inconsistent acts of Assembly;" extending said act for a further period of two years.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration Senate Bill No. 421, entitled:

An Act to validate indebtedness incurred by cities of the third class for the extension, enlargement and improvement of the water-works of such cities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 454 (House Bill No. 748), entitled:

A Supplement to the act, approved the nineteenth day of July, one thousand nine hundred thirty-five (One Thousand Nine Hundred Thirty-five Appropriation Acts,

page forty-one), entitled "An act making an appropriation to the Department of Welfare for Pensions for the Blind."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 456 (House Bill No. 738), entitled:

A Supplement to the act, approved the twelfth day of July, one thousand nine hundred thirty-five (1935 Appropriation Acts, page 23), entitled "An act making appropriations to the Department of Welfare to pay for the care, treatment, removal, and maintenance of the indigent insane in county and poor district hospitals."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS INTRODUCED

Mr. KUNKEL. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KUNKEL, read in place and presented to the Chair Senate Bill No. 485, entitled:

An Act to reenact and amend the act, approved the seventh day of June, one thousand eight hundred and eighty-seven (P. L. 365), entitled "An act to encourage and authorize the formation of cooperative associations, productive and distributive by farmers, mechanics, laborers, or other persons," by extending and changing the provisions thereof; imposing an annual fee on such associations; and exempting them from State taxation.

Which was committed to the Committee on City Government.

Mr. KILGALLEN. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN, read in place and presented to the Chair Senate Bill No. 486, entitled:

An Act to further amend section nine of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when, how, upon what property and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly;" making additional provision for the filing of tax claims.

Which was committed to the Committee on Judiciary General.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE, read in place and presented to the Chair Senate Bill No. 487, entitled:

An Act authorizing acquisition of lands adjacent to Fort Necessity Park, by purchase, condemnation or otherwise, and appropriating funds for such acquisition.

Which was committed to the Committee on Forests and Waters.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Military Affairs will meet at 11:30 a. m. tomorrow, in Room 265.

There will be a public hearing on House Bill No. 441 in The Senate Caucus Room on Tuesday March 16th, 1937, at 2:30 p. m.

The Senators will find in the Senate post-office their invitations to the Biennial Dinner of the Sons of St. Patrick, next Tuesday, at the Penn Harris Hotel. Reservations should be made as early as possible. (Signed) Harry O'Neill, Member of the House.

ADJOURNMENT

Mr. HUFFMAN. Mr. President, I move that the Senate do now adjourn until twelve o'clock noon tomorrow.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:37 p. m. until twelve o'clock noon, tomorrow, Wednesday, March 10, 1937.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 9, 1937.

The House met at 1:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain Rev. EPHRIAM Z. GALLAHER, offered the following prayer:

Most gracious Lord, may we just pause in silence a moment as we mediate upon the words of the great Psalmist.

The earth is the Lord's and the fullness thereof.
The world and all they that dwell therein.
Who shall ascend unto the House of the Lord
And who shall stand in His holy place?
He that hath clean hands and a pure heart
Who hath not lifted up his soul to vanity
Nor has sworn deceitfully.
In His name we ask it. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. HALL, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. HIRSCH. HOUSE BILL No. 1243.

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the in-

corporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchange, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," prohibiting discrimination against physically handicapped persons desiring motor vehicle liability insurance.

Referred to the Committee on Insurance.

By Mr. KLINE. HOUSE BILL No. 1244.

An Act makng an appropriation to the Board of Fish Commissioners.

Referred to the Committee on Appropriations.

By Mr. KLINE. HOUSE BILL No. 1245.

An Act making an appropriation to the Board of Game Commissioners.

Referred to the Committee on Appropriations.

By Mr. MORAN. HOUSE BILL No. 1246.

An Act to prohibit the recruiting of, the securing or offering to secure employment for, and the transportation to places of employment of, persons to take the places of employes involved in industrial disputes.

Referred to the Committee on Labor.

By Mr. MERRELL. HOUSE BILL No. 1247.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Susquehanna.

Referred to the Committee on Highways.

By Mr. ROBINSON. HOUSE BILL No. 1248.

An Act to amend section two hundred twenty-seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended, authorizing the minute clerks of the courts in counties of the second class to administer oaths and take affidavits.

Referred to the Committee on Judiciary General.

By Mr. YANOSHAT. HOUSE BILL No. 1249.

An Act for the protection of home owners; making it unlawful to deny unemployment relief to persons owning real property under certain circumstances; and prescribing penalties.

Referred to the Committee on Welfare.

By Mr. ELPERN. HOUSE BILL No. 1250

An Act to prohibit the sale and offer for sale of the recognized artificial flowers of certain veteran's organizations except on the days appointed for such purposes.

Referred to the Committee on Military Affairs.

By Messrs. FRANCIS T. BAKER and WOOD. HOUSE BILL No. 1251.

An Act to amend section four as amended, and section seventeen of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a state tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof, requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain state officers and departments; providing for refunds; imposing penalties; and making an appropriation," by providing for refunds of taxes paid on liquid fuels consumed for certain purposes; providing penalties; and providing for the suspension of this act under certain conditions.

Referred to the Committee on Ways and Means.

By Mr. ELPERN. HOUSE BILL No. 1252.

An Act making an appropriation for the preparation of the twenty-eighth Division History and creating a commission for such purposes.

Referred to the Committee on Military Affairs.

By Mr. WATKINS. HOUSE BILL No. 1253.

An Act to prohibit persons from coercing teachers, principals and supervising principals to make political contributions, and teachers, principals and supervising principals from making such contributions as the result of coercion.

Referred to the Committee on Education.

By Mr. WATKINS HOUSE BILL No. 1254

An Act to amend section five of the act, approved the thirty-first day of March, one thousand eight hundred and seventy-six (P. L. 13), entitled "An act to carry into effect section five of Article fourteen of the Constitution relative to the salaries of county officers, and the payment of fees received by them into the State or county treasury, in counties containing over one hundred and fifty thousand inhabitants" as amended; changing the dates on which county officers, their deputies and clerks shall be paid.

Referred to the Committee on Counties.

By Mr. HESS. HOUSE BILL No. 1255

An Act to provide for the issuance and acceptance of certificates from duly licensed optometrists whenever such certificates may now or hereafter be required as to ocular and visual efficiency by my law of the Commonwealth, and repealing all laws general, special or local or any parts thereof that are or may be inconsistent therewith.

Referred to the Committee on State Boards.

By Mr. ARNOLD. (By Request) HOUSE BILL No. 1256.

An Act to add section one thousand seven hundred and twenty to the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," empowering tax collectors to collect delinquent occupation tax from employers.

Referred to the Committee on Townships.

By Mr. PEARSON. HOUSE BILL No. 1257.

An Act to further amend section five of the act approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 551), entitled "An act relating to roads, highways and bridges;" increasing the maximum width of public roads.

Referred to the Committee on Highways.

By Mr. ARNOLD. (By Request) HOUSE BILL No. 1258.

An Act to add section two thousand five hundred seventy to the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto;" empowering tax collectors to collect delinquent poll or occupation tax from employers.

Referred to the Committee on Cities.

By Mr. ROBINSON. HOUSE BILL No. 1259.

An Act relating to and regulating the business of distributing unaddressed advertised matter or samples from door-to-door, hand-to-hand or famliy-to-family; requiring a license therefor, prohibiting political subdivisions from imposing license fees or taxes thereon; conferring powers and imposings duties on the Department of Revenue; and prescribing penalties.

Referred to the Committee on Judiciary Special.

By Mr. ARNOLD. (By Request) HOUSE BILL No. 1260.

An Act to add section nine hundred and seventeen to the act, approved the first day of May, one thousand nine hundred and thirty-three, (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," empowering tax collectors to collect delinquent occupation tax from employers.

Referred to the Committee on Townships.

By Messrs. HARKINS and BOIS.
HOUSE BILL No. 1261.

An Act to amend section one thousand and forty-six of the act, approved the fourth day of May, one thousand nine hundred and twenty-nine (P. L. 519), entitled "An act concerning boroughs, and revisings, amending, and consolidating the law relating to boroughs," providing for the employment by auditors and for the compensation of an attorney.

Referred to the Committee on Boroughs.

By Mr. FLANAGAN. HOUSE BILL No. 1262.

An Act to amend section seven of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "An act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings," by vesting in coroners the power to admit to bail persons accused of murder or manslaughter.

Referred to the Committee on Judiciary General

By Mr. PEARSON. HOUSE BILL No. 1263.

An Act to provide for and regulate the annual licensing of persons, copartnerships, associations and corporations engaged in the business of outdoor advertising by means of billboards, signs and other structures or devices and the issuing of permits for the erection, use and maintenance thereof, levying excise taxes for the use of the Commonwealth, prescribing regulations as to the locations of such billboards, signs, structures used for advertising purposes, and providing penalties.

Referred to the Committee on Ways and Means.

By Mr. PEARSON. HOUSE BILL No. 1264.

An Act regulating the motor vehicle junk business; requiring a certificate of approval from the local authorities and a license from the Secretary of Revenue to conduct such business; and authorizing the governmental subdivisions of the Commonwealth to restrict such business from certain districts.

Referred to the Committee on Motor Vehicles.

By Mr. PEARSON. HOUSE BILL No. 1265.

An Act to further amend the title and section one of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine, (P. L. 1956), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury," extending said act to all political subdivisions.

Referred to the Committee on Municipal Corporations.

By Mr. ROBERT S. HAMILTON. HOUSE BILL No. 1266.

An Act to amend section two of the act, approved the twenty-third of May, one thousand eight hundred and seventy-four (P. L. 230), entitled "An act dividing the cities of this State into classes, regulating the passage of ordinances, providing for contracts for supplies and work for said cities, authorizing the increase of indebtedness, and the creation of a sinking fund to redeem the same, defining and punishing certain offences in all of said cities, and providing for the incorporation and government of cities of the third class," providing for th consolidation of wards in cities.

Referred to the Committee on Cities.

By Mr. McDERMOTT. HOUSE BILL No. 1267.

An Act to prohibit the refusal to employ and the discharge of persons and employes because of industrial disputes.

Referred to the Committee on Labor.

By Mr. McDERMOTT. HOUSE BILL No. 1268.

An Act requiring employes manufacturing silk, rayon or cotton goods or clothing to obtain a permit from the Department of Labor and Industry or post a bond to assure the payment of wages of employes; and providing penalties.

Referred to the Committee on Judiciary Special.

By Messrs. OSTROFF, LEWIS and KILROY.
HOUSE BILL No. 1269.

An Act to repeal the act, approved the thirtieth day of April, one thousand nine hundred twenty-nine (P. L. 874), entitled "An act relating to judicial sales and sales upon writs of execution or otherwise; and preserving the lien of mortgages on real estate other than upon unseated lands."

Referred to the Committee on Judiciary General.

By Messrs. OSTROFF, LEWIS and KILROY.
HOUSE BILL No. 1270.

An Act to amend section twenty-four of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the

redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended; by extending the powers of sequestrators to include the collection of municipal claims.

Referred to the Committee on Judiciary General.

By Messrs. OSTROFF, LEWIS and KILROY.
HOUSE BILL No. 1271.

An Act to re-enact section twenty-nine and amend section thirty one of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, leins shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," providing for judicial sales on tax or municipal liens that shall permit the sale of property freed, and cleared of their respective claims, mortgages, charges, estates, tax and municipal claims and repealing inconsistent legislation.

Referred to the Committee on Judiciary General.

By Messrs. OSTROFF, LEWIS and KILROY.
HOUSE BILL No. 1272.

An Act providing for the recovery and collection of municipal claims by action in assumpsit, without the necessity of entering liens for such claims; suits thereon by cities, boroughs, incorporated towns, first class townships and by party or parties who performed work thereon; right to assign such claims, and repealing existing laws.

Referred to the Committee on Judiciary General.

By Mr. LONGAKER. HOUSE BILL No. 1273.

An Act to amend section eleven of the act, approved the sixth day of June, one thousand eight hundred and ninety-three (P. L. 335), the government and regulation thereof," making further regulations for the election of justices of the peace in such consolidated boroughs.

Referred to the Committee on Boroughs.

By Messrs. ROBERT S. HAMILTON, McDEVITT, and MALLEN. HOUSE BILL No. 1274.

An Act requiring cities of the first class to furnish uniforms and equipment, free of charge, to all uniformed officers and men enployed in the police department, fire department and park guard.

Referred to the Committee on Cities.

By Mr. WRIGHT. HOUSE BILL No. 1275.

An Act to provide for the identificiation of dynamite by manufacturer's serial number; requiring records of sales of dynamite to be kept; prohibiting the destruction of such serial numbers; and providing penalties.

Referred to the Committee on Judiciary Special.

By Mr. BLANK. HOUSE BILL No. 1276.

An Act prohibiting employers and their agents from doning employes the right to absent themselves temporarily from work for the purpose of voting, and the penalizing, intimidating and threatening of such employes.

Referred to the Committee on Elections.

By Mr. ELPERN. HOUSE BILL No. 1277.

An Act to amend section one of the act, approved the eighth day of April, one thousand eight hundred and sixty-seven (P. L. 50), entitled "An act to permit disabled soldiers to peddle by procuring a license therefor, without charge," as amended, prohibiting the peddling of recognied flowers of certain veteran's organiations and miniature American flags.

Referred to the Committee on Military Affairs.

By Messrs. MARINO and REESE.
HOUSE BILL No. 1278.

An Act to place the burden of taxation equitably, fairly and justly upon all those who possess wealth, by providing certain exemptions against the value of property.

Referred to the Committee on Municipal Corporations.

By Messrs. POWERS and MIHM.
HOUSE BILL No. 1279.

An Act making an appropriation to the Allegheny General Hospital, Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. POWERS. HOUSE BILL No. 1280.

An Act to amend the act, approved the eighteenth day of January, one thousand nine hundred and thirty-four, (P. L. 250, 1933-34), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registrations commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties," by adding thereto a section 27A, which authorizes the change of electors political party enrollment by use of party change notices.

Referred to the Committee on Elections.

By Mr. PIOLE. HOUSE BILL No. 1281.

An Act to amend section two thousand four hundred ten of the act, approved the ninth day of April, one thousand and twenty nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Gorvernor, and certain other executive and administrative officers; providing for the ap-

pointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended; regulating the employment of those employes engaged in the performance of printing and binding contracts of the Commonwealth.

Referred to the Committee on State Government.

By Mr. BLANK. HOUSE BILL No. 1282.

An Act to further amend the act, approved the nineteenth day of March, one thousand nine hundred and nine (P. L. 46), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners; to provide for the examining and licensing of osteopaths in this State; and to provide penalties for the violation of this act," by changing the preliminary educational requirements for licenses to practice osteopathy and operative surgery; further defining osteopathy providing for issuing licenses to perform operative surgery to licensees of other States; requiring annual renewals of osteopathic surgeons' licenses; fixing fees; extending the functions and authority of osteopathic physicians and surgeons, and prescribing additional penal provisions.

Referred to the Committee on State Boards.

By Messrs. HARKINS, BOHN, HIRSCH, COAKLEY and WRIGHT. HOUSE BILL No. 1283.

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by designating who shall be known as professional employes in the several school districts, and making provisions for their election and dismissal.

Referred to the Committee on Education.

By Mr. CLIFF S. PATTERSON. HOUSE BILL No. 1284.

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act: providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such turnpike shall become free; providing for condemnation; and authorizing the issuance of turnpike revenue refunding bonds.

Referred to the Committee on Highways.

By Mr. CHERVENAK. HOUSE BILL No. 1285.

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. CHERVENAK. HOUSE BILL No. 1286.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations of sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Cambria.

Referred to the Committee on Highways.

By Mr. CHERVENAK. HOUSE BILL No. 1287.

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three, (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. McDERMOTT. HOUSE BILL No. 1288.

An Act to amend section two of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1022), entitled "An act requiring county treasurers, excepting counties of the first and second class, to make monthly settlements with all cities, boroughs, townships, school districts and poor boards within the county for all delinquent taxes, penalties, fines and costs collected during said period, and providing the manner in which same shall be made," by requiring remittances to be made by warants of the county commissioners.

Referred to the Committee on Counties.

By Mr. SHUGARTS. HOUSE BILL No. 1289.

An Act to amend sections seventy-two, seventy-eight, eighty-two, ninety-two and ninety-six and repeal section eighty-seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," relieving counties of the liability to pay the expenses of county officers and employes attending certain state conventions.

Referred to the Committee on Counties.

By Messrs. SHUGARTS and MOOMAW. HOUSE BILL No. 1290.

A Supplement to the act, approved the eleventh day of May, one thousand nine hundred and eleven (P. L. 275), entitled "An act to provide for the appointment of county and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof;" providing for the election of the inspector of weights and measures in counties of the sixth

class and for the compensation and expenses; and abolishing the appointed inspector of weights and measures.

Referred to the Committee on Counties.

By Mr. CHERVENAK. HOUSE BILL No. 1291.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Cambria.

Referred to the Committee on Highways.

By Mr. JOHN J. BAKER. HOUSE BILL No. 1292.

An Act authorizing council in cities of the second class to make appropriations for the use of the Director of the Department of Supplies and his assistant; providing for the deposit of such moneys from time to time in a special fund which may be drawn upon for certain purchases without prior approval

Referred to the Committee on Cities.

By Messrs. MORAN and REUBEN E. COHEN. HOUSE BILL No. 1293.

An Act to provide revenue for state and county purposes, and in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; conferring powers and imposing duties on certain county and city officers and on the State Department of Revenue; and fixing penalties.

Referred to the Committee on Ways and Means.

By Mr. McDEVITT. HOUSE BILL No. 1294.

An Act to amend section one of the act approved the twenty-second day of July, A. D., one thousand nine hundred nineteen (P. L. 1089), entitled "Regulating the advertising of the sales of real estate by the sheriffs in the several counties of this Commonwealth; and repealing all acts and parts of acts general and inconsistent therewith."

Referred to the Committee on Judiciary General.

By Mr. KEENAN. HOUSE BILL No. 1295.

An Act to amend sections one and two of the act, approved the seventh day of June, one thousand nine hundred and eleven (P. L. 667), entitled "A supplement to an act, entitled 'An act for the government of cities of the second class,' approved the seventh day of March, one thousand nine hundred and one; regulating the certification, recording, advertising, and proof of passage of legislative acts of councils; and prescribing the effect of the production thereof when required as evidence," by allowing council to shorten the publications provided for.

Referred to the Committee on Cities.

By Messrs. MIHM and KEENAN. HOUSE BILL No. 1296.

An Act to amend section one of Article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," as amended; further regulating the giving of contracts relating to city affairs.

Referred to the Committee on Cities.

By Mr. McARDLE. HOUSE BILL No. 1297.

An Act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale for the non-payment of taxes and the reconveyance or private sale of such property.

Referred to the Committee on Municipal Corporations.

By Mr. HERBERT B. COHEN. HOUSE BILL No. 1298.

An Act making an appropriation to the Children's Home of the City of York, York, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. HERBERT B. COHEN. HOUSE BILL No. 1299.

An Act to establish a separate orphans' court in and for the County of York.

Referred to the Committee on Judiciary General.

By Mr. MOONEY. HOUSE BILL No. 1300.

An Act requiring written notice to be served upon any municipality prior to the institution of suit in trespass cases; specifying the requirements of said written notice and the time limit in which said notice must be given; and providing for notice by personal representative of claimant in case of death.

Referred to the Committee on Judiciary General.

By Messrs. LEWIS and OSTROFF. HOUSE BILL No. 1301.

An Act authorizing vaudeville exhibitions in conjunction with moving picture exhibitions in certain cities, boroughs, towns or townships where the voters have approved the exhibition of moving pictures on Sundays.

Referred to the Committee on Law and Order.

By Mr. TRONZO. HOUSE BILL No. 1302.

An Act to amend sections two and three, paragraph (c) of section seven and section eight of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1041), entitled "An act to safeguard human health and life in counties of the second class by providing for the licensing and regulation of persons, municipalities and entities engaged in the transportation of garbage and in the disposal of garbage through the construction, keeping, maintenance or conduct of garbage disposal plants; conferring powers and imposing duties on the county commissioners of such counties; and otherwise providing for the administration of the act; and imposing penalties," by excepting from its provisions in certain cases the need for securing a license.

Referred to the Committee on Counties.

By Messrs. KILROY and SKALE. HOUSE BILL No. 1303.

An Act abating certain tax penalties and interest on city and school taxes in cities of the first class and school districts of the first class.

Referred to the Committee on Cities.

By Mr. BROWN. HOUSE BILL No. 1304.

An Act to amend section eight of the act, approved the the sixteenth day of May, one thousand eight hundred and ninety-one (P. L. 75), entitled "An act in relation to the laying out, opening, widening, straightening, extending, or vacating streets and alleys, and the construction of bridges, in the several municipalities of this Commonwealth; the grading, paving, macadamizing, or otherwise improving streets and alleys; providing for ascertaining the damages to private property resulting therefrom; the assessment of the damages, costs, and expenses thereof upon the property benefited; and the construction of sewers, and payment of the damages, costs, and expenses thereof, including damages to private property resulting therefrom," as amended, by providing for a temporary improvement or paving, the assessment of costs and expenses upon property benefited thereby and assessment of costs and expenses upon property benefited by a subsequent permanent improvement upon credit being given for the prior assessment.

Referred to the Committee on Municipal Corporations.

By Mr. BROWN. HOUSE BILL No. 1305.

An Act to amend sections twenty-nine and thirty-one of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effort of judicial sales of the properties liened; the distribution of the proceeds of such sales and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by providing that under certain circumstances a municipality may purchase for the sheriff's costs subject to the lien of taxes and municipal claims property sold to satisfy a judgment on a tax or municipal claim, and providing for the management and disposition of said property after said sale.

Referred to the Committee on Judiciary General.

By Messrs. SHAW and O'KEEFE. HOUSE BILL No. 1306.

An Act making an appropriation to the Curtis Home for Destitute Women and Children, Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

By Messrs. SHAW and O'KEEFE. HOUSE BILL No. 1307.

An Act making an appropriation to the Saint John's General Hospital, Pittsburg, Pennsylvania.

Referred to the Committee on Appropriations.

By Messrs. SHAW and O'KEEFE. HOUSE BILL No. 1308.

An Act making an appropriation to the Home for Colored Children, Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

By Messrs. SHAW and O'KEEFE. HOUSE BILL No. 1309.

A Supplement to the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class;" creating the position of solicitor for the department of city controller.

Referred to the Committee on Cities.

By Messrs. SHAW and O'KEEFE. HOUSE BILL No. 1310.

An Act to provide for advance installment payments of taxes due counties of the second class, and regulating the collection and application thereof.

Referred to Committee on Counties.

By Messrs. SHAW and O'KEEFE. HOUSE BILL No. 1311.

An Act to authorize cities of the second class to sue out writs of scire facias on certain tax leins, to revive writs of scire facias on such liens, or to revive judgments on such liens, where more than five years have elapsed since said liens were filed or such judgments were entered or revived, and to reduce such liens to judgment, or to revive such judgments, and providing for the revival and collection of such judgments.

Referred to the Committee on Cities.

By Mr. GILLETTE. HOUSE BILL No. 1312.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of siad act;" establishing an additional route in the County of Bradford.

Referred to the Committee on Highways.

By Mr. GILLETTE. HOUSE BILL No. 1313.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the Construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Bradford.

Referred to the Committee on Highways.

By Mr. GILLETTE. HOUSE BILL No. 1314.

An Act to amend Route 08079 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways; and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Referred to the Committee on Highways.

By Mr. RUSH. HOUSE BILL No. 1315.

An Act to amend part of section one of the act, approved the tenth day of May one thousand nine hundred and twenty-one (P. L. 455), entitled "An act to fix the number of Representatives in the General Assembly of the State, and to apportion the State into representative districts as provided by the Constitution;" by re-apportioning the County of Delaware.

Referred to the Committee on Legislation Apportionment.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 243. (HOUSE BILL No. 1316).

An Act to provide for the registration of certain nurses.

Referred to the Committee on State Boards.

SENATE BILL No. 245 (HOUSE BILL No. 1317).

An Act to amend part of section one of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 504), entitled, "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of less than one hundred fifty thousand; and to provide the time for paying the same," by reducing the fee charged for filing municipal or tax liens.

Referred to the Committee on Judiciary General.

BILLS INTRODUCED AND REFERRED

By Mr. ECKELS. HOUSE BILL No. 1318.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of said act," establishing and additional route in the County of Crawford.

Referred to the Committee on Highways.

By Miss BRANCATO. HOUSE BILL No. 1319.

An Act making an appropriation to the Pennsylvania Home Teaching Society and Free Circulating Library for the Blind, at Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. HIRSCH. RESOLUTION No. 44.

In the House of Representatives, March 8, 1937.

Whereas, One of the greatest menaces to the farms of the Nation is the spread of noxious weeds which have been imported here from other countries; and

Whereas, There is now pending in the Congress of the United States the Clark bill proposing to appropriate $50,000,000 for the eradication of these weeds; therefore, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby memorializes the Congress of the United States to pass the Clark bill in order to make funds available for the eradication of noxious weeds from the farms of the Nation.

Resolved, That a copy of this resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States, and to each Member of the Congress from Pennsylvania, by the Chief Clerk of this House.

Referred to the Committee on Federal Relations.

By Mr. HARKINS. RESOLUTION No. 45.

In the House of Representatives, March 8, 1937.

The question of teachers' tenure engages the serious attention of the General Assembly at its present session. The result thereof, it has been charged in the public press, is that school districts in a number of cases have, under the provisions of the present law, given or contemplate giving to large numbers of their teachers notices of the termination of their contracts, with the evident purpose of evading the provisions of any tenure law that may be adopted.

This practice, if it exists, is a direct violation of the true spirit and principles of the public school system of this Commonwealth; and should not be permitted to set at naught the advantages of any proposed tenure legislation; therefore be it

Resolved, That a commission is hereby created, to consist of five members of the House of Representatives to be appointed by the Speaker, whose duty it shall be to investigate said charges made in the public press and to ascertain the truth thereof, and to what extent and for what reasons contracts of teachers in the various school districts are being terminated, or threats of termination are being made. The commission shall make a report to the House of Representatives at its present session at as early a time as possible, setting forth a statement of the facts found and its conclusion as to whether or not the practice is sufficiently widespread to warrant the General Assembly, in the event that a teacher's tenure law is agreed upon by it, to make the provisions of such law retroactive so as to protect teachers now employed who may be unjustly dismissed; and be it further

Resolved, That the said commission shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the commission, and to produce such books, papers, records and documents as the commission may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said commission shall have power to administer oaths and affirmations to witnesses appearing before the commission. Any person who shall wilfully neglect or refuse to testify before said commission or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Education.

By Mr. MORAN. RESOLUTION No. 46.

In the House of Representatives, March 8, 1937.

Whereas, The General Assembly biennially appropriates large sums of money to educational institutions not under the control of the Commonwealth; and

Whereas, Educational institutions under the control of the Commonwealth, the public school system and charitable institutions are inadequately financed; therefore be it

Resolved, That it is the sense of the Members of the House of Representatives that further State-aid to educational institutions not under the control of the Commonwealth should be discontinued, and that the moneys heretofore appropriated to such institutions should be distributed in the form of increased appropriations to educational institutions under the control of the Common-

wealth, to the support of the public schools and to charitable institutions.

Referred to the Committee on Education.

COMMUNICATIONS

The SPEAKER laid before the House the following communication and petition which was read by the Clerk.

WORKMEN'S COMPENSATION

A petition from members of the Baldwin Independent Fire Company, No. 1, Allegheny County requesting passage of House Bill Nos. 99, 184, 305, 631 and the amendment of House Bill No. 578.

Referred to the Committee on Municipal Corporations.

SMALL LOANS

A resolution from the Josephine Dime Building and Loan Association, Pittsburgh, requesting passage of House Bills Nos. 333 and 910.

Referred to the Committee on Ways and Means.

PRINTING

A communication from Pittsburgh Council No. 491, Knights of Columbus protesting passage of House Bill No. 418.

Referred to the Committee on Printing.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 190.

An Act to amend clause (f) of section two hundred eight of the act, approved the fifth day of December, one thousand nine hundred thirty-six (Act No. 1), entitled "An act establishing a system of unemployment compensation to be administered by the department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties;" providing for additional credits in civil service examinations for persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged, and who were honorably discharged from such service.

HOUSE BILL No. 298.

An Act to amend section two thousand one hundred and three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," as amended; further regulating the employment of firemen; and repealing existing laws.

HOUSE BILL No. 532.

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective to cure such defective publication of sale notices and validate the sale thereof.

HOUSE BILL No. 540.

An Act empowering the Department of Property and Supplies to sell all or part of the Pennsylvania Military Reservation at Mount Gretna crediting the moneys received to the biennial appropriation for the Department of Military Affairs and providing for the expenditure thereof and providing for the transfer of the whole or part of such reservation to another Department in lieu of sale thereof.

HOUSE BILL No. 631.

Appropriating certain accumulations in the Fire Insurance Tax Fund to cities townships and boroughs for payment to firemen's relief pension and retirement funds

HOUSE BILL No. 739.

An Act to amend section one of the act, approved the ninth day of July one thousand nine hundred and thirty-five (P. L. 639), entitled "An act appropriating the moneys into the State Forests and Waters Fund" regulating payments from said fund to the Government of the United States.

HOUSE BILL No. 805.

An Act authorizing political subdivisions to stipulate in specifications upon which contracts for the construction alteration or repairs of any public work or improvement are entered into the minimum wages to be paid to laborers and mechanics and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated and for the recovery of such penalties and their return in certain cases.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

Mr. MOOMAW asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. Spangler asked and obtained leave of absence for Mr. HONTZ for today's session on account of illness.

REPORTS FROM COMMITTEES

Mr. HAGERTY, from the Committee on Cities, reported as amended, House Bill No. 964, entitled:

An Act to amend section five A of Article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," as amended, by changing the number and method of appointment of the civil service commissioners in said cities.

Mr. KILROY, from the Committee on Cities, reported as amended, House Bill No. 1204, entitled:

An Act relating to counties of the first class, and the duties of the treasurers thereof in connection with the collection of certain taxes, fees, license fees payable to the Commonwealth, and making provision for the disposition of the compensation thereof heretofore received by such treasurers.

Mr. DeNOTE, from the Committee on Cities, reported as committed, House Bill No. 1203, entitled:

An Act relating to counties of the first class, and the duties of the recorders of deeds thereof in connection with the collection of certain fees and taxes, payable to the Commonwealth, and making provision for the dispostion of the compensation thereof, heretofore received by such recorders of deeds.

Mr. READINGER, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1095, entitled:

An Act empowering municipalities to refund improvement bonds based solely on assessments for grading, street and sewer improvement and imposing no municipal liability, by a new issue of bonds.

Mr. PRESTON, from the Committee on Municipal Corporations, reported as committed, House Bill No. 732, entitled:

An Act providing for and regulating the appointment, promotion and reduction in rank and removal of paid members of the Bureau of Police, Bureau of Detectives, Police Women, Bureau of Electricity in connection with police departmentts, Police Telephone Operators and their assistants and Police Radio Operators and their assistants in counties, cities, boroughs, towns and townships; creating a county civil service commission in each county, the members thereof to receive salaries to be payable by the counties, defining the powers and duties of such civil service commissions; imposing certain duties and expenses on the counties, cities, boroughs, towns and townships; imposing penalties, and repealing inconsistent laws.

Mr. STEWART, from the Committee on Agriculture, reported as committed, House Bill No. 744, entitled:

An Act expressing assent of the General Assembly of the Commonwealth of Pennsylvania to the provisions and purposes of the Act of Congress, approved the twenty-ninth day of June, one thousand nine hundred and thirty-five (Public—No. 182—74th Congress).

Mr. McDEVITT, from the Committee on Municipal Corporations, reported as committed, House Bill No. 921, entitled:

An Act to enable cities of the first, second and second class A, incorporated towns, boroughs, and townships of the second class to govern and regulate by ordinance the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings used for human habitation and land appurtenant thereto; providing for the enforcement of such ordinances; and repealing existing laws.

Mr. TURNER, from the Committee on State Boards, reported as committed, House Bill No. 1119, entitled:

An Act to amend to section one, and sections two and eleven as amended, of, and to add section five and one-tenth to the act, approved the thirteenth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania. and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith;" by further regulating the practice of optometry; and providing for the licensing of optometric eye specialists having the right to treat the human eye.

Mr. McFALL, from the Committee on Agriculture, reported as amended, House Bill No. 501, entitled:

An Act to amend section two hundred and one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1005), entitled "An act relating to and regulating tractors and trailers and their operation; providing for their registration, and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of tractors and trailers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, and townships, within the Commonwealth, liability for damages caused by the negligent operation of tractors and trailers; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds," as amended; by exempting farm wagons attached to tractors from registration in certain cases.

BILLS ON FIRST READING

Mr. TURNER. Mr. Speaker, I understand there are none of the first reading bills on file.

The SPEAKER. The gentleman is correct. The first reading bills are not on file for the reason that we are waiting on one very important bill before the bills on the first reading calendar are filed.

Does the gentleman insist on the bills being in the file before taking them up on first reading?

Mr. TURNER. Mr. Speaker, I don't like to insist upon that, and I cannot speak for all of the members who might have questions on some points in the bills. I realize that most of the first reading bills are generally passed without question. Can we not pass over these?

The SPEAKER. The bills will be passed over. The Chair is informed that Printer's No. 251 is the last bill on file. We will take up on second reading all the bills that are on file on the desks of the members.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 743, as follows:

An Act to provide for the leasing of land within the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land is owned by the Commonwealth conferring powers and imposing duties upon the Water and Power Resources Board requiring lessees to establish an amortization fund for improvements placed or erected upon such land granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" menas a partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Board" means the Water and Power Resources Board of this Commonwealth

"Municipality" means a city borough town township or county of this Commonwealth

"Person" means a natural person association corporation or municipality Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 2 On and after the effective date of this act it shall be unlawful for any one to encroach upon or use any land or to continue to occupy any land previously encroached upon which is part of the bed of any stream lake or other body of water wholly or partly within or forming part of the boundary of the Commonwealth title to which is in the Commonwealth without first obtaining from the Board a lease for the use and occupancy of such land

Section 3 Any person desiring to use and occupy any such land shall file an application for a lease with the Board The application shall be made under oath or affirmation on a form prescribed prepared and furnished by the Board and shall set forth the name of the applicant his business address an accurate description of the land desired to be leased the physical condition of the land the purpose for which the land is to be used and occupied and such additional information as the Board may require either by general rules and regulations or by specific request If the Board is satisfied that the granting of the lease will not be against the public interest it may grant a lease to the applicant upon the terms and conditions contained in this act In granting leases under this act the Board shall give preference to applications therefor by municipalities

Section 4 Leases granted by the Board under this act shall be granted for a period not exceeding fifty years except that municipalities may be granted leases for the term of their use and occupancy of the land Each lease shall require the payment by every lessee other than a municipality of a rental payable in advance and reasonably commensurate with the value o fthe land for leasing purposes which shall be fixed by the Board In the event the applicant desires to develop or place or erect improvements upon any land leased under this act the Board shall fix a time within which the development or placement or erection of improvements necessary for the use and occupancy of the land shall be completed to an effective point and in every such case the lease shall contain a provision that it shall become void unless the lessee effects such development of improvements within the time fixed by the Board Every lease may contain such other conditions as the Board may deem necessary for the protection of the public interest Any lease granted under this act may be revoked by the Board for nonpayment of rentals and for noncompliance with any of the terms of the lease or any of the provisions of this act

Section 5 After the twentieth year of any lease if it shall so long continue in force every lessee except a municipality shall set aside an amortization fund based upon the actual legitimate cost of permanent improvements placed or erected upon the land by the lessee at a rate to be approved by the Board For such purposes the Board is hereby authorized and directed to determine for each lease the actual legitimate original cost of all permanent improvements placed or erected on lands leased under the provisions of this act and of all additions to and betterments thereof

Section 6 Upon the expiration of the term of a lease whether fifty years or less the Board may grant a lease for the same land to the same lessee or any other applicant In every such case the Board shall give preference to applications by municipalities If the lease of such land is not granted to the same lessee the new lessee shall pay to the former lessee an amount equal to the actual legitimate investment in the development of or the improvements placed or erected on such leased land less an amount for dpreciation and less the amount of the amortization reserve as of the date of the termination of the lease Whether the lease shall be granted anew to the former lessee or to some other applicant th annual rental fixed by the Board shall be based on the same kind of value as for the original lease plus the amount of such amortization reserve and the setting aside of the amortization reserve shall be continued until it together with proper depreciation reserves shall absorb the entire cost of the development of or the improvements placed or erected on the leased land

Section 7 No voluntary transfer of any lease or of the rights granted thereunder shall be made by any lessee without the written approval of the Board and any successor or assignee of the rights of any lessee shall be subject to all the conditions of the lease

Section 8 The Board is hereby empowered to hold hearings subpoena witnesses perform any and all acts make and enforce such rules and regulations and issue such orders not inconsistent with this act as it may deem necessary and proper for carrying out the purposes of this act The Board is also empowered to require all lessees under this act to make such reports keep such accounts and give such information at any time as the Board may deem proper for carrying out the provisions and purposes of this act

Section 9 Nothing in this act shall be construed to abrogate in any way whatsoever any title right or interest the Commonwealth may have in any part of the bed of any stream lake or other body of water wholly or partly within or forming part of the boundary of this Commonwealth which was encroached upon by any person prior to the effective date of this act and which is now used and occupied by such person

Section 10 All rentals and other moneys collected or received by the Board under the provisions of this act shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund

Section 11 Any person who shall hereafter encroach upon or occupy or continue to occupy any land previously encroached upon which forms part of the bed of any stream lake or other body of water wholly or partly within or forming part of the boundary of this Commonwealth and which is owned by the Commonwealth without obtaining a lease for the use and occupancy of such land as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than Five Hundred Dollars ($500) or not more than One Thousand Dollars ($1,000) or to undergo imprisonment for a term of one year or both in the discreation of the court

Section 12 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 869, as follows:

An Act to ratify and adopt a compact or agreement negotiated by Commissioners designated by the Governor of the Commonwealth of Pennsylvania and Commissioners of the State of Ohio relative to the development use and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing hunting recreational and park purposes

Whereas Commissioners for the Commonwealth of Pennsylvania and Commissioners for the State of Ohio negotiated a compact or agreement relative to the development use and regulation of Pymatuning Lake and the State owned land surrounding said lake for fishing hunting recreational and park purposes and

Whereas Such compact or agreement has been executed in duplicate one for each State on behalf of the Commonwealth of Pennsylvania by and through the Water and Power Resources Board and on behalf of the State of Ohio by and through the Conservation Division which compact or agreement is contained in the following words

AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF OHIO RE PYMATUNING LAKE

This Agreement made and concluded between the Commonwealth of Pennsylvania acting by and through its lawfully authorized agency namely the Water and Power Resources Board as party of the first part and the State of Ohio acting by and through its lawfully authorized agency namely its Director of Conservation as party of the second part

Witnesseth

Whereas By Act of Assembly of Pennsylvania approved May 2 1929 P. L. 1503 as amended by Acts of May 5 1931 P. L. 84 April 24 1933 P. L. 67 and July 9 1935 P L 619 the Department of Forests and Waters of Pennsylvania acting through the Water and Power Resources Board was authorized inter alia to complete the work begun and continued under an act approved July 25 1913 P L 1270 entitled "An Act providing for the erection of a dam at the outlet of Pymatuning Swamp and the establishment of a reservoir to conserve the waters thereof providing for the taking of land and materials necessary hereto vesting certain powers and duties in the Water Supply Commission and making an appropriation" and did duly complete said work whereby there was created a lake or reservoir now known and hereinafter called Pymatuning Lake extending in part across the boundary line between said States of Ohio and Pennsylvania into the State of Ohio and

Whereas The primary purposes of the project by which said lake was created was to conserve water draining said swamp all of which has its source in Pennsylvania as well as control floods and regulate the flow of water in the Shenango and Beaver Rivers and secondary thereto permit the water and the land surrounding the same to be used for fishing hunting recreational and park purposes under such terms and conditions as the Water and Power Resources Board might determine in such way or ways as in the opinion of the said Board will not materially interfere with the primary purpose in said acts of assembly and hereinbefore specifically referred to and

Whereas In view of the fact that a certain part of the lake extends into the State of Ohio whereby it is necessary and desirable that the use of the lake for the secondary purposes namely hunting fishing and recreational use be uniformly provided for as well as to guard against inconveniences and mischiefs which might hereafter arise from the uncertainty of jurisdiction within and on said lake to the end that the lake may be adequately policed and conflicts of jurisdiction for the arrest and punishment of offenders be avoided

Now Then Therefore in order that law and justice may in all such cases be executed and take effect upon said lake from shore to shore in all parts and places thereof where the lake is a boundary between said states the said parties hereto do agree for and in behalf of their respective states in the manner following

1 General Use

It is hereby agreed that the entire Pymatuning Lake or Reservoir subject to the primary use thereof by the Commonwealth of Pennsylvania for regulating the flow of the water in the Shenango and Beaver Rivers as in Paragraph 9 hereinafter more specifically mentioned shall be open for recreational use equally to the citizens of both contracting parties save as restricted as to hunting fishing and boating in this agreement set forth or hereafter mutually agreed upon by both parties but no person shall be permitted to hunt or fish therein or thereon unless the lawful holder of a fishing or hunting license authorizing him or her so to do issued by the proper authorities of Pennsylvania or of Ohio

2. Arrest and Prosecution of Offenders

That each state shall enjoy and exercise a concurrent jurisdiction upon the water (but not upon the dry land) between the shores of said lake including the islands therein with respect to the arrest and prosecution of offenders but in such sort that any boat or vessel fastened to or aground on the shore of either state shall be considered exclusively within the jurisdiction of said state but that all capital and other offenses trespasses or damages committed on or over said lake the judicial investigation and determination thereof shall be exclusively vested in the state wherein the offender or person charged with such offense shall be first apprehended arrested prosecuted or first brought to trial it being the intent of this agreement that an offender may be pursued and arrested anywhere on or over said lake or shores thereof or islands therein regardless of the boundary line by any peace officers or persons of either state authorized to make arrests whether the offenses be committed on or over any part of the lake on the shores or islands therein regardless of the state in which the place where the offense was committed lies

3 Islands

All Islands within the lake shall be considered as part of the State of Pennsylvania

4 Pollution of Water

The lake shall forever be protected against pollution of its waters by industrial trade waste individual or municipal sewage from shore to boat and the discharge of any noxious or deleterious substance liquid or solid into the waters of the lake which is or may become inimical or injurious to public health or to animal or aquatic life is hereby expressly forbidden

No sewage may be discharged into the waters of the lake except after complete treatment and then only upon permit first approved by the Health Departments of both states.

5 Boats and Vessels

No power or motor boats nor hydroplanes or aquaplanes shall be permitted anywhere on said lake except such police or administration motor boats to the number which shall be mutually agreed upon by the parties hereto Sail boats row boats and canoes shall be permitted provided they first obtain a license from the respective state of which the owner is a resident under such regulations as each party to this agreement may now have or hereafter adopt

6 Fishing

Any person possessing a duly issued fishing license by either state shall be permitted to fish anywhere on the entire lake between the low water marks (except such portion thereof as is closed to fishing by Paragraph 8 hereof or such further portion as may hereafter by regulation be mutually agreed to by the parties hereto) but no fisherman shall be entitled to fish from the shores of the state of which he is a non-resident unless he complies with the non-resident fishing license law of said state

In order to permit the fish to fully propagate and develop no part of the lake shall be open for fishing until July 1 1937 and thereafter shall be closed in each year between December 10 and June 30

Until otherwise mutually agreed to by both parties hereto the creel size and season limits for the respective kinds of fish caught shall be such as may hereafter be agreed upon between the two states

7 Reciprocal Hunting Rights

Reciprocal hunting rights are hereby granted to the licensed hunters of each state on the water of that portion of the lake both in Pennsylvania and Ohio over the area bounded on the south by an east and west line crossing the State boundary 0.5 of mile north of Simons Ohio and on the north by a line drawn between the point at which the Padanaram Road crosses the State boundary and a point formerly known as the Pollock Bridge but such reciprocal hunting rights hereby granted shall extend only to such wild migatory birds as are covered by the Federal Migratory Bird Treaty and Federal Laws adopted thereunder

Hunting in such portions of the lake as are not included in the area above described and designated shall be and

remain under the jurisdiction of the Commonwealth of Pennsylvania

No permanent blinds shall be erected anywhere on the lake and shores thereof but this provision shall not be interpreted as forbidding the use of a boat as a blind temporarily moored to or grounded on the shore of the lake or islands thereof

8 Wild Game and Fish Sanctuary

A The Game Commission of the State of Pennsylvania having established a wild migratory bird and game sanctuary or refuge in that part of the lake located northwest of the Pennsylvania Railroad Crossing it is expressly agreed that nothing herein contained shall be interpreted as entitling the residents of either state whether licensed to fish or hunt or otherwise to fish hunt or trespass or enter upon said sanctuary for any purpose whatsoever Anyone so doing shall be amenable to prosecution therefor under the Game Laws of the State of Pennsylvania applicable to game refuges.

B The Conservation Division of the Department of Agriculture of the State of Ohio having established a fish sanctuary and game refuge in the following portion of the lake

Being the southerly parts of Lots Numbers 79 and 80 Richmond Township all of Lot Number 41 and all of Lot Number 42 except the westerly 1000 feet thereof in Andover Township Ashtabula County Ohio

Beginning at a point in the west line of Lot Number 79 that is 1523 feet south of the north line of Lot Number 79 also being the center line of Padanaram Road thence southerly along the County Highway along the westerly side of Lot Number 79 1869.5 feet to the north line of Andover Township thence westerly along the northerly line of Andover Township 939.7 feet to the northwest corner of Lot Number 41 thence southerly along the highway that marks the westerly line of Lot Number 42 1000 feet to a point thence of Lot Number 42 thence easterly along the north line of lot Number 42 1000 feet to a point thence in a southerly direction parallel to and 100 feet easterly from the westerly line of Lot Number 42 2734 feet more or less to the southerly line of Lot Number 42 thence easterly, along the said southerly line of Lot Number 42 5180.4 feet to the Ohio and Pennsylvania State Line thence northerly along said Ohio and Pennsylvania State Line 7297.6 feet more or less to a point that is 1523 feet southerly from the north line of Lot Number 80 thence in a westerly direction 1523 feet southerly from and parallel to the north line of Lots Numbers 79 and 80 5260 feet more or less to the place of beginning

It is expressly agreed that nothing herein contained shall be interpreted as entitling the residents of either state whether licensed to fish or otherwise to fish in hunt trespass or enter upon said sanctuary for any purspose whatsoever Anyone so doing shall become amenable to prosecution therefor under the laws of the State of Ohio applicable thereto

9 Reservation of Pennsylvania's Right to the Body of the Water

It is expressly agreed that nothing herein contained shall operate to deny limit or restrict the right of the Water and Power Resources Board of Pennsylvania or any authority established hereafter by said state to exercise such power to at any time now or hereafter raise or draw off so much of the waters of the lake as in their sole judgment may be necessary to maintain or regulate the flow of the Shenango and Beaver Rivers in furtherance of the primary purpose for which said lake was established and said Water and Power Resources Board shall without let or hindrance have the full right irrespective of other considerations to release so much of the water as they may deem proper to maintain the flow of the Shenango and Beaver Rivers irrespective of its effect on the level of the lake or use thereof for other purposes

In Witness Whereof the parties hereto have hereunto set their respective hands and seals by for and under the authority of their respective states this 28th day of October 1936

COMMONWEALTH OF PENNSYLVANIA
by and through
WATER AND POWER RESOURCES BOARD

Witness

By J F BOGARDUS
Chairman

CHAS E RYDER

STATE OF OHIO
by and through
CONSERVATION DIVISION
By L WOODDELL
Commissioner

R P JOHNSTON

Approved as to form and manner of execution

GROVER C. LADNER
Deputy Attorney General
Commonwealth of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same

That The Aforesaid compact or agreement and every article matter and thing therein is hereby ratified and approved and shall be and hereafter remain in force agreeably to the true tenor and intent thereof

Section 2 This act shall become effective immediately upon its signing by the Governor and the passage by the State of Ohio of a substantially similar act ratifying the compact or agreement herein set forth and the passage of an act of Congress of the United States of America consenting thereto

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1189 as follows:

An Act to amend section six of the act approved the ninth day of July one thousand nine hundred thirty-five (Pamphlet Laws six hundred thirty-seven) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditures in cities of the first class and the various second-class townships of the Commonwealth for the maintenance construction and reconstruction of city and township streets roads and bridges during the calendar years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven requiring townships to reduce their tax rates for road and street purposes for said years and providing for the use and maintenance of road building machinery and equipment belonging to such townships by the Department of Highways in carrying out the purposes of this act" providing for the unexpended balance of the funds to be added to the appropriation made by any other act for the same purpose

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the ninth day of July one thousand nine hundred thirty-five (Pamphlet Laws six hundred thirty-seven) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditures in cities of the first class and the various second-class townships of the Commonwealth for the maintenance construction and reconstruction of city and township streets roads and bridges during the calendar years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven requiring townships to reduce their tax rates for road and street purposes for said years and providing for the use and maintenance of road build-

ing machinery and equipment belonging to such townships by the Department of Highways in carrying out the purposes of this act" is hereby amended to read as follows

Section 6 All of the funds so appropriated and not expended therein by the Department of Highways on January first one thousand nine hundred thirty-eight shall [on March first one thousand nine hundred and thirty-eight be paid to the townships to be expended by them for the purposes set forth in this act] be added to the appropriation made by any other act appropriating funds for the same purpose for the years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine which may be enacted at this session of the General Assembly and shall thereafter be expended under the provisions of such act in addition to the funds thereby appropriated

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 857, as follows:

An Act to further amend Article twenty-four of the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning the law relating to boroughs and revising amending and consolidating the law relating to boroughs" by authorizing and empowering boroughs to construct or acquire waterworks and the appurtenances thereof and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenues thereof secured solely by liens thereon and imposing no municipal liability providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof and the nature and extent of such liens providing for the payment of such bonds and the rights of the holders thereof and repealing acts and parts of acts in conflict therewith

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article twenty-four of the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled " An act concerning boroughs and revising amending and cosolidating the law relating to boroughs" as amended is hereby further amended by adding thereto after section two thousand four hundred thirty-six the following new sections

(5a) Acquisition or Construction of Waterworks by the issuance of Bonds Secured Only by Lien on the Property and Imposing no Municipality Liabililty

Section 2437 Power to Issue Revenue Bonds Amount and Security of Bonds (a) Pursuant to section fifteen o Article nine of the Constitution the council of any borough may construct or acquire by purchase or the exercise of the right of eminent domain waterworks and the appurtenances thereof and finance the construction or acquisition of such waterworks and the appurtenances thereof with the proceeds of the sale of bonds secured only by liens thereon payable from the revenues thereof and imposing no municipal liability and may prescribe and collect rates fees and charges for the services facilities and commodities furnished by such waterworks

(b) Any borough shall have power to fix the extent of the lien of said bonds upon the water works and the appurtenances thereof for which said bonds are issued by pledging to the punctual payment thereof and of the interest thereon an amount of the revenues of such waterworks and appurtenances or of any part of such waterworks or appurtenances sufficient to pay said bonds and interest as the same shall become due and to create and maintain reasonable reserves therefor The council of the borough in determining the cost of acquiring purchasing or consructing any waterworks and appurtenances may include all costs and estimated costs of the issuance of said bonds all engineering inspection fiscal and legal expenses during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to subdivision (5a) of this article

Section 2438 Ordincance Authorizing Acquisition Purchase or Construction of Waterworks Form Validty and Term of Bonds (a) The acquisition purchase or construction of any waterworks may be authorized under this article and bonds may be authorized to be issued under subdivision (5a) of this article by ordinance or ordinances of the council of any borough which may be adopted at the same meeting or meetings at which they are introduced by a vote of a majority of all the members of the council then in office Said bonds shall bear interest at snch rate or rates not exceeding six per centum per annum payable semiannually may be in one or more series may bear such date or dates may mature at such time or times not exceeding forty years from their respective dates may be payable in such medium of payment at such place or places may carry such registration privileges may be subject to such terms of redemption may be executed in such manner may be contain such terms covenants and conditions and may be in such form either coupon or registered as such ordinace or subsequent ordinances may provide Said bonds shall be sold at not less than par Said bonds may not be sold at private sale to the United States of America or any agency instrumentality or corporation thereof Unless sold to the United States of America or any agencyinstrumentality or corporation thereof said bonds shall be sold at public sale to the highest bidder in the manner prescribed by existing statues governing the sale of other bonds of boroughs Said bonds shall be fully negotiable within the meaning and for all the purposes of the negotiable instruments law of this Commonwealth

(b) Any ordinance or ordinances authorizing the issuance of bonds under subdivision (5a) of this article may contain covenants as to (1) the purpose or purposes to which the proceeds of sale of said bonds may be applied and the use and disposition thereof (2) the use and disposition of the revenue of the waterworks for which said bonds are to be issued including the creation and maintenance of reserves (3) the transfer from the general funds of the borough to the account or accounts of the waterworks of an amount equal to the cost of furnishing such borough or any of its departments or agencies with water (4) the issuance of other or additional bonds which are a charge or encumbrance on the revenue of said undertaking (5) the operation and maintenance of such waterworks and appurtenances (6) the insurance to be carried thereon and the use and disposition of insurance moneys (7) books of account and the inspection and audit thereof and (8) the terms and conditions upon which the holders of said bonds or and trustee therefor shall be entitled to the appointment of a receiver by the court of common pleas of the county in which the borough is located which court shall have jurisdiction in such proceedings and which receiver may enter and take possession of said waterworks and appurtenances operate and maintain the same prescribe rates fees or charges and collect receive and apply all revenue thereafter arising therefrom in the same manner as the borough itself might do The provisions of subdivision (5a) of this article and any such ordinance sor ordinances shall be a contract with the holder or holders of said bonds and the duties of the borough and of its council and officers under this article and any such ordinance or ordinances shall ben enforceable by any bondholders by mandamus or other appropriate suit action or proceeding in any court of competent jurisdiction

(c) Said bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be

officers of the borough issuing the same The validity of said bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relatings relating to the acquisition purchase or construction of the waterworks or appurtenances for which said bonds are issued The ordinance authorizing said bonds may provide that the bonds shall contain a recital that they are issued pursuant to subdivision (5a) of article twenty-four of this act which recital shall be conclusive evidence of their validity and of the regularity of their issuance

(d) No holder or holders of any bonds issued under subdivision (5a) of this article shall ever have the right to compel any exercise of taxing power by the borough to pay said bonds or the interest thereon Each bond issued under subdivision (5a) of this article shall recite in substance that said bond including interest thereon is payable from the revenue pledged to the payment thereof and constitues a lien on the waterworks and appurtenances for the acquisition purchase or construction of which said bond was issued and that said bond does not constitute a municipal liability of the borough

Section 2439 Waterworks to be Self-supporting Exemptions from Taxation Regulation Regulation (a) The Council of a borough issuing bonds pursuant to subdivision (5a) of this article shall prescribe and collect reasonable rates fees or charges for the services facilities and commodities of such waterworks and shall revise such fees or charges from time to time whenever necessary so that such waterworks shall be and always remain self-supporting The rates fees or charges prescribed shall be such as will produce revenue at least sufficient (a) to pay when due all bonds and interest thereon for the payment of which such revenue is or shall have been pledged charged or otherwise encumbered including reserves therefor and (b) to provide for all expenses of operation and maintenance of such waterworks including reserves therefor

(b) So long as a borough shall own any waterworks and the appurtenances thereof the property and revenue thereto shall be exempt from all State county and municipal taxation Bonds and income therefrom issued pursuant to subdivision (5a) of this article shall be exempt from all State county and municipal taxation except inheritance transfer and estate taxes

(c) The Public Service Commission shall have no jurisdiction over the borough in the management and control of the waterworks and appurtenances acquired or constructed under this article including the regulation of the rates fees or charges

Section 2 The powers conferred by this act shall be in addition and supplemental to and not in substitution for and the limitations imposed by this act shall not affect the powers conferred by any other law In so far as the provisions of this act are inconsistent with the provisions of any other law this act shall be controlling and waterworks may be constructed or acquired and bonds issued under this act without regard to the restrictions or limitations of any other law

Section 3 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this cast dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 855 as follows:

An Act to authorize the Secretary of Highways to disregard terminal points in relocating State Highways Routes under certain conditions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That when the terminal point of one or more State Highway Routes is described as being at the boundary line of a county township municipality or adjoining State and the highway continues beyond such point the Secretary of Highways shall have authority to relocate such State Highway Route or Routes in accordance with the provisions of present or future laws governing the relocation of State highways without limitation on account of such terminal point except that the new point of crossing of such line shall be properly referenced and shown on the plan by which the relocation is made

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1183, as follows:

An Act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase or city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act

The first and second sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following streets or sections thereof in cities of the first class are hereby adopted by the Commonwealth as State highways to be taken over upon the terms and conditions and subject to the limitations hereinafter contained and thereafter to be maintained constructed reconstructed and resurfaced at the expense of the Commonwealth upon the terms and conditions and subject to the limitations hereinafter provided

Section 2 The city streets to be taken over under the provisions of this act in the cities hereinafter named shall be designated by numbers to be hereafter assigned by the Secretary of Highways and are situate and described as follows

In the City of Philadelphia

Beginning at a point on the Philadelphia City-Yeadon Borough Line on Baltimore Avenue thence over Baltimore Avenue to an intersection with Forty-second Street thence northerly over Forty-second Street to an intersection with Spring Garden Street thence easterly over Spring Garden Street to an intersection with Thirty-first Street thence northerly over Thirty-first Street to an intersection with Haverford Avenue thence westerly over Haverford Avenue to an intersection with Forty-second Street thence southerly over Forty-second Street to the intersection of Forty-second Street and Spring Garden Street beginning again

at the intersection of Thirty-first Street and Spring Garden Street thence easterly over Spring Garden Street to an intersection with the Parkway thence southeasterly over the Parkway to City Hall beginning again at the intersection of the Parkway and Race Street thence easterly over Race Street to the Delaware River Bridge approach beginning again at the intersection of the Delaware River Bridge approach and Vine Street thence westerly over Vine Street to an intersection with the Parkway a distance of about 8.25 miles

Beginning at a point on the Philadelphia City-Millbourne Borough Line thence over Market Street to an intersection with Sixty-third Street thence southerly over Sixty-third Street to an intersection with Chestnut Street thence easterly over Chestnut Street to an intersection with Fifth Street thence northerly over Fifth Street to an intersection with Spring Garden Street beginning again at the intersection of Spring Garden Street and Sixth Street thence southerly over Sixth Street to an intersection with Walnut Street thence westerly over Walnut Street to an intersection with South Sixty-third Street thence norherly over South Sixty-third Street to an intersection with Chestnut Street beginning again at the intersection of South Sixty-third and Walnut Street thence southerly over Cobb's Creek Boulevard to an intersection with Sixty-first Street thence southerly over Sixty-first Street to an intersection with Baltimore Avenue a distance of about 14.00 miles

Beginning at a point on the Philadelphia City-Yeadon Borough Line on Sixty-fifth Street thence easterly over Sixty-fifth Street Chester Avenue and Sixty-fifth Street to an intersection with Kingsessing Avenue thence northeasterly over Kingsessing Avenue to an intersection with Fifty-second Street thence northwesterly over Fifty-second Street to an intersection with Chester Avenue thence northeasterly over Chester Avenue to an intersection of Chester Avenue and Forty-second Street thence northerly over Forty-second Street to an intersection with Baltimore Avenue thence northeasterly over Baltimore Avenue to an intersection with Woodland Avenue thence northeasterly over Woodland Avenue to an intersection with Chestnut Street near Thirty-third Street a distance of about 4.00 miles

Beginning at a point on the Philadelphia City-Bucks County Line on Roosevelt Boulevard thence over the Roosevelt Boulevard to an intersection with Hunting Park Avenue thence over Hunting Park Avenue to an intersection with Allegheny Avenue thence westerly over Allegheny Avenue to an intersection with Ridge Avenue thence over Ridge Avenue and Park Drive to an intersection with City Avenue thence southwesterly over City Avenue to the Philadelphia City-Delaware County Line at Cobb's Creek a distance of about 20.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Lancaster Avenue thence southeasterly over Lancaster Avenue to an intersection with Spring Garden Street near Thirty-ninth Street a distance of about 3.50 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Conshohocken Avenue thence south-easterly on Conshohocken Avenue to an intersection with Belmont Avenue thence southerly on Belmont Avenue to the intersection of Belmont Avenue and Lancaster Avenue beginning again at the intersection of Woodland Avenue and University Avenue thence southeasterly over University Avenue to an intersection with Thirty-fourth Street thence southerly over Thirty-fourth Street to an intersection with Maiden Lane thence southeasterly over Maiden Lane to an intersection with Snyder Avenue thence easterly over Snyder Avenue to an intersection with South Twenty-fourth Street thence southerly over South Twenty-fourth Street to the intersection of South Twenty-fourth Street and Passyunk Avenue a distance of about 5.40 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Old York Road thence southerly over Old York Road to an intersection with North Broad Street thence southerly over North Broad Street to City Hall thence by West Penn Square to the intersection of South Broad Street and South Penn Square a distance of about 8.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Wadsworth Avenue thence southwesterly on Wadsworth Avenue to an intersection with Easton Road thence along Easton Road to an intersection with Mt. Airy Avenue thence along Mt. Airy Avenue to an intersection with Germantown Avenue beginning again at the intersection of Germantown Avenue and Mt. Pleasant Avenue thence southwesterly over Mt. Pleasant to an intersection with Lincoln Drive a distance of about 2.66 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Ogontz Avenue thence southerly on Ogontz Avenue to an intersection with Stenton Avenue thence southeasterly on Stenton Avenue to the intersection of Stenton Avenue and North Broad Street a distance of about 2.20 miles

Beginning at a point on the Philadelphia City-Bucks County Line on Bustleton Avenue thence southerly on Bustleton Avenue to an intersection with Welsh Road thence over Welsh Road to the intersection of Welsh Road and Roosevelt Boulevard a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Philmont Avenue thence northeasterly over Philmont Avenue to its intersection with Bustleton Avenue a distance of about .70 of a mile

Beginning at a point on the Philadelphia City-Bucks County Line on Frankford Avenue thence southwesterly on Frankford Avenue to an intersection with Levick Street thence northwesterly on Levick Street to the intersection of Levick Street and the Roosevelt Boulevard a distance of about 6.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Cottman Avenue thence southeasterly over Cottman Avenue to an intersection with Frankford Avenue beginning again at the intersection of Frankford Avenue and Levick Street thence southeasterly over Levick Street to the approach to the Tacony-Palmyra Bridge a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Eighty-fourth Street thence southeasterly over Eighty-fourth Street to an intersection with Island Road thence northeasterly over Island Road to an intersection with South 80th Street thence southeasterly over South 80th Street to an intersection with Penrose Ferry Road thence northeasterly over Penrose Fery Road to an intersection with Penrose Avenue near Schuylkill Avenue thence northeasterly on Penrose Avenue to an intersection with Moyamensing Avenue thence over Moyamensing Avenue to an intersection with South Broad Street thence northerly on South Broad Street to City Hall thence by way of East Penn Square to the intersection of North Penn Square and North Broad Street a distance of about 7.40 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Tinicum Island Road thence northeasterly on Island Road to the intersection of Island Road and Eighty-fourth Street beginning again at the intersection of Moyamensing Avenue and Oregon Avenue thence easterly on Oregon Avenue to an intersection with Swanson Street thence northerly on Swanson Street to an intersection with Delaware Avenue thence northerly on Delaware Avenue to an intersection with Richmond Street thence northeasterly on Richmond Street to an intersection with Bridge Street thence northweasterly on Bridge Street to an intersection with Tacony Street thence northeasterly on Tacony Street and State Road to the approach to the Tacony-Palmyra Bridge a distance of about 12.70 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Perkiomen Road thence southeasterly on Perkiomen Road to an intersection with Germantown Avenue thence southeasterly over Germantown Avenue to an intersection with Mt. Pleasant Avenue thence northeasterly on Mt. Pleasant Avenue to Chew Street thence southeasterly on Chew Street to an intersection with Olney Avenue thence easterly over Olney Avenue to an intersection with Rising Sun Avenue thence to an intersection with the Roosevelt Boulevard a distance of about 8.70 miles

Beginning at a point on the Philadelphia City-Mont-

gomery County Line on Bethlehem Pike thence southeasterly on the Bethlehem Pike to an intersection with the Germantown Avenue beginning again at an intersection of Germantown Avenue and Allen's Lane thence southerly over Allen's Lane to an intersection with Lincoln Drive thence southerly on Lincoln Drive to an intersection with Cliveden Street thence southerly on Cliveden Street to an intersection with Park Line thence over Park Line to an intersection with Walnut Lane thence over Walnut Lane to an intersection with Ridge Avenue thence southerly on Ridge Avenue to the intersection of Park Drive and Ridge Avenue beginning again at the intersection of Allegheny Avenue and Ridge Avenue thence southerly on Ridge Avenue to an intersection with Twenty-ninth Street thence southerly on Twenty-ninth Street to an intersection with Girard Avenue thence easterly on Girard Avenue to an intersection with Twenty-fifth Street thence southerly on Twenty-fifth Street to an intersection with Pennsylvania Avenue thence southeasterly on Pennsylvania Avenue to an intersection with Spring Garden Street thence over Spring Garden Street to the intersection of Spring Garden Street and Delaware Avenue beginning again at the intersection of Pennsylvania Avenue and Twenty-fifth Street thence northwesterly on Pennsylvania Avenue to the intersection of Twenty-sixth Street thence over Twenty-sixth Street to the intersection of Twenty-sixth Street and Girard Avenue beginning again at the intersection of Girard Avenue and Twenty-ninth Street thence westerly on Girard Avenue to an intersection with a park drive near Thirty-first Street a distance of about 11.00 miles

Beginning at a point on the Philadelphit City-Rockledge Borough Line on Huntingdon Pike thence southeasterly on Huntingdon Pike to an intersection with Hasbrook Avenue thence southerly on Hasbrook Avenue to an intersection with Hartel Street thence southeasterly on Hartel Street to an intersection with Oxford Avenue thence southerly on Oxford Avenue to an intersection with Rising Sun Avenue thence southwesterly on Rising Sun Avenue to the intersection of Rising Sun Avenue and the Roosevelt Boulevard a distance of about 3.40 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Haverford Avenue thence southeasterly on Haverford Avenue to an intersection with Forty-second Street a distance of about 4.25 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Lansdowne Avenue thence northerly over Lansdowne Avenue to an intersection with Haverford Avenue beginning again at an intersection of Haverford Avenue and Girard Avenue thence easterly over Girard Avenue to an intersection with a park drive near Thirty-first Street thence southerly over the park drive to an intersection with the Parkway at Spring Garden Street a distance of about 4.80 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Cardington Road thence northerly over Cardington Road to an intersection with Lansdowne Avenue a distance of about 0.50 of a mile

Beginning at a point on the Philadelphia City-Montgomery County Line on East Washington Lane thence southwesterly over East Washington Lane to an intersection with Stenton Avenue thence southeasterly on Stenton Avenue to an intersection with Washington Lane thence southwesterly on Washington Lane to an intersection with Wayne Avenue thence northeasterly on Wayne Avenue to the intersection of Wayne Avenue and Lincoln Drive a distance of about 3.20 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Ridge Avenue thence southeasterly on Ridge Avenue to an intersection with Walnut Lane beginning again at the intersection of Allegheny Avenue and Hunting Park Avenue thence easterly over Allegheny Avenue to an intersection with Richmond Street a distance of about 9.00 miles

Beginning at the Philadelphia City-Darby Borough Line on Woodland Avenue thence northeasterly on Woodland Avenue to an intersection with Island Road thence southeasterly on Island Road to an intersection with Elmwood Avenue thence northeasterly on Elmwood Avenue to an intersection with South Sixty-third Street thence southeasterly on South Sixty-third Street to an intersection with Passyunk Avenue thence northeasterly on Passyunk Avenue to an intersection with South Broad Street beginning again at the intersection of Washington Avenue and South Broad Street thence easterly on Washington Avenue to the intersection of Washington Avenue and Delaware Avenue a distance of about 6.25 miles

Provided however that no part or portion of any street hereinbefore described shall be taken over as a State highway under the provisions of this act until after such part or portion shall have been legally opened by the city authorities in the same manner as other streets are now open which form a part of the same route as herein described

The third section was read as follows:

Section 3 The city streets or sections thereof hereinbefore described shall be taken over by the Commonwealth through the Department of Highways not later than the first day of January one thousand nine hundred thirty-eight subject however to the following exceptions

(a) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if an order or decree for the improvement thereof has been issued until there has been full compliance with the terms of such order or decree

(b) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if a contract for the improvement thereof has been entered into between a contractor and the Commonwealth or the city authorities or both until the contract has been completed

(c) No city street or part thereof described in section two of this act shall be taken over if an agreement has been entered into between the city authorities and the Commonwealth or any other party for the maintenance or construction of such street even though no formal contract has been executed pursuant to such agreement and no work has been done until the terms of the agreement have been fulfilled

On the question,

Will the House agree to the section?

Mr. KILROY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend as follows: section 3, page 11, line 26, after the word "of" strike out the remainder of the sentence and the word "eight" at the beginning of line 27, same section and page, and insert in lieu thereof the following:

September one one thousand nine hundred and thirty-seven.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth to the fourteenth sections inclusive were separately read and agreed to as follow:

Section 4 This act is not intended and shall not be construed

(a) To place upon the Commonwealth any duty to regulate traffic or police the streets herein taken over by the Commonwealth but such duty shall be and remain the obligation of the cities

(b) To place upon the Commonwealth any obligation for the maintenance construction reconstruction or resurfacing of said streets other than the base or surface courses

(c) To place upon the Commonwealth through the Department of Highways any obligation to maintain construct or reconstruct any structure of any kind or character whatsoever situate upon or forming part of any city street or section thereof described in section two of this act except that the Secretary of Highways may assume the obligation to maintain construct or reconstruct drainage

structures with a total spanned length not exceeding ten feet measured along the center line of the street other than storm or sanitary sewers and which were the sole obligation of the city prior to the passage of this act Responsibility for the construction reconstruction and maintenance of any other structures shall remain with the city person association or corporation responsible therefor at the date of the approval of this act

(d) To authorize any assessment to be made against the Commonwealth by reason of or to assist in the elimination of any grade crossing or the alteration or reconstruction of an existing overhead or undergrade crossing on any street described and designated in section two of this act and no such assessment shall hereafter be made under any act of Assembly heretofore enacted

(e) To place upon the Commonwealth any obligation under any franchise or franchises heretofore or hereafter granted by the city to any public utility company nor to transfer to the Commonwealth from the city any rights under any such franchise or franchises heretofore granted

(f) To place upon the Department of Highways any authority to regulate traffic parking or the general use by the traveling public of the streets or sections thereof taken over by the Commonwealth for maintenance or improvement under the provisions of this act Provided however That the Department of Highways shall be and is hereby authorized to close to traffic all of the streets or sections thereof described in section two of this act during such time as improvements are being made thereon and in such case the city shall establish and maintain a suitable detour in accordance with the provisions of section ten of this act

Section 5 After the streets described in section two of this act shall have been taken over by the Commonwealth they shall be maintained constructed reconstructed and resurfaced by the Department of Highways at the expense of the Commonwealth and such construction reconstruction and resurfacing shall be of such type as shall be determined by the Secretary of Highways with the approval of the Governor and repairs and maintenance shall be of such type as shall be determined by the Secretary of Highways The obligation of the Commonwealth in the construction reconstruction resurfacing or maintenance as hereinbefore provided shall be limited to that part of the street or section thereof between curb lines as established at the time of passage of this act but shall not include the portions of such streets which are or may be used and occupied by the structures or surface facilities of any public utility company Provided That it shall nevertheless be lawful for the Department of Highways to enter into agreements in the discretion of the Secretary of Highways with the Commonwealth of the cost of construction reconstruction or resurfacing of the streets or sections thereof taken over by the Commonwealth under this act

Section 6 The maintenance of said streets authorized under the provisions of this act shall not include snow removal or street cleaning and shall be limited to the portions of the street between existing curb lines available to vehicular traffic

Section 7 The Department of Highways shall not change the width lines or grades of the streets taken over under the provisions of this act or any section thereof but such changes as may be approved orrec ommended by the Secretary of Highways shall be made by the city as heretofore by an ordinance duly passed in accordance with laws applicable thereto and in the event of any change of width lines or grades in accordance with the provisions of this section the city shall be responsible for the payment of any damages which may be occasioned thereby in the manner provided by low such damages to be as certained and paid in accordance with the laws applicable thereto.

Section 8 Before the Department of Highways shall proceed with the construction reconstruction or resurfacing of any of the streets or sections thereof as described in section two of this act the city after being notified of the contemplated improvement shall take the necessary steps to compel all public utility companies to make any necessary replacements or denewals of any of their structures located within the lines of the improvement prior to the commencement of work and shall agree that the said street or sections thereof when completed shall not be torn up or opened for a period of five years except in emergency cases and subpect to the same conditions and restrictions as are now provided by law with reference to the opening of State highways in boroughs

Section 9 No opening shall be made in the surface of any improved street which is maintained by the Department of Highways under the authority of this act until and unless a permit has been obtained for such opening either from the city authorities or from the Department of Highways pursuant to an ordinance passed subsequent to the approval of this act authorizing the Department of Highways to act for the city Where a permit is not obtained from the Department of Highways as above provided the city shall require a cash deposit or bond conditioned upon the proper restoration of the surface and shall be responsible to the Department of Highways for the cost of the restoration of such surface in accordance with the adopted standards of the Department of Highways for the particular type of construction Any person firm or corporation opening the improved surface of any street or highway without having first obtained a permit as hereinbefore provided shall upon summary conviction before a magistrate be sentenced to pay a fine of not more than twenty-five ($25.00) dollars and in addition thereto the costs of prosecution and surface restoration charges and in default of the payment thereof shall undergo imprisonment for not more than five days

Section 10 Before the commencement of any work authorized under the provisions of this act the city shall upon notice from the Secretary of Highways so to do establish and thereafter maintain at its own expense an adequate detour for the accommodation of the traveling public for such length of time as may be necessary or until the improvement contemplated has been completed and accepted and the street or sections thereof opened and made available to public travel Such detour when established as herein provided shall be marked and posted by the Department of Highways at the expense of the Commonwealth

Section 11 Cities are hereby authorized to incur or to increase their indebtedness by the issue and sale of obligations of the city in the manner and subject to the limitations provided by law for the purpose of assistaing in the improving constructing reconstructing or resurfacing any of the streets or sections thereof the improvement of which is authorized in accordance with the provisions of this act

Section 12 All moneys received by the Commonwealth under any contract or agreement for sharing the cost of the maintenance construction reconstruction or resurfacing of any street or section thereof under the provisions of this act shall be deposited in the Motor License Fund and as much of the money in the Motor License Fund as may be necessary to carry out the provisions of this act is hereby specifically appropriated to the Department of Highways for the purposes of this act

Section 13 It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as though the part or parts held unconstitutional had not been included herein

Section 14 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

The fifteenth section was read as follows:

Section 15 This act shall become effective the first day of January one thousand nine hundred and thirty-eight

On the question,

Will the House agree to the section?

Mr. KILROY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Section 15, page 18, line 14, after the word "of" strike out the remainder of the sentence, and insert in lieu thereof: "September one one thousand nine hundred thirty-seven."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the first class as State highways and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of reconstruction of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said streets after improvement without a permit and providing penalty therefor; regulating the maintenance of detours: authorizing the increase or city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1027, as follows:

An Act regulating the recordation of assignments of mortgages in counties of the second class fixing the fees therefor and imposing certain powers and duties on the recorders of deeds of such counties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter no assignment of any mortgage shall be entered of record in any county of the second class unless such assignment shall be in writing and acknowledged by the assignor or assignors before an officer or person duly authorized to take such acknowledgments

Section 2 Every such instrument in writing shall certify the precise residence of the assignee or assignees named therein

Section 3 It shall be the duty of the recorder of deeds when such instrument is filed for recordation to index and transcribe the same and note the recordation of such assignment on the margin of the record of the original mortgage

Section 4 The fee for recording any such assignment shall be governed by the fee bill in effect in the county in which such assignment is recorded

Section 5 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1013, as follows:

An Act to further amend section four hundred and twelve of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existlaws"by providing for the assessment of seated lands divided by the boundary line between two townships

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred and twelve of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 583) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purcoses and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" as amended by section one of the act approved the eleventh day of June one thousand nine hundred and thirty-five (Pamphlet Laws 299) is hereby further amended to read as follows

Section 412 Assessment of Seated Lands Divided by Township Lines Where seated lands are divided by the boundary line between two townships or between a township and a city borough or town and the mansion house is situate in a township the whole of such lands shall be assessed only in the township where the mansion house is situated Where the mansion house is situated in a city borough or town and the balance of such seated lands are located in one or more townships the land located in such township or townships shall be assessed therein and the land located in the city borough or town shall be assessed therein

[Where seated lands are divided by the boundary line between two townships the land located in each township shall be assessed therein not withstanding the situs of the residence or mansion house]

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. FRANK P. HAMILTON. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 988, as follows:

An Act to amend section eight hundred seventy-four of the act approved the second day of May one thousand

nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties to rent and lease road machinery

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight hundred seventy-four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended to read as follows

Section 874 Maintenance and Repair of County Roads and Turnpikes The commissioners shall have prepared plans and estimates as often as required for the repair and maintenance of abandoned or condemned turnpike roads and of all public roads or highways which may be originally located or improved as county roads or which have been originally located or improved as township roads and have become county roads They may invite proposals for maintaining and repairing such roads or parts thereof in accordance with such plans and estimates and award the contract therefor in like manner as contracts for new improvements or they may make the necessary repairs themselves For the purpose of making such repairs the commissioners may employ or appoint the proper persons and buy the necessary [machinery and] materials and buy or rent the necessary machinery Counties may also lease any of its machinery to any political subdivision within the county upon such terms and conditions as may be agreed upon

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 935, entitled:

An Act requiring counties of the third class to repay moneys heretofore recovered on forfeited recognizances in certain cases and providing for the recapture of such moneys from future fines and forfeited recognizances payable to law and library associations

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever heretofore the county commissioners sheriff or district attorney of any county of the third class shall have collected any money upon any forfeited recognizance duly escheated to such county and the same has been paid over to any law and library association for the purchase and maintenance of a law library as provided by law and where the defendant in the case subsequently surrendered himself to the jurisdiction of the proper court or was subsequently apprehended and returned to the jurisdiction of the court the county commissioners shall repay out of the funds of the county to the party from whom such money was collected the amount so collected on such forfeited recognizance and so turned over to such law and library association exclusive of all costs paid or incurred by the county in such proceeding and no future payments shall be made to any such law and library association from fines and forfeited recognizances collected by the county commissioners sheriff or district attorney until the full amount paid out by the county as required by this act shall have been recovered by the county from such fines and forfeited recognizances and paid into the county treasury

On the question,

Will the House agree to the section?

Mr. BOHN. Mr. Speaker, I desire to offer the following amendment:

The Speaker. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend as follows: page 1, section 1, line 6. by striking out after the word "duly" the word "escheated" and insert in lieu thereof the word "estreated"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 All acts and parts of acts general local or special inconsistent with this act are hereby repealed

An Act requiring counties of the third class to repay moneys heretofore recovered on forfeited recognizances in certain cases and providing for the recapture of such moneys from future fines and forfeited recognizances payable to law and library associations

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 788 (Senate Bill No. 52), entitled:

An Act relating to interstate cooperation; creating the Pennsylvania Commission on Interstate Cooperation, as well as committees on interstate cooperation of the Senate and the House of Representatives; defining the powers and duties of said commission and of said committees; and imposing duties on the Governor and the Secretary of the Commonwealth.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1164 (Senate Bill No. 4), entitled:

An Act prohibiting the employment of mine workers in the bituminous coal mines unless certificated by a miner's examining board providing for the appointment of such boards and defining their powers and duties and providing penalties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 723, as follows:

An Act to amend section five hundred and eighty of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended extending the powers of the county commissioners in the construction and maintenance of comfort stations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and eighty of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 401) is hereby further amended to read as follows

Section 580 Appropriations for Comfort Stations The board of county commissioners may appropriate moneys to assist any city or borough being the county seat or any city or borough therein having a population of ten thousand or more inhabitants to construct and maintain comfort stations within the boundaries of the county

The county commissioners in cooperation with the municipal authorities of the municipality wherein the court house lies may provide and equip and maintain in the court house rest or waiting rooms for females and provide female attendants thereof One-half of the cost of providing such rooms and of maintaining the same including salaries and all incidental expenses shall be paid by the county and the other half by the municipality for all which purposes the county commissioners and said authorities may respectively appropriate moneys

Any part of any ground heretofore or hereafter so selected and acquired by any county for the purpose of a court house jail or workhouse may be leased by such county to any municipality being the county seat of such county for the purpose of the construction thereon of a public comfort station by such municipality

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 203.

A Joint Resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer general jail delivery and quarter sessions of the peace in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia with special reference to the prosecution trial and disposition of all criminal cases and the probation and parole of persons guilty of crime conferring upon the commission full power to issue subpoenas requiring the commission if possible to make a report of its findings to the present session of the General Assembly together with its recommendations as to such legislation as may be necessary or desirable otherwise to make such report and recommendations to the Governor authorizing the commission to employ counsel and employes and making an appropriation

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS ON FINAL PASSAGE

The SPEAKER. The bills on final passage are not on file and will be passed over.

SENATE MESSAGES

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 587, entitled:

An Act to re-enact and amend the title and the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred and six) entitled "An act making it unlawful to unnecessarily crop or cut off the ear or ears of dogs or to show or exhibit such dogs and providing for the registration of dogs so cut or cropped before this act becomes effective with the county treasurer" authorizing the cropping of the ears of dogs by duly licensed veterinarians and requiring the possession of certificates to show that dogs ears were lawfully cropped

And said bill having read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Ganser,	McShane,	Simpson,
Alexander,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boies,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boyer,	Hetrick,	O'Keefe,	Thomas,
Bradley,	Hindman,	Ominsky,	Thompson,
Brancato,	Hirsch,	O'Neill,	Toole,
Brigerman,	Holland,	Ostroff,	Tronzo,
Broad,	Holmes,	Patterson, S.,	Trout,
Brown,	Holstrom,	Patterson, W.,	Tumelty,
Brownfield,	Horting,	Peale,	Turner,
Burrows,	Huntley,	Pearson,	Valibus,
Cadwalader,	Imbrie,	Perry,	VanAllsburg,
Caesar,	Jirolanio,	Pershing,	VanSickle,
Caputo,	Kane,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Walsh,
Cohen, R. E.,	Kline,	Reese,	Wampole,
Coleman,	Kroll,	Reising,	Watkins,
Coolahan,	LaRue,	Richter,	Webster,
Corrigan,	Leisey,	Robinson,	Weidemann,
Costanzo,	Levy,	Rothenberger,	Weiss, D. H.,
Davies,	Lewis,	Royer,	Weiss, S. A.,
Decker,	Long,	Ruffennach,	Welliver,
DeNote,	Longaker,	Rush,	Welsh,
Dickinson,	Lopresti,	Sarraf,	Westrick,
Donohoe,	Lovett,	Scanlon,	Whalen,
Dougherty,	Lyons,	Schor,	Whitenight,
Downey,	Mallen,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,

Fiss, Fitch, Flanagan, Flannery, Flinchbaugh, McDevitt, McElroy, McFall, McGee, McKinney, Shoemaker, Shugarts, Siegel, Simon, Speaker. Yourishin, Zappala, Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrance.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 856, entitled:

An Act to authorize cities other than those of the first class to construct or acquire waterworks subways underground railways or street railways and the appurtenances thereof and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenues thereof secured solely by liens upon the respective properties and imposing no municipal liability providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof and the nature and extent of such lien and providing for the payment of such bonds and the rights of the holders thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman, Alexander, Allmond, Arnold, Atkins, Aukerman, Baine, Baker, J. J., Balthaser, Bierly, Blank, Bohn, Boies, Boltz, Boyer, Bradley, Brancato, Brigerman, Broad, Brown, Brownfield, Burrows, Caesar, Caputo, Chervenak, Coakley, Cohen, H. B., Cohen, R. E., Coleman, Coolahan, Corrigan, Costanzo, Davies, Decker, DeNote, Dickinson, Donohoe, Dougherty, Downey, Dubbs, Dyson, Eckels, Elpern, Falkenstein, Finnerty, Fiss, Flinchbaugh, Ganser, Gerard, Gillette, Gorski, Haberlen, Hagerty, Hall, Hamilton, F. P., Hamilton, R. S., Harkins, Harmuth, Hays, Hering, Hess, Hetrick, Hindman, Hirsch, Holland, Holmes, Holstrom, Horting, Huntley, Imbrie, Jirolanio, Kane, Keenan, Kelso, Kilroy, Kline, Kroll, LaRue, Leisey, Levy, Lewis, Long, Longaker, Lopresti, Lovett, Lyons, Mallen, Marino, Matthews, H. T., McDevitt, McElroy, McFall, McGee, McShane, Melchiorre, Mellott, Merrell, Mihm, Moomaw, Mooney, Moran, Moul, Muir, Munley, Murrin, Nagel, O'Brien, O'Connor, O'Keefe, Ominsky, O'Neill, Ostroff, Patterson, S., Patterson, W., Peale, Pearson, Pershing, Piole, Powers, Preston, Readinger, Reese, Reising, Richter, Robinson, Rothenberger, Royer, Ruffennach, Rush, Sarraf, Scanlon, Schor, Shea, Shepard, Shoemaker, Shugarts, Siegel, Simon, Skale, Sloan, Smith, James A., Smith, John A., Snyder, Sollenberger, Spengler, Stackpole, Stank, Stewart, Stockham, Strode, Thomas, Thompson, Toole, Tronzo, Tumelty, Turner, Vallbus, VanAllsburg, VanSickle, Vogt, Wagner, Wall, Walsh, Wampole, Watkins, Webster, Weidemann, Weiss, D. H., Weiss, S. A., Welliver, Welsh, Westrick, Whalen, Whitenight, Wilson, Wright, Yanoshat, Yourishin, Zappala, Furman, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrance.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 914, entitled:

An Act requiring the Department of Public Instruction to collect past due fees and penalties before issuing renewal licenses or registration certificates to persons engaged in professions trades or occupations requiring such renewals

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman, Alexander, Allmond, Arnold, Atkins, Aukerman, Baine, Baker, F. T., Baker, J. J., Balthaser, Bierly, Blank, Bohn, Boies, Boltz, Boyer, Bradley, Brancato, Brigerman, Broad, Brown, Brownfield, Burrows, Cadwalader, Caesar, Caputo, Chervenak, Coakley, Cohen, H. B., Cohen, R. E., Coleman, Coolahan, Corrigan, Costanzo, Davies, Decker, DeNote, Dickinson, Donohoe, Dougherty, Downey, Dubbs, Dyson, Eckels, Elpern, Falkenstein, Finnerty, Fiss, Ganser, Gerard, Gillette, Gorski, Habbyshaw, Haberlen, Hagerty, Hall, Hamilton, F. P., Hamilton, R. S., Harkins, Harmuth, Hays, Hering, Hess, Hetrick, Hindman, Hirsch, Holland, Holmes, Holstrom, Horting, Huntley, Imbrie, Jirolanio, Kane, Keenan, Kelso, Kilroy, Kline, Kroll, LaRue, Leisey, Levy, Lewis, Long, Longaker, Lopresti, Lovett, Lyons, Mallen, Marino, Matthews, H. T., Matthews, J. F., McArdle, McCullough, McDermott, McDevitt, McShane, Melchiorre, Mellott, Merrell, Mihm, Moomaw, Mooney, Moran, Moul, Muir, Munley, Murrin, Nagel, O'Brien, O'Connor, O'Keefe, Ominsky, O'Neill, Ostroff, Patterson, S., Patterson, W., Peale, Pearson, Perry, Pershing, Piole, Powers, Preston, Readinger, Reese, Reising, Richter, Robinson, Rothenberger, Royer, Ruffennach, Rush, Sarraf, Scanlon, Schor, Schrock, Schrope, Schumacher, Serrill, Shaw, Shea, Shepard, Shoemaker, Simon, Simpson, Skale, Sloan, Smith, James A., Smith, John A., Snyder, Sollenberger, Spengler, Sproul, Stackpole, Stank, Stewart, Stockham, Strode, Terry, Thomas, Thompson, Toole, Tronzo, Trout, Tumelty, Turner, Vallbus, VanAllsburg, VanSickle, Vogt, Wagner, Wall, Walsh, Wampole, Watkins, Webster, Weidemann, Weiss, D. H., Weiss, S. A., Welliver, Welsh, Westrick, Whalen, Whitenight, Wilson, Winner, Wood, Woodside, Wright, Yanoshat, Yeakel, Yourishin, Zappala, Furman, Speaker.

NAYS—15

Baker, F. T., Cadwalader, Habbyshaw, McKinney, Perry, Schrock, Serrill, Simpson, Sproul, Terry, Trout, Winner, Wood, Woodside, Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Fitch,	McElroy,	Shugarts,	Yourishin,
Flanagan,	McFall,	Siegel,	Zappala,
Flannery,	McGee,		Furman,
Flinchbaugh,	McKinney,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third and consideration of House Bill No. 925, as follows:

An Act Authorizing the Department of Property and Supplies with the approval of the Governor to accept and place in the corridor of the Capitol a plaque commemorating the services of Doctor Joseph Kalbfuss

Whereas The Northwestern Division of the Federation of Game has offered to bear the expense of providing a plaque in memory of Doctor Joseph Kalbfuss former Secretary of the Board of Game Commissioners therefore

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Ganser,	McShane,	Simon
Alexander,	Gerard,	Melchiorre,	Simpson,
Allmond,	Gillette,	Mellott,	Skale,
Arnold,	Gorski,	Merrell,	Sloan,
Atkins,	Habbyshaw,	Mihm,	Smith, James A.,
Aukerman,	Haberlen,	Moomaw,	Smith, John A.,
Baine,	Hagerty,	Mooney,	Snyder,
Baker, F. T.,	Hall,	Moran,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Spengler,
Balthaser,	Hamilton, R. S.,	Muir,	Sproul,
Berly,	Harkins,	Munley,	Stackpole,
Blank,	Harmuth,	Murrin,	Stank,
Bohn,	Hays,	Nagel,	Stewart,
Boles,	Hering,	O'Brien,	Stockham,
Boltz,	Hess,	O'Connor,	Strode,
Boyer,	Hetrick,	O'Keefe,	Terry,
Bradley,	Hindman,	Ominsky,	Thomas,
Brancato,	Hirsch,	O'Neill,	Thompson,
Brigerman,	Holland,	Ostroff,	Toole,
Broad,	Holmes,	Patterson, S.,	Tronzo,
Brown,	Holstrom,	Patterson, W.,	Trout,
Brownfield,	Horting,	Peale,	Tumelty,
Burrows,	Huntley,	Pearson,	Turner,
Cadwalader,	Imbrie,	Perry,	Valibus,
Caesar,	Jirolanio,	Pershing,	VanAllsburg,
Caputo,	Kane,	Piole,	VanSickle,
Chervenak,	Keenan,	Powers,	Vogt,
Coakley,	Kelso,	Preston,	Wagner,
Cohen, H. B.,	Kilroy,	Readinger,	Wall,
Cohen, R. E.,	Kline,	Reese,	Walsh,
Coleman,	Kroll,	Reising,	Wampole,
Coolahan,	LaRue,	Richter,	Watkins,
Corrigan,	Leisey,	Robinson,	Webster,
Costanzo,	Levy,	Rothenberger,	Weidemann,
Davies,	Lewis,	Royer,	Weiss,
Decker,	Long,	Ruffennach,	Welliver,
DeNote,	Longaker,	Rush,	Weiss, D. H.,
Dickinson,	Lopresti,	Sarraf,	Weiss, S. A.,
Donohoe,	Lovett,	Scanlon,	Westrick,
Dougherty,	Lyons,	Schor,	Whalen,
Downey,	Mallen,	Schrock,	Whitenight,
Dubbs,	Marino,	Schrope,	Wilson,
Dyson,	Matthews, H. T.,	Schumacher,	Winner,
Eckels,	Matthews, J. F.,	Serrill,	Wood,
Elporn,	McArdle,	Shaw,	Woodside,
Falkenstein,	McCullough,	Shea,	Wright,
Finnerty,	McDermott,	Shepard,	Yanoshat,
Fiss,	McDevitt,	Shoemaker,	Yeakel,
Fitch,	McElroy,	Shugarts,	Yourishin,
Flanagan,	McFall,	Siegel,	Zappala,
Flannery,	McGee,		Furman,
Flinchbaugh,	McKinney,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

CONCURRENCE IN HOUSE RESOLUTION No. 32

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, February 22, 1937.

Whereas, The port of Philadelphia is of great importance as a port in the volume of domestic shipping and the domestic commerce flowing through the port of Philadelphia has increased substantially over and above increases in such commerce for other ports on the eastern seaboard; and

Whereas, Despite such increase in domestic commerce there has been no increase but on the contrary a diversion and decrease in the flow of foreign commerce through the port of Philadelphia for the principal reason that the channel to and from Philadelphia to the Atlantic Ocean is not deep enough to accommodate the entry of ships coming from foreign ports; and

Whereas, The port of Philadelphia is the only port of this Commonwealth for the entry and flow of foreign commerce and it is of vital interest to protect and develop facilities necessary for such foreign commerce; and

Whereas, In order to prevent great economic loss to industry in Pennsylvania by reason of lack of a channel deep enough to admit entry of foreign commerce it is necessary that the channel be deepened from Philadelphia to the Atlantic Ocean; therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully petitions the Congress of the United States to enact the necessary legislation and to make the necessary appropriation to deepen the channel from the port of Philadelphia to the Atlantic Ocean to a depth of at least forty (40) feet with suitable widths; and be it further

Resolved, That a copy of this Resolution be forwarded to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States and to each Senator and Representative in the Congress of the United States from this Commonwealth by the Chief Clerk of this House.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 541.

An Act directing the Department of Military Affairs to select procure furnish and award certain decorations medals and badges

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 94.

A Joint Resolution proposing an amendment to section one Article eighteen of the Constitution of the Commonwealth of Pennsylvania.

With information that the Senate has passed the same without amendment.

SPECIAL ORDER ON HOUSE RESOLUTIONS Nos. 41 and 42.

The SPEAKER. The hour of two o'clock having arrived, the Chair lays before the House the Special Order of business, which is the reports of the Committee on Elections in the contest of McClester against Murrin from the County of Butler.

Mr. O'KEEFE. Mr. SPeaker, I call up Resolution No. 42, Printer's No. 221, which is the majority report of the Committee on Elections in the contested election case of Albert B. McClester against J. Brady Murrin in the County of Butler, and I move for the adoption of the resolution.

The majority report and the resolutions were read by the Clerk as follows:

In Re Contested Election of J. Brady Murrin
As State Representative

Report of the Committee on Elections
of the House of Representatives

In the Case of

Albert B. McClester vs J. Brady Murrin
from the Count of Butler

To The Hon Roy Furman Speaker of the House of Representatives

Your Committee to whom was referred the Contested Case of McClester vs Murrin from the County of Butler respectively reports

That the testimony taken by the Court Below in this proceeding was carefully reviewed and after a public hearing in which arguments and briefs were submitted by learned counsel for both parties in this contest this Committee reports the following findings of facts and conclusions of law

1 By the triplicate returns of the election for Representative for said County as certified to the Secretary of the Commonwealth J Brady Murrin received 16,202 votes and Albert B McClester received 16,187 votes

2 A Petition was duly filed in the Court of Common Pleas of Butler County contesting the election of J Brady Murrin town which an Answer was filed and a justification of the matters at issue was had and a signed decree of the Court was entered January 5th 1937 finding that Albert B McClester received a majority of the legal votes for Representative in the Election held in said County on the 3rd day of November last and was entitled to the Certificate of Election

3 The matters controverted both before the Court and the Committee may be classed under three heads

a Whether the votes received by Albert McClester candidate of the Prohibition Party be added to the votes received by Albert B McClester a candidate of the Republican Party

b Whether ballots marked in the Party square opposite the Party name either Democrat Republican or Prohibition and also marked in the Party square opposite the name Old Age Pension or opposite the name of any other Party not having candidates for the office of Representative in the General Assembly be counted for candidates for that office of either the Republican Democrat or Phohibition Party as the mark indicates

c Whether the votes cast by twenty-two residents of the Second Ward of Butler Township all of whom had all of the qualifications of an elector of that Ward as required by the Constitution but whose names could not be found by the Election Officers on the list of registered voters furnished by the County Commissioners and who were permitted to vote after the supply of affidavit blanks were exhausted and each of them with a qualified elector as witness as required by law had been questioned orally by the election officers as to the matters and things set out in the affidavit forms as required by law and duly sworn by the Judge of Election illegal and void

DISCUSSION

All Parties in interest agree and the law is well settled on the authority of this Committee to adjudicate this contest The Constitution of Pennsylvania in force before that of 1874 went into effect declares

"Each House shall judge of the qualifications of its members"

It is further provided that contested elections should be determined by a House committee to be selected performed and regulated by law Article II Section 9 of the Constitution of 1874 declares

'Each House shall judge of the election and qualification of its members"

CUMULATION OF VOTES

Can the votes received by Albert McClester candidate of the Prohibition Party be added to the votes received by Albert B McClester candidate of the Republican Party

We are convinced that as a matter of fact and as determined by the Court Below that Albert B McClester and Albert McClester is one and the same person but when these names appear on a balot they are two distinct individuals

The Act of April 29 1903 Pamphlet Laws 338 as cited in 25 Purdon's Statutes Section 1729 provides

"Whenever any candidate shall receive more than one nomination for the same office his name shall be printed once and the names of the political parties so nominating him shall be printed to the right of the name of such candidate"

The Committee is in accord with the opinion of the Court Below when it stated that the names of Albert McClester and Albert B McClester as they appear on the ballot are the names of two distinct individuals voters not having definite knowledge of the identity of Albert B McClester and Albert McClester might vote for them on both the Prohibition and Republican Party on the same ballot and some knowing the names to represent the identical individual might make a cross (x) mark after each name If the votes be cumulated the voter so marking his ballot will be permited to vote twice for the same candidate The Court Below sitting as a Return Board during its investigation of this contest disclosed ballots with a cross (x) mark after Albert B McClester Republican and also after Albert McClester Prohibition on the same ballot

In deciding the question as to whether the fact that Albert B McClester are one and the same person we must be guided by the law as laid down by the Supreme Court in Re Schaffer Appeal 185 Atlantic Reporter Page 645 In that case which was a councilmanic election in the Borough of Homestead in which two members were to be elected to Council the name of E C Shaffer was printed on the official ballot in one block as the Democratic candidate and the name E C Schaffer as Citizens candidate in another block and as disclosed by the testimony there were two persons by the name of E C Shaffer in the Borough of Homestead Judge Elder Marshall of the Common Pleas Court of Allegheny County revoked the Certificate of Election on the ground that unlawful cumulative vot-

ing was possible under these circumstances and that the voters were confused by the two names Judge Elder Marshall in his opinion held that the cumulation of votes in favor of Schaffer could not lawfully be made citing in his opinion Carothers Election Contest 25 Pa Dist Report 1151 In the later case Judge Swearingen said

"Plainly one of the purposes of this provision (Supra) is to prevent cumulative voting for each elector has the right to vote for more than one candidate It is a wise regulation intended to frustrate fraud and should be strictly enforced when the same person is a candidate of more than one party and his name apears on the ballot under each party with name spelled differently and must be assumed under such provision that the candidate of each party is a distinct individual and votes for each cannot be cumulated"

The Supreme Court in the Schaffer Appeal affirmed the judgment of Judge Elder Marshall in a per curiam opinion

The Committee under the decisions heretofore set forth must therefore conclude that the votes received by Albert McClester cannot be added to the votes received by Albert B McClester

B

Can a Ballot marked in the Party Square opposite the Party name either Republican Democrat or Prohibition and also marked in the Party square opposite the Party name Old Age Pension or opposite the name of any other Party not having candidates for the Office of Representative in the General Assembly be counted for candidates for that office of either the Republican Democrat or Prohibition Party as the mark indicates

The Republican Democrat and Prohibition Parties each had on the ballot the names of candidates for all offices to be voted for at this election The Old Age pension party did not have the name of any candidate for any office on the ballot except that of Bernard Davidowitz for Auditor-General and the other parties named on the ballot had one or more candidates for the national and state offices and excepting the Republican Democrat and Prohibition Parties none of them had the names of candidates for the Office of Representative in the General Assembly

We are here guided by the decision of the Supreme Court in an opinion filed November 24 1936 In Re-Appeal Middle Paxton Township which originated in Dauphin County Court with facts practically identical with the facts in this contest in which the Court held that a ballot marked in more than one party square is void The Committee concurs in this opinion

C

Are the votes cast by twenty-two residents of the Second Ward of Butler Township all of whom had all of the qualifications of an elector of that Ward as required by the Constitution but whose names could not be found by the Election Officers on the List of Registered Voters furnished by the County Commissioners and who were permitted to vote after the supply of affidavit blanks were exhausted and each of them with a qualified elector as witness as required by law had been questioned orally by the election officers as to matters and things set out in the affidavit forms as required by law and duly sworn by the Judge of Election illegal and void

From the facts submitted to this Committee it appears that approximately twenty-two non-registered voters of the Second Ward of Butler Township came to vote on the last election day but their names could not be found by the Election Officers in charge of said polling place on the Registered Voters List furnished said Election Board by the County Commissioners The supply of affidavit blanks furnished the board by the Commissioners was also exhausted and members of the Boards called the County Commissioners Office and the homes of the Commissioners in regard to obtaining a further supply of affidavits but received no response Not wishing to deny the right of these voters to cast their ballots each voter after producing a qualified elector witness and after a thorough oral examination by the Election Officers as to the matters and things set out in the affidavit forms as required by law were duly sworn (orally) by the Judge of Election and permitted to cast their votes Counsel for Albert B McClester upon discovering this as a fact petitioned the Court and the Court Below as a matter of law determined that the vote of a non-registered voter cast without his having filed with the Election officers an affidavit in writing or partly printed and partly written complete or incomplete were illegal and could not be counted

With this conclusion this Committee cannot agree In each Session of the Assembly following the adoption of the Constitution of 1874 legislation has been enacted to encourage the voter in exercising his right of franchise so that we may in the end have a popular government expressing the will of the people and not of any privileged class Similar laws have been enacted to prevent fraud and further legislation enacted removing the restrictions from the electorate so as to encourage voting Section I of Article 8 of the Constitution has been amended eliminating the assessment and payment of a tax as a qualification for voting Section 4 of the Act of January 17 1934 Pamphlet Laws 236 enacted in the Special Session of 1934 which is reported in 25 Purdon's Statutes Section 1384 amends Section 10 of the Act of 1874 eliminating the assessment and payment of a tax as a qualification for voting and the act which follows in substance is pertinent to this contest reads as follows

"On the day of election in any election district in which personal registration is not required any person whose name shall not appear on the registry of voters and who claims the right to vote at said election shall produce at least one qualified voter of the district as a witness to the residence of the claimant in the district in which he claims to be a voter for the period of at least two months immediately preceding said election which witness shall be sworn or affirmed and subscribe a written or partly written and partly printed affidavit to the facts stated by him which affidavit shall define clearly where the residence is of the person so claiming to be a voter and the person so claiming the right to vote shall also take and subscribe a written or partly written and partly printed affidavit stating to the best of his knowledge and belief when and where he was born that he has been a citizen of the United States for one month and of the Commonwealth of Pennsylvania that he has resided in the Commonwealth one year or if formerly a qualified elector or a native born citizen thereof and has removed therefrom and returned that he has resided therein six months next preceding said election that he has resided in the district in which he claims to be a voter for the period of at least two months immediately preceding said election that he has not moved into the district for the purpose of voting therein"

"Provided That in case any person is allowed to vote at an election who is not registered but makes an affidavit which by reason of the failure to fully observe the requirements of this section is insufficient in any contest growing out of said election it shall be lawful to correct any mistakes or supply any deficiencies in such affidavit so as to show that the said person was in fact a qualified voter but this shall not apply to non-registered voters who make no affidavit or one which makes no attempt to comply with the law"

Counsel for Albert B McClester submitted in their arguments before the Committee and in their briefs filed cases indicating that a vote cast by one not on the Registry List and for whom no affidavit is filed is illegal and void citing further the Act of July 2 1839 as amended by the Act of April 17 1869 commonly known as Registry Law which act was re-enacted by the Act of 1874 1899 and 1933 (25 P S 1388) Counsel places great stress upon the Opinion of Justice Trunkey in re Contested Case of Martin McDonough 105 Pa 488 Counsel for Albert B McClester further cites the case of the Contested Election of Cusick 136 Pa 459 (1890) In that case Chief Justice Paxson in writing the opinion stated that

"The 10th Section of the Act of 1874 was the mandatory and that where an affidavit has been made in compliance with the act and the informality is the result of the ignor-

ance of the officer before whom it was taken the difficulty could be cured and the paper reformed upon due proof of what occurred at the time"

But

The Court further stated in its opinion

"The law however does not intend that a duly qualified elector should lose his vote for the negligence or mispresion of an election officer Hence when the informality is the result of the ignorance or neglect or the officer such defect could be cured upon proof of what occurred at the time"

In another paragraph concerning the addition of the jurat by the attesting officer the Court said

"Why should the elector lose his vote because of the neglect of the officer of the law in attempting the jurat Such mistake may not only be innocent but is likely to occur at a crowded poll particularly in view of the fact that the election officers in many instances are without experience"

Similarly we may ask why should an elector lose his vote because the County Commissioners neglect to supply sufficient affidavit blanks

The law argued by Counsel for Albert B McClester as set forth in the foregoing opinions however is not applicable to the contest before this Committee for the Committee believes that the Legislature intended to rectify principles applicable in the Act of 1874 and supplements thereto by enacting into law the Act of 1934 supra to prevent the wholesale disqualification of voters who were qualified electors in every respect but who fail to fully comply with the law in voting especially by the insertion of the following provision in the Act of 1934 Supra

Provided that in case any person is allowed to vote at an election who is not registered but make an affidavit which by reason of the failure to fully observe the requirements of this section is insufficient in any contest growing out of said election it shall be lawful to correct any mistakes or supply any deficiencies in such affidavits so as to show that the said person was in fact a qualified voter but this shall not apply to non-registered voters who make no affidavits or one which makes no attempt to comply with the law

We believed that the intention of the Legislature is clear that it requires and permits non-registered voters to appear before the Court in any election contest to state their qualifications and prove that they are entitled to vote and in this election contest the eighteen (18) non-registered voters of the Second Ward of Butler Township the Borough of Millerstown and Clay Township who were qualified electors in every other respect rectified any deficiencies that existed in their right to cast their ballot when they were subpoenaed into Court in this contest and stated for whom they voted This was in direct compliance with the Act of 1934 Supra enacted since the Supreme Court's decision in the McDonough and Cusick contests which latter cases permitted the challenge of non-registered voters at elections for technical reasons

The intention of the Legislature in enacting into law the Act of 1934 and all pre-existing legislation had as its primary objective the protection of the citizens prerogative of exercising his right to vote and not to discourage such inherent privilege established by our forefathers which has made this country's government truly a peoples government Under no circumstances has the legislature by inference or otherwise enacted any law to discourage this privilege and whether or not an oral oath was made or an improper affidavit submitted is of little consequence when one carefully scrutinizes the testimony and ascertains under what circumstances these eighteen (18) votes were cast Certainly these eighteen (18) non-registered voters were not entitled to be penalized with such severity by the Court Below in being disfranchised when they submitted proper proof that they were qualified electors and secured a proper witness as required by law and only due to the failure of the Election Board or the County Commissioners to have on hand sufficient affidavits as required by law prevented them from completing same Counsel for both parties who argued before this Committee agreed and the Court Below distinctly stated in its opinion

"There is no evidence of fraud in the conduct of the election in receiving counting or computing and returning the votes cast in the Second Ward of Butler Township the Borough of Millerstown or Clay Township the three districts investigated in which the ballot boxes were opened and the vote recounted nor anything from which fraud might be inferred The mistakes found during the investigation and the re-count were honest mistakes of judgment"

The intent of the Legislature in enacting the Act of 1934 and all pre-existing legislation was to prevent fraud and to preserve the purity of the ballot This Committee believes in the unhampered and free use of the ballot and in the absence of fraud conclusively established in this contest this Committee is reluctant to interfere with the will of the voters

This Committee commends the Election Board of the Second Ward of Butler Township for permitting these eighteen (18) qualified voters to cast their ballot in this most important election

In the absence of fraud with which fact all parties concur we are hesitant to disfranchise the eighteen (18) voters who cast their ballots in the second ward of Butler Township

When the Petition was presented by Counsel for McClester in the Court Below there were no averments of specific violations of the election law but only vague and indefinite averments as the Petition alleged that one hundred twenty-five (125) non-registered voters had voted in the Second Precinct of Butler Township and that not more than seventy-five (75) of these had voted upon affidavit so that some fifty (50) must have voted illegally No fraud was alleged or averred At the hearing before the Court Below Counsel for Albert B McClester were able to show that only eighteen (18) non-registered electors had voted without complying with the law as to affidavits etc These electors who were subpoenaed and testified in open Court and disclosing the secrecy of their ballots contrary to their Constitutional rights Seventeen (17) of the electors testified that they voted the straight Democratic Ticket and one (1) testified that he voted the Straight Republican Ticket This Committee believes that this action of the Court Below was improper and this principle was decided by the Supreme Court of this Commonwealth in the case of Gollma Sheriff Election 316 Pa 560 In that case the County held

"We regard the averance deficient in particularity within the opinion of Agnew Jr in the Election Cases 65 Pa 20 where the general rule of certainty to a common intent was applied

While pleading an election contest should not be governed by such strictness as to protect fraud yet neither should the acts of sworn officers chosen by the people be attacked without adequate and well-defined cause"

In the Petition filed by McClester the general averment was made that one hundred twenty-five (125) voters cast their ballots illegally but this being a general averment it does not supply the requirements set forth by the Supreme Court which further held in the Gollmar Sheriff Election Contest Supra

"The pleadings before us would seem only an effort to place the situation in such a light as to justify a voyage of exploration into a large numberof ballot boxes in the hope of ultimate discovery Such is not the province of a contest It may be accomplished under the Act of April 23 1927 Pamphlet Laws 360 (25 P S Section 2221-2126) but when a contest is once instituted it must rest on something more than general allegations inferences or innuendos"

It is an uncontested fact that the eighteen (18) electors all orally qualified The question is whether the act of 1934 Supra cited heretofore challenges their votes This Committee is of the opinion that to declare these votes invalid would open the door to greater fraud than to interpret the act literally In this proceeding all parties in interest definately agree that the electors and the election officers made every attempt to comply with the law The

indolence if any is on the part of the County Commissioners The Legislature never intended that County Commissioners either through carelessness or laxity should be permitted to change the result of an election The Legislature intended common sense interpretation of the instructions which they provided in the proviso feature of the Act of 1934 Supra The last few lines of that act of Assembly reads

".....or one which makes no attempt to comply with the law" Every attempt in this contest was made by the qualified electors to comply with the law Should suffrage and their Constitutional rights be denied because of the delinquency of the County Commisssioners who were derelict in their duties That was not the Legislature's intent The Committee is in accord that if there was any error or defects in the casting of the ballots by the eighteen qualified electors who were not registered and who made an honest effort to comply with the law they were corrected when they appeared in open court and under oath which oath took on a sanctity of greater consequence than that of an ordinary affidavit taken before an Election Officer or a Notary Public It is a well established principle that the most solemn oath any individual can give in any proceeding is the oath taken before a Judge of any of our courts of record

If we are to follow the course of the arguments submitted by Counsel for McClester we would disfranchise the eighteen (18) voters of the Second Ward of Butler Township for technical reasons contrary to intent of the law made and provided in such cases and with this argument we are hesitant to follow This Committee wholeheartedly agrees that the existing laws tend to promote encouragement rather than discouragement of the use of the ballot

We therefore conclude that the eighteen (18) non-registered electors who voted in the Second Ward of Butler Township are legal and should be computed in the total vote calculation

Your Committee decides that according to the returns of the election held on November 3 1936 for the office of Representative for the County of Butler J BRADY MURRIN received the following votes

Democratic	15,954	
Prohibition	243	
Non-Partisan	5	
TOTAL		16,202
Illegal Votes		
Millerstown Boro	0	
Clay Township	4	
2nd Wd Butler Twsp	14	
TOTAL		18
		16,184
Plus 3 legal votes gained in Millerstown Borough		3
TOTAL VOTES J BRADY MURRIN		16,187

ALBERT B McCLESTER received as appears by election held on November 3 1936

Republican	16,187	
		16,187
Illegal Votes		
Millerstown Borough	2	
Clay Township	3	
2nd Wd Butler Twsp	1	
TOTAL		6
TOTAL VOTES ALBERT B McCLESTER		16,181

J BRADY MURRIN having received a majority of six votes being entitled to Certificate of Election

In accordance with these findings the Committee submits a Representative to the House of Representatives and is not entitled to a seat therein

RESOLVED that J BRADY MURRIN was duly elected a Representative to the House of Representatives from Butler County and is entitled to retained his seat which he now holds

RESOLVED in view of the circumstances surrounding this that ALBERT B McCLESTER was prompted by honest motives in the course he has pursued and upon established precedence we respectfully recommend payment of his expenses including reasonable counsel fees that he has incurred in the prosecution of his contest

On the question,

Will the House adopt the majority report and the resolutions therewith?

Mr. WOODSIDE. Mr. Speaker, I call up Resolution No. 41, Printer's No. 220, which is the minority report of the Committee on Elections in the contested election case of Albert B. McClester against J. BradyMurrin in the County of Butler, and I offer it as an amendment and move the substitution of the minority for the majority report.

The minority report and the resolutions were read by the Clerk as follows:

In Re Appeal of J Brady Murrin and twenty or more Qualified Electors of the County of Butler from Decree of Common Pleas Court of Butler County in Contested Election Case of Albert B McClester and J Brady Murrin

In the House of Representatives of the Commonwealth of Pennsylvania Regular Session 1937

Minority Report of the Committee on Elections

To the Honorable Roy Furman Speaker and the Honorable Members of the House of Representatives

The undersigned members of the Committee to whom was referred the above contested case from the County of Butler cannot agree with the report filed by the majority of the committee and hereby report their dissenting opinion

We believe that the Court of Butler County was correct in its opinion in this case and that Albert B McClester did receive more votes for the office of Representative in the General Assembly than J Brady Murrin was entitled to a Certificate of election and should be seated as a Representative in the General Assembly from the legislative district of Butler County

FACTS

The facts not fully set forth in the majority report of the committee are as follows

At the Primary election held in the County of Butler during the year 1936 the nominees of the Republican Party for Representative in the General Assembly were Dr. Wilbert Imbrie and Albert B McClester The nominees for the same office on the Democratic ticket were J Brady Murrin and William Klingler The nominees for Representative in the General Assembly on the Prohibition ticket were Brady Murrin and Albert McClester

The Compution Board provided the Secretary of the Commonwealth with a certificate of those receiving the highest number of votes All of the names appearing on that certificate were written in longhand by the Chairman of the Board At the bottom of the certificate appeared the names of the candiates for Representative in the General Assembly on the Prohibition ticket These names were typewritten and were "J Brady Murrin and Albert McClester" No steps were taken by J Brady Murrin under the statute in such case made and provided to have his name changed from Brady Murrin as it appeared in the official tally book to J Brady Murrin as it appears on the certificate The Secretary of the Commonwealth sent back the election proclamation including the form of the ballot That ballot form showed the Republican nominees to be Dr Wilbert Imbrie and Albert B McClester It showed the Democratic nominees to be J Brady Murrin and William Klingler It showed the Probition nominees to be J Brady Murrin and Albert McClester

The County Commissioners of Butler County in preparing the triplicate returnsheet as required by law printed

the name "Albert B McClester" and after the name a bracket marked "Republican and Prohibitionist" and also printed the name J Brady Murrin and after it a bracket marked "Democratic and Prohibitionist" The various Election Boards returned the vote cast as follows J Brady Murrin Democratic 15,954 Prohibition 243 Non-Partisan 5 or a total of 16,202 Albert B McClester was returned as receiving 16,187 Republican votes and 325 Prohibition votes or a total of 16,512.

During the compution of these votes J Brady Murrin petitioned the Court of Common Pleas of Butler County Pennsylvania to correct the return sheet to comform with the official ballot alleging palpable fraud and mistake on the return sheet in the way which the party names were following the name "Albert B McClester" The Court of Common Pleas acting on such petition after a hearing held changed the printing of the return sheet to be "Albert B McClester Republician and Albert McClester Prohibition" In conformity with that Order of Court the Return Board returned the vote as "Albert B McClester Republican 16,187 and Albert McClester Prohibition 325" and those figures were certified by the court as a Returning Board to the office of the Secretary of the Commonwealth

Within the time specified by the law twenty or more qualified electors of the County of Butler presented a petition to the Court of Common Pleas alleging an undue election and requesting an election contest to be framed in the court according to law The Court of Common Pleas of Butler County went into a full hearing of the matter and determined that the Prohibition vote received and credited to "Albert McClester" could not be cumulated with or added to the votes received and credited to "Albert B McClester" even though it was admitted on all sides that Albert McClester and Albert B McClester were one and the same persons However the court found that there were a number of illegal votes which had been voted for "J Brady Murrin" and after deducting the amount of the said illegel votes found that "Albert B McClester" had received eight (8) more legal votes than "J Brady Murrin" even though the three hundred twenty-five (325) Prohibition votes of "Albert McClester" were not cumulated The Court of Common Pleas also found that "Albert B McClester' was entitled to a certificate of election A certificated copy of this opinion of court and decree was filed with the Clerk of the House of Representatives on the day the present House met J Brady Murrin and twenty or more qualified electors of the County of Butler Pennsylvania have filed a petition in the House as a party aggrieved appealing from the decision of the Court of Butler County Honorable John H Wilson President Judge

The three questions for determination are set forth in the opinion of the Court below and the majority report of the committee

We fully concur in the disposition of the second question made by the majority report The law is well settled that a ballot marked in more than one party square is void See in re First Precinct of Middle Paxton Township Dauphin and cases therein cited and the opinion of the Supreme Court in the same case 188 Atl 112

In determining the first question the Court and the majority of the committee applied a strict interpretation of the law by refusing to cumulate the votes of Albert B McClester Republican and Albert McClester Prohibition

It is admitted as a fact and found as such by the Court below that Albert B McClester and Albert McClester in Butler County is one and the same person that he is the only male elector in the County of Butler named McClester and that political advertisements published circulated and passed throughout the county prior to the day of election some of which included his picture designated him as either Albert B. McClester or Albert McClester

Although admitting him to be one and the same person the Court refused to permit the votes cast for him as a candidate on the Prohibition ticket to be added to those cast for him on the Republican ticket on the grounds that voters might make a cross mark after each of his names and that thereby they might be permitted to vote twice for the same candidate

It is to be noted however that a voter who made a cross mark after the name of J. Brady Murrin in the Democratic Square and another in the Prohibition square following his name had their vote counted for J. Brady Murrin This is in accordance with the decisions of the court and is the law

It is assumed that the election boards counted the votes thus cast for J. Brady Murrin as only one It could just as well be assumed that the boards would not count twice a ballot in which a vote was marked for McClester at two different places However the weight of authority seems to be on the side of not cumulating these votes In re Shaffer 185 Atl 645 It is unfortunate that 325 qualified voters of the County of Butler who voted for Mr. McClester will not have their votes counted for him and will be disfranchised as far as that vote for Representative in the General Assembly is concerned but the established rule should be followed

It is in reversing the Court on its determination of the third question involved that the minority most emphatically dissents

Section 4 of the Act of January 17 1934 Pamphlet Laws 236 25 Purdon's 1384 amending Section 10 of the Act of 1874 provides as follows

"On the day of election in any election district in which personal registration is not required any person whose name shall not appear on the registry of voters and who claims the right to vote at said election shall produce at least one qualified voter of the district as a witness to the residence of the claimant in the district in which he claims to be a voter for the period of at least two months immediately preceding said election which witness shall be sworn or affirmed and subscribe a written or partly written and partly printed affidavit to the facts stated by him which affidavit shall define clearly where the residence is of the person so claiming to be a voter and the person so claiming the right to vote shall also take and subscribe a written or partly written and partly printed affidavit stating to the best of his knowledge and belief when and where he was born that he has been a citizen of the United States for one month and of the Commonwealth of Pennsylvania that he has resided in the Commonwealth of Pennsylvania for one year or if formerly a qualified elector or a native born citizen thereof and has removed therefrom and returned that he has resided therein six months next preceding said election that he has resided in the district in which he claims to be a voter for the period of at least two months immediately preceding said election that he has not moved into the district for the purpose of voting therein"

"Provided That in case any person is allowed to vote at an election who is not registered but makes an affidavit which by reason of the failure to fully observe the requirements of this section is insufficient in any contest growing out of said election it shall be lawful to correct any mistakes or supply any deficiencies in such affidavit so as to show that the said person was in fact a qualified voter but this shall not apply to non-registered voters who make no affidavit or one which makes no attempt to comply with the law"

The lower Court refused to count the ballots of 18 non-registered voters who failed to file any affidavits It is contended in the majority report that law was complied with because an attempt was made to do so within the meaning of the statute when an oral oath was taken by these voters and their witnesses This clearly is not the case as a careful reading of the section will disclose

It is clear that the second paragraph of the above section refers only to cases of a voter "who makes an affidavit" The section ends with the following "This shall not apply to non-registered voters who made no affidavit or one which makes no attempt to comply with the law" The word "this" can refer to only one thing to wit "to correct any mistake or supply any deficiency in such affidavit so as to show that said person was in fact a qualified voter"

The majority of this committee erred (1) in disregarding the words "but makes an affidavit" (2) in not determining to what the word "this" refers and (3) in disregarding the words 'in said affidavit" The section does

not permit the supplying of any deficiency in the qualification as contended by the majority report The correction can be made or the deficiency supplied "in such affidavit"

In 18 of the 22 cases in question there was no affidavit An oral oath is not an affidavit Webster says an affidavit is "a sworn statement in writing" Black's Law Dictionary "written or printed declaration or statement of facts * * * confirmed by oath" Bouvier "a statement or declaration reduced to writing" and our Courts say that 'affidavit' is not an ambiguous word It signifies a written attestation * * * in contradiction to 'oath' which is a mere oral attestation" Black v Cochran 21 Pa C C 326 "There is no such thing as an unwritten affidavit" Windley vs Bradway 77 N C 233

The law was correctly applied by the Court below in permitting insufficient affidavits made by four of the voters to be corrected or the deficiency supplied That is the meaning of the provision quoted above and the only possible construction that can properly be placed upon it

Clearly the statute has not been complied with by the taking of an oral oath Just as clearly does the act in question block the way to supplying any deficiency in the qualifying of a non-registered voter except to correct or supply a deficiency "in an affidavit"

If fraud is not "conclusively" established voters should not be franchised the majority report states as a principle of law apparently arrived at between the determination of the first and third question in this case It is an entirely new principle

In construing the election laws the courts have consistently assumed and held that the legislature meant what it said When we said that in order for a non-registered voter to qualify he "shall take and subscribe a written or partly written and partly printed affidavit" and his witness "shall" subscribe a written affidavit the courts assumed we intended what we said

The Court in this case stated

"We must determine this question not as an individual but as a Court bound to administer the law as it is written and construed by the Appellate Courts not only in the interest of or to preserve the right of the individual voter but also to preserve intact and inviolate the rules laid down by the law imposing a duty on the voter and on the election officers and also to guarantee the purity of the ballot and to prevent fraud and dishonesty in the conduct of elections and while we are convinced that these nonregistered voters acted honestly in casting the ballots complained of and did all they could reasonably do under the circumstances and that the votes cast by each of them and received by the Election Officers was honestly cast received and counted we cannot escape the conclusion that the law which says that before a non-registered voter shall be permitted to vote he shall file with the election officers an affidavit in writing or partly written and partly printed in which he sets forth his qualifications as a voter is mandatory and binding on the voter the election officers and the Court To hold otherwise would open the way to fraud in the conduct of elections

"We therefore conclude that the vote of a nonregistered voter cast without his having filed with the election officers an affidavit in writing or partly printed and partly written complete or incomplete is illegal and cannot be counted"

The law as enacted by the legislature to prevent fraud does not establish a harsh rule Even under the unusual circumstances of this case it would have been no great hardship to comply with the law Affidavits could have been at least partly typed or written in a very few minutes The affidavit forms could have been subscribed to by the voter and witnessed on the back the information necessary to complete the printed form could have been noted thereon

Supposing that the facts in this case would have been that without evidence of fraud the supply of ballots had been exhausted and the 18 qualified voters would have written on a paper given them by the election board "I vote for the entire Democratic ticket" We can conceive of no one who would suggest that under the law those votes could be counted even though there was no fraud even though 18 qualified voters would be disfranchised through no fault of their own and even though their intent was clearly indicated

In the determination of the first question 325 qualified voters of Butler County failed to have their votes counted for the man whom they cast them the only male McClester in Butler County Through no fault of their own without fraud they were disfranchised as to a Representative in the General Assembly

The technical point raised on the sufficiency of the contestant's petition is without merit as the Court below legal votes were cast the approximate number the reason held The petition outlined the district in which the illthey were illegal that it would change the result of the election and asked permission to add names of parties who voted illegal which subsequently was don Certainly this was a compliance with the law as was also the inquiry of the manner in which the illegally cast ballots were marked

We feel that in reversing the lower court the majority report clearly evades the statute quoted above When laws are enacted they should be followed They should be followed as to all points in issue regardless of political affiliations of the contestant They should especially be followed by the legislature which enacts the laws We feel that the majority report is a clear evasion of the statutes and the decisions of the Court interpreting them that it is inconsistent and that it is contrary to all law We are of the opinion that the resolution submitted in the majority report should be defeated that the ruling of the Court below should be affirmed and Albert B McClester declared elected and seated as a member of this Honorable body

We therefore submit the following resolutions suggest their substitution for those submitted by the majority members of the committee and recommend their passage

Resolved That the decision of the Court of Common Pleas of Butler County be and is hereby confirmed

sentative in the General Assembly of the Legislative Dis-

Resolved That J Brady Murrin was not elected a Reprerict of Butler County and is not entitled to a seat in the House of Representatives

Resolved that Albert B. McClester was duly elected a Representative in the General Assembly of the Legislature District of Butler County and is entitled to a seat in this House of Representatives

Resolved In view of the circumstances surrounding this case that J Brady Murrin was prompted by honest motives in the course he has pursued and upon established precedence payment of his expenses including reasonable counsel fees that he has incurred in the prosecution of his contest is hereby allowed and directed to be paid

On the question,

Will the House agree to the amendment which substitutes the minority report and the resolutions therewith for the majority report?

Mr. WOODSIDE. Mr. Speaker and members of the House, I desire to say at the outset of this debate that whatever remarks are made nothing should be considered as reflecting on the gentleman from Butler Mr. Murrin, who sits in this body. We have known him well and we all recognize him as an honorable gentleman. I want to say further that I have received, as one who was appointed by the Republican side of this House to look after the interests of the Republican contestant, the kindest consideration from the committee; and from all of their members, including the sub-committee, which handled this matter, the Chairman of the Committee on Elections and the Committee on Elections.

There are a lot of good and honorable members among the Democratic party in this House. I have a great deal of respect for the many members on the Democratic side of this House, whom I know very well. I know of their keen sense of justice, and I have experienced it in a good many personal dealings with them. But, I want to say

that I cannot always understand their sense of political justice. I sometimes wonder whether they have two senses of justice, one their personal sense and one their political sense of justice. I sometimes wonder whether they might be working under directions of people who do not have as keen a sense of justice as those members whom I know. I want to say that in my opinion this is one of the cases in which the Democratic members of this House are not exhibiting that keen sense of justice which I know they as individual members do have. If any Republican court of Pennsylvania would so totally disregard the law and the provisions of the statute in order to favor a friend, as the House of Representatives will in deciding this election contest case against Albert B. McClester, the Governor would immediately issue a statement, the Senate would demand an investigation and the House would proceed with impeachment proceedings.

In this contest the Republican contestant did not face a friendly court. The court of Butler County is Democratic, but as is the custom in men elevated to the bench, that judge was able to put aside his partisanism, he was able to put aside any political prejudice which he might have had and he was able to decide this question on its merits and apply the clear provisions of the statute. Now, I do not care nor desire to go into a lengthy technical discussion of the legal points involved. Yet I think it is necessary to call to the attention of this House a few of the facts and a few of the principles of law that are involved. I hope that you have read both the majority and the minority reports. I desire however to call to your attention a few of the facts.

In the primaries of 1936 the Republican nominees for Representative in the General Assembly from the legislative district of Butler County were Albert B. McClester and another person; the Democratic nominees were J. Brady Murrin and another person; the Prohibition nominees were Brady Murrin without the "J", and Albert McClester without the "B." Now, when the returns were made the "J" was added on to the name of Brady Murrin, but the "B" was not added to the name of Albert McClester. As a result of that, when the ballots were made out they were made out with the name of J. Brady Murrin appearing on them, and after it the name of the party affiliation, Democratic, and the party affiliation, Prohibition, but the name of Albert B. McClester appeared as a Republican and the name of Albert McClester again as a Prohibitionist. As a result of this and as a result of the application of a very technical and harsh rule of law, J. Brady Murrin had counted as a part of his total vote all of the Prohibition votes cast for him, while Mr. McClester did not have counted for him any of the Prohibition votes cast for him, although it was admitted and found by the court as a fact that Albert McClester and Albert B. McClester were one and the same person, and although it was admitted and found as a fact that Albert McClester and Albert B. McClester had his picture and his name circulated throughout the county in those two forms. The record farther shows that he was the only male voter in the entire county by the name of McClester. This, it seems, made impossible any degree of confusion. But, applying the strict provisions of the law, it was decided by the court below that those three hundred and twenty-five Prohibition votes cast for Mr. McClester could not be counted, and we in the minority report have found that that is a proper interpretation of the law because the Supreme Court, I think, has established it as a rule and a rule of law should be followed.

I bring that point up at this time only for the purpose of applying it to the third question involved in this case. The second point of law is one that I probably know more about than any of the others, but inasmuch as the court below and the Supreme Court of Pennsylvania and the majority report and the minority report all seem to be in accord as to what the law is, I do not think it is necessary to say anything about it.

That brings us to the third question, the point upon which the majority report overrules the Democratic Court of Butler County.

I want to read to you just a part of the Act which applies to this case. This is Section 4 of the Act of January 17, 1934, and I will read only the relative parts as I see it: "On the day of election in any election district in which personal registration is not required any person whose name shall appear on the registry of voters, and who claims the right to vote at such election——" shall do certain things, among which are that "He shall produce at least one qualified voter— * * * who shall be sworn or affirmed and subscribed a written or partly written and partly printed affidavit * * *. The person so claiming the right to vote shall also take and subscribe a written or partly written and partly printed affidavit."

Then it goes on to state the qualifications that the person must have and what must be put forth in the affidavit, and then it says this: "Provided, that in case any person is allowed to vote at an election who is not registered, but makes an affidavit which by reason of the failure to fully observe the requirements of this section is insufficient in any contest growing out of said election it shall be lawful to correct any mistakes or supply and deficiencies in such affidavits, so as to show that the said person was in fact a qualified voter; but this shall not apply to non-registered voters who make no affidavit, or one which makes no attempt to comply with the law."

Now, and affidavit means something which is written. Every definition by Webster, by the law of dictionaries, by the courts of Pennsylvainia and by the courts of other jurisdictions state that there is no such thing as an oral affidavit. An affidavit must be written. That is a part of the meaning of the word. Yet, it is a contention of the majority report that because oral oaths were taken by certain people whose votes the judge of Butler County refused to count, those voters have attempted to qualify and comply with the law, and that therefore the correction in their qualifying could be made It seems to me that no possible construction of that type can be taken out of the section which I have just read. The real meaning of the entire section unquestionably is that affidavit must be made. If an affidavit is not made that vote is illegally cast and cannot be counted. That, it seems to me, is fundamentally so clear. as stated under the law, that there cannot fairly be any other interpretation put upon it. Yet they say that eighteen voters who happened to come into one of the election districts of Butler County and cast their ballots upon oral oaths should have their votes counted, in spite of the fact that the court in applying the clear provisions of the law determined that those eighteen votes should not be counted. There were twenty-two voters whose vote is in question in this case. Four of them had made partial

affidavits. Those four affidavits were incomplete but were corrected by the court below, and properly so, because that is what the proviso in the section refers to. Where and affidavit is made and not completed and not in strict accordance with the statute, that affidavit can be completed and the deficiency therein supplied. But without the affidavit there is no possible way to make a correction in the qualifying of such a voter. I don't think it has been brought out, but I think it should be mentioned here to make it clear, is true it was through no fault of the persons making these oral oaths that there were no printed affidavits available for them at that time. The election board ran out of affidavit forms and as a result of that the board permitted the oral oaths. This was clearly improper. It is not a particular harsh rule to apply the clear provision of the statute, because the board could have even taken the back of another affidavit which has been filled on the face, have the voter sign his name, have the witness subscribe his name and fill in the one or two blanks. Or it would have been a very easy job to sit down and write out a very brief form of affidavit, which under the law does not have to be accurate. But the rule clearly is, as set down by this Legislature, that a person, if he is not registered and if he desires to vote, has to make and affidavit and he has to subscribe to that affidavit. This is the clear provision of the law as we passed it. That is the clear provision of the law as it has been enforced by the courts.

I do not think that it comes with good reason for us as officials who make these laws to go ahead and totally disregard the clear provisions of these laws. We often talk about "shall" and "may" provisions; we often discuss in committees wether or not the bill contains a provision that must be enforced or wether it has a provision that may be enforced. The statute that we have referred to, has a "must" provision because the act says "shall". The courts in order to prevent fraud have always strictly interpreted these laws.

I do not think there is anybody who would suggest for a minute that had the following situation existed there would have been a right to count those votes. Suppose through no fault of the board's they had run out of ballots and suppose that without fraud each one of the persons who thereafter came to vote would be given a piece of paper by the board and they would write across it "I vote the Democratic ticket" and then would put that in the ballot box. If those ballots would not be counted, the voters would be disfranchised through no fault of their own. There would be no fraud. The intent would be clear, all the element of the present case would exist. Yet I do not think that anybody would contend for a minute that under the terms of the law thase persons could have their ballots counted. Another thing stated in the majority report is that inasmuch as there was no fraud in this case, therefore, the provision of the law need not be applied. That is a new thought that was never before advanced, as far as I could find out, on determining the question of wether or not the clear provisions of the statute should be enforced.

I appeal to you, this is not a question between men, it is not a question between parties, it is aquestion of whether or not we are going to abide by the provisions of the law, or whether we are going to wholly disregard them. We abide, and the court below abides by the strict provisions of the law, in deciding the first point and in so doing we disfranchise, if you will, three hundred twenty-five Prohibition votes in Butler County.

To apply the law to the other point in this case would disfranchise eighteen voters. I think that we ought to follow the clear provisions of the law which we the Legislature made. If we disregard the law how can we expect the courts or the people to enforce or live up to them?

I say to you, members of this House, purely on principle, not on aquestion of men, not on a question of party but on the question of principle that the minority report should be adopted and that the law should be adhered to.

Mr. SAMUEL. WEISS. Mr. Speaker and members of the House, I must issue with my friend on the minority side of the House. I want the members here to strictly adhere to the law in adopting the majority report. Let us read this proviso, it is very important,—it was enacted in the Special Session of 1934. That proviso added to the already existing law of 1874 in substance is as follows: "Provided, that in case any person is allowed to vote at an election, who is not registered, but makes an affidavit which by reason of the failure to fully observe the requirements of this section is insufficient, in any contest growing growing out of said election it shall be lawful to correct any mistakes or supply and deficiencies in such affidavit, so as to show that the said person was in fact a qualified voter; but this shall not apply to non-registered voters who make no affidavit or one which makes no attempt to comply with the law."

What was the Legislature's intent when it added that last provision and the proviso I just read: "Or one which makes no attempt to comply with the law?"

Let us get the facts before us. Twenty-two non-registered voters, many of them voting for the first time in the Second Ward of Butler Township, came to cast their ballots at about 5:30 p. m. on that election day they ran out of affidavits. The election board, as the court distinctly said in its opinion,—no question about their honesty,—called up the county commissioners, called up the homes of the county commissioners and they could not get them. There was no possibility of getting affidavits. What is the next thing they did? These electors wanted to vote, they wanted to comply with the law, so the election board did the very best thing they could do, they swore them orally. they made them produce a qualified elector to attest the qualification of these electors. They were sworn and they cast their ballots, and I say, members of this House, they did everything possible to comply with the law. Why should they be penalized for technical reasons? because of malfeasance, carelessness or indolence of the county commissioners in their failure to have sufficient affidavits at that poll.

Members of the House, let me call this to your attention. At the argument before the committee, counsel for McClester placed great stress upon the Cusick case decided by our Supreme Court in 1838, long before the Act of 1934 was passed, and in that contest Justice Paxson in his opinion in construeing the Act of 1874 said: "The tenth section of the Act of 1874 was mandatory." With that I agree with my friend on the other side, he then continues: "That where an affidavit has been made in compliance with the act and the informality is the result of the ignorance of the officer before whom it was taken, the difficulty be cured and the paper reformed upon due proof of what occurred at the time."

The court further stated in its opinion. "The law however does not intend that a duly qualified elector should lose his vote for the negligence or misfeasance of an election officer. Hence, when the informality is the result of the ignorance or neglect of the officer, such defects could be cured upon proof of what occurred at that time."

In another paragraph in this case decided by Justice Paxson, the famous Justice, and this was brought to my attention by my colleague Mr. Marino, a member of the committee, the Justice said: "Such a mistake may not only be innocent, but is likely to occur at a crowded poll, particularly in view of the fact that the election officers in many instances are without experience.'

I notice that this principle has been applied by the lower courts to election cases in many instances. citing many cases. I say that this is not different here, why should we penalize these voters? What right has the court,—and I don't care that he is a Democrat,—many courts below, Democrats and Republicans, have been reversed by the upper courts, and I need only refer you to the recent Supreme Court decision in 322 Pa. where in twenty-five instances the Supreme Court reversed the lower court for errors of law or mistakes of judgment. Not only that, but in about twenty-five instances many of the justices of the Supreme Court have dissented from the opinion of the Supreme Court itself. So that there can be mistakes of law, and say the lower court, even though the judge was a Democrat, he was on the spot, as we might say, and he thought the best way out would be to give this matter over to the Democratic House, but let me say to you members of the House, and particularly to you members of the minority side, the question to be decided is the election contest of Albert B. McClester against J. Brady Murrin. For instance, in re Shaffer's appeal where the name appeared identical on the ballot but omitted the initial, we would have to uphold the law as decided in re Shaffer's appeal 186 Attantis Reports in saying that J. Brady Murrin was not entitled to sit in the House.

I say to members of the House in the Rose case decided, it was where only one man ran for office, so I say in the opinion citied by the minority members, that issue is not raised.

I say in conclusion there is one thing that the court below did that he absolutely had no right to do, even though he was a Democratic judge. What right has the court below on the petition alleging one hundred twenty-five electors have committed irregularities, without alleging fraud, permitting expedition into ballot boxes contrary to the law set forth by the Supreme Court o fthe Commonwealth. Let me cite to you the decision of the Supreme Court in the Gollmar appeal. In that case, 316A Pa. p. 560 the Supreme Court held: "We regard the averments deficient, particulary of Agnew J., in the Election Cases 65 Pa. p. 20, where the general rule of certainity to a common intent was applied. * * * * While pleading an Election contest should not be governed by such strictness as to protect fraud, yet neither should the acts of sworn officers chosen by the people be attacked without adequate and wel defined cause.

In the petition filed by McClester he made a general averment one hundred twenty-five voters cast their ballots illegally, but this being a general averment, it does not supply the requirements set forth by the Supreme Court in the Gollmar appeal, which further held in their opinion: "The pleadings before us would seem only an effort to place the situation in such light as to justify a voyage of exploration into a large number of ballot boxes in the hope of ultimate discovery. Such is not the province of a contest."

I say members of the House, that is all there was to the contest in the court below; it was a fishing expedition and the court had no right to require those eighteen electors to disclose the secrecy of their ballot in the absence of any fraud, either expressed or implied. Let me read to you the court's opinoin. The Court below, Judge Wilson, said this: "There is no evidence of fraud in the conduct of the election in receiving, counting or computing and returning the votes cast in the Second Ward of Butler Township, the borough of Millerstown or Clay Township, the three districts investigated, in which the ballot boxes were opened and the vote recounted; nor anything from which fraud might be inferred. The mistake found during the investigation and the recount were honest mistakes of judgment."

Under what authority can my friend on the minority side say that the lower court had agreed to permit a fishing expedition, permitting these twenty-two votes, or these eighteen voters to be sworn under oath and disclose the secrecy of the ballot, something that this Legislature and the Constitution have given to every elector when he goes to a polling place and cast his ballot. I say to you, my friends on this side of the House and my friends on the minority side of the House, in the absence of fraud,—and all parties concur that there was no fraud,— the court had no right to go into a fishing expedition to find the number of voters who cast their votes for J. Brady Murrin or Albert B. McClester. It was doing nothing more than opening the way to greater fraud and that is what this Legislature is trying to avoid. In each session of the Assembly from 1874 until the Special Session of 1934 legislation was introduced to prevent fraud; in fact all the act of 1934 did was to deal with those who made no attempt to comply with the law. Members of the House, those voters, if you will read their testimony many of them who walked miles and brought their citizenship papers to vote for the first time should not be denied their franchise for technical reasons. We have a right to abide by the law and adhere to it strictly, and I say to you, members of the House, by doing. These electors have a right to cast their vote and adopting this majority report that is exactly what you are not be disfranchised for technical reasons.

For those reasons, members of the House, I ask you to vote "aye on the majority report.

Mr. WOODSIDE. Mr. Speaker and members of the House, there is one thing that the gentleman from Allegheny spoke about that interested me a great deal. That is the question of this fishing expedition. I happen to know of a certain legislative district not very far from where we are sitting, in which there were thirty-five ballot boxes opened, in which one hundred five people made affidavit that there was fraud in those election boxes, and in which I think, as far as I have been able to ascertain, there was not a single person who knew or believed of any particular act of fraud. Although there were one hundred seventy-five election officials accused of fraud in the affidavits made to open the boxes, there wasn't a single item of fraud shown, or a single item of fraud proven. In the opening of those thirty-five ballot boxes, upon the oath one hundred five people, over half the votes of the district were counted and a fishing expedition was really held.

But I want to call the attention of this body to what the

court below did say in its conclusion in this matter: "We cannot escape the conclusion that the law, which says that before a non-registered voter shall be permitted to vote, he shall file with the election officers an affidavit in writing, or partly printed and partly written, in which he sets forth his qualifications as a voter, is mandatory and binding on the voter, the election officers and the court. To hold otherwise would open the way to fraud in the conduct of elections. We therefore conclude that the vote of non-registered voters cast without having filed with the election officers an affidavit in writing, or partly printed and partly written, complete or incomplete, is illegal and cannot be counted."

There is also the technical question raised, if you please, concerning the sufficiency of the affidavit of the petition in the court below. That petition outlined the districts in which the illegal votes were cast, the approximate number, the reasons why they were illegal, that it would change the result of the election, and asked permission to add the names of the parties who voted illegally, which subsequently was done. I don't know how you could go much further in alleging the illegality of the voters, and I think under all the circumstances in this case,—and I don't want to delay the House any longer by continuing the debate on this bill,—but I think under all the circumstances of this case the House ought to follow the opinion of the court below that gave this matter careful consideration and applied the clear provisions of the law.

The gentleman from Allegheny read the last part of the section of the act applicable but he didn't tell you what the "this" in that section of the law refers to; he did not tell you or point out to you particularly that that provision says that you can correct the affidavit. But you cannot correct an affidavit when you don't have one. It doesn't say that it qualifies the voter or that the voters can be qualified; it only says that you can correct the affidavit.

In consideration of all these facts I think the minority report should be adopted.

Mr. MARINO. Mr. Speaker and members of the House, as a member of the sub-committee on this bill I would like to give vent to my expression with reference to what I have done. Mr. Woodside, of Dauphin County, referred to some members of the committee having a keen sense of justice, that some of them had a keen sense of personal justice and that they were lacking in some way or another their keen sense of political justice. I want to inform the gentleman from Dauphin, Mr. Woodside, that my impression of justice is not one that is political or personal or anything else. If I believe that something is right, I make an opinion on that, and if I think it is wrong my opinion is according. I do not think that my sense of justice is divided.

Another think that he brought up was a reference that some of the members may be working under the direction of some one, and I would like to correct him in saying that personally I am not working under the direction of anybody down here; that if I am working under the direction of anyone at all it is under the direction of the people who elected me from my county.

As far as this case hinging upon a Democratic judge deciding against a Democratic candidate, I want to say that I didn't know the political affiliations of the judge in question. I think this is a question of law, and accordingly I believe it should be so decided. I decided against the judge in Butler County because I believe that he erred in his judgment just the same as any of us can do.

I want to conclude by saying that this case hinges upon whether or not the members of this Assembly believe that the eighteen non-registered voters' votes should be counted, the people who through no fault of their own,—an admission on all sides that there was no fault of their own,—an admission by Mr. Woodside, himself of Dauphin County,—went to the polls and in every respect wanted to qualify with the law, and those not native born brought their citizenship papers. Those who were not registered brought a duly qualified elector to swear that they were qualified electors. They made every attempt to comply with the law, and as such I believe as a member of the sub-committee and as a member of this House that the vote of those eighteen people should be counted.

On the question recurring,

Will the House agree to the amendment which substitutes the minority report and the resolutions therewith for the majority report?

The yeas and nays were required by Mr. WOODSIDE and Mr. LONGAKER,

Mr. MURRIN. Mr. Speaker, inasmuch as I am vitally interested in this issue, I wish not to be recorded on the roll call.

The SPEAKER. The gentleman from Butler, Mr. Murrin, exercises his constitutional right in this matter. Since he is personally involved he will not be recorded on this roll call.

The yeas and nays were taken and were as follows:

YEAS—50

Atkins,	Kane,	Schrock,	Turner,
Baker, F. T.,	Kline,	Schumacher,	VanAllsburg,
Cadwalader,	Leisey,	Serrill,	Wall,
Davies,	Longaker,	Sloan,	Wampole,
Eckels,	Lyons,	Snyder,	Watkins,
Fiss,	Matthews, J. F.,	Sollenberger	Webster,
Gillette,	McDevitt,	Stackpole,	Weidemann,
Habbyshaw,	McKinney,	Stewart,	Wilson,
Hagerty,	Merrell,	Stockham,	Winner,
Hall,	Muir,	Strode,	Wood,
Hamilton, R. S.,	Peale,	Terry,	Woodside,
Huntley,	Perry,	Trout,	Yeakel,
Imbrie,	Royer,		

NAYS—148

Achterman,	Falkenstein,	McArdle,	Scanlon,
Alexander,	Finnerty,	McCullough,	Schor,
Allmond,	Fitch,	McDermott,	Schrope,
Arnold,	Flanagan,	McElroy,	Shaw,
Aukerman,	Flannery,	McFall,	Shea,
Baine,	Flinchbaugh,	McGee,	Shepard,
Baker, J. J.,	Ganser,	McShane,	Shoemaker,
Bierly,	Gerard,	Melchiorre,	Shugarts,
Blank,	Gorski,	Mellott,	Siegel,
Bohn,	Haberlen,	Mihm,	Simon,
Boles,	Hamilton, F. P.,	Moomaw,	Smith, James A.,
Boltz,	Harkins,	Mooney,	Smith, John A.,
Bradley,	Harmuth,	Moran,	Spengler,
Brancato,	Hays,	Moul,	Stank,
Brigerman,	Hering,	Munley,	Thomas,
Broad,	Hess,	Nagel,	Thompson,
Brown,	Hetrick,	O'Brien,	Toole,
Brownfield,	Hindman,	O'Connor,	Tronzo,
Burrows,	Hirsch,	O'Keefe,	Tumelty,
Caesar,	Holland,	Ominsky,	Valibus,
Caputo,	Holmes,	O'Neill,	VanSickle,
Chervenak,	Holstrom,	Ostroff,	Vogt,
Coakley,	Hontz,	Patterson, S.,	Wagner,
Cohen, H. B.,	Horting,	Patterson, W.,	Walsh,
Cohen, R. E.,	Jirolanio,	Pershing,	Weiss, D. H.,
Coleman,	Keenan,	Piole,	Weiss, S. A.,
Coolahan,	Kelso,	Powers,	Welliver,
Corrigan,	Kilroy,	Preston,	Welsh,

Costanzo,	Kroll,	Readinger,	Westrick,
Decker,	LaRue,	Reese,	Whalen,
Dickinson,	Levy,	Reising,	Whitenight,
Donohoe,	Lewis,	Richter,	Wright,
Dougherty,	Long,	Robinson,	Yanoshat,
Downey,	Lopresti,	Rothenberger,	Yourishin,
Dubbs,	Lovett,	Ruffennach,	Zappala,
Dyson,	Marino,	Rush,	Furman,
Elpern,	Matthews, H. T.,	Sarraf,	

So the question was determined in the negative and the amendment to substitute the minority report and the resolutions therewith for the majority report was not agreed to.

On the question recurring,

Will the House adopt the majority report and the resolutions therewith?

The yeas and nays were taken and were as follows:

YEAS—152

Achterman,	Falkenstein,	McCullough,	Schor,
Alexander,	Finnerty,	McDermott,	Schrope,
Allmond,	Fitch,	McElroy,	Shaw,
Arnold,	Flanagan,	McFall,	Shea,
Aukerman,	Flannery,	McGee,	Shepard,
Baine,	Flinchbaugh,	McShane,	Shoemaker,
Baker, J. J.,	Ganser,	Melchiorre,	Shugarts,
Balthaser	Gerard,	Mellott,	Siegel,
Blank,	Gorski,	Mihm,	Simon,
Bohn,	Haberlen,	Moomaw,	Skale,
Boles,	Hagerty,	Mooney,	Smith, James A.,
Boltz,	Hamilton, F. P.,	Moran,	Smith, John A.,
Bradley,	Harkins,	Moul,	Spengler,
Brancato,	Harmuth,	Munley,	Stackpole,
Brigerman,	Hays,	Nagel,	Stank,
Broad,	Hering,	O'Brien,	Thomas,
Brown,	Hess,	O'Connor,	Thompson,
Brownfield,	Hetrick,	O'Keefe,	Toole,
Burrows,	Hindman,	Ominsky,	Tronzo,
Caesar,	Hirsch,	O'Neill,	Tumelty,
Caputo,	Holland,	Ostroff,	Vallous,
Chervenak,	Holmes,	Patterson, C. S.,	VanSickle,
Coakley,	Holstrom,	Patterson, J. W.,	Vogt,
Cohen, H. B.,	Horting,	Pearson,	Wagner,
Cohen, R. E.,	Jirolanio,	Pershing,	Walsh,
Coleman,	Keenan,	Piole,	Weiss, D. H.,
Coolahan,	Kelso,	Powers,	Weiss, S. A.,
Corrigan,	Kilroy,	Preston,	Welliver,
Costanzo,	Kroll,	Readinger,	Welsh,
Decker,	LaRue,	Reese,	Westrick,
DeNote,	Levy,	Reising,	Whalen,
Dickinson,	Lewis,	Richter,	Whitenight,
Donohoe,	Long,	Robinson,	Wright,
Dougherty,	Lopresti,	Rothenberger,	Yanoshat,
Downey,	Lovett,	Ruffennach,	Yourishin,
Dubbs,	Marino,	Rush,	Zappala,
Dyson,	Matthews, H. T.,	Sarraf,	Furman,
Elpern,	McArdle,	Scanlon,	

NAYS—53

Atkins,	Kane,	Royer,	Trout,
Baker, F. T.,	Kline,	Schrock,	Turner,
Boyer,	Leisey,	Schumacher,	VanAllsburg,
Cadwalader,	Longaker,	Serrill,	Wall
Davies,	Lyons,	Simpson,	Wampole,
Eckels,	Mallen,	Sloan,	Watkins,
Fiss,	Matthews, J. F.,	Snyder,	Webster,
Gillette,	McDevitt,	Sollenberger,	Weidemann,
Habbyshaw,	McKinney,	Sproul,	Wilson,
Hall,	Merrell,	Stewart,	Winner,
Hamilton, R. S.,	Muir,	Stockham,	Wood,
Huntley,	Peale,	Strode,	Woodside,
Imbrie,	Perry,	Terry,	Yeakel,

So the question was determined in the affirmative and the majority report and the resolutions therewith were adopted.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. WELSH asked and obtained permission for the Committee on Printing to meet during the session of the House to hold a public hearing on House Bill No. 418, in the House Caucus Room called for 3:00 o'clock.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 854, entitled:

An Act simplifying the procedure for the construction and financing of public works projects by municipalities; enabling municipalities to make and perform contracts with Federal agencies, relating to the construction and financing of such projects; and conferring additional powers upon municipalities.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Ganser,	McKinney,	Simon,
Alexander,	Gerard,	McShane,	Simpson,
Allmond,	Gillette,	Melchiorre,	Skale,
Arnold,	Gorski,	Mellott,	Sloan,
Atkins,	Habbyshaw,	Merrell,	Smith, John A.,
Aukerman,	Haberlen,	Mihm,	Smith, James A.,
Baine,	Hagerty,	Moomaw,	Snyder,
Baker, F. T.,	Hall,	Mooney,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Spengler,
Balthaser,	Hamilton, R. S.,	Moul,	Sproul,
Bierly,	Harkins,	Muir,	Stackpole,
Blank,	Harmuth,	Munley,	Stank,
Bohn,	Hays,	Murrin,	Stewart,
Boles,	Hering,	Nagel,	Stockham,
Boltz,	Hess,	O'Brien,	Strode,
Boyer,	Hetrick,	O'Connor,	Terry,
Bradley,	Hindman,	O'Keefe,	Thomas,
Brancato,	Hirsch,	Ominsky,	Thompson,
Brigerman,	Holland,	O'Neill,	Toole,
Broad,	Holmes,	Ostroff,	Tronzo,
Brown,	Holstrom,	Patterson, C. S.,	Trout,
Brownfield,	Horting,	Patterson, J. W.,	Tumelty,
Burrows,	Huntley,	Peale,	Turner,
Cadwalader,	Imbrie,	Pearson,	Vallibus,
Caesar,	Jirolanio,	Perry,	VanAllsburg,
Caputo,	Kane,	Pershing,	VanSickle,
Chervenak,	Keenan,	Piole,	Vogt,
Coakley,	Kelso,	Powers,	Wagner,
Cohen, H. B.,	Kilroy,	Preston,	Wall,
Cohen, R. E.,	Kline,	Readinger,	Walsh,
Coleman,	Kroll,	Reese,	Wampole,
Coolahan,	LaRue,	Reising,	Watkins,
Corrigan,	Leisey,	Richter,	Webster,
Costanzo,	Levy,	Robinson,	Weidemann,
Davies,	Lewis,	Rothenberger,	Weiss, D. H.,
Decker,	Long,	Royer,	Weiss, S. A.,
DeNote,	Longaker,	Ruffennach,	Welliver,
Dickinson,	Lopresti,	Rush,	Welsh,
Donohoe,	Lovett,	Sarraf,	Westrick,
Dougherty,	Lyons,	Scanlon,	Whalen,
Downey,	Mallen,	Schor,	Whitenight,
Dubbs,	Marino,	Schrock,	Wilson,
Dyson,	Matthews, H. T.,	Schrope,	Winner,
Eckels,	Matthews, J. F.,	Schumacher	Wood,
Elpern,	McArdle,	Serrill,	Woodside,
Falkenstein,	McCullough,	Shaw,	Wright,
Finnerty,	McDermott,	Shea,	Yeakel,
Fiss,	McDevitt,	Shepard,	Yanoshat,
Fitch,	McElroy,	Shoemaker,	Yourishin,
Flanagan,	McFall,	Shugarts,	Zappala,
Flannery,	McGee,	Siegel,	Furman,
Flinchbaugh,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Mr. WESTRICK. Mr. Speaker, I desire to call up at

the time House Bill No. 177, Printer's No. 176, on page 16 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. WESTRICK.

The House resumed the considered on third reading of House Bill No. 177, entitled:

An Act to amend section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 682), entitled as amended "An act relating to domestic animals, and providing for their appraisement when condemned to prevent the spread of disease; and regulating payments by the Commonwealth in such cases, and the payment of salvage by butchers," as amended, by changing the amount of compensation in certain cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—139

Achterman,	Finnerty,	McElroy,	Schor,
Alexander,	Fitch,	McFall,	Schrope,
Allmond,	Flanagan,	McGee,	Schumacher,
Arnold,	Flannery,	McShane,	Shepard,
Aukerman,	Flinchbaugh,	Melchiorre,	Shoemaker,
Baine,	Ganser,	Mellott,	Shugarts,
Baker, J. J.,	Gerard,	Mihm,	Siegel,
Balthaser,	Gorski,	Moomaw,	Simon,
Bierly,	Haberlen,	Mooney,	Smith, James A.,
Boies,	Hagerty,	Moran,	Smith, John A.,
Boltz,	Hamilton, F. P.,	Moul,	Spengler,
Brancato,	Harkins,	Munley,	Stank,
Brigerman,	Harmuth,	Murrin,	Thomas,
Broad,	Hays,	Nagel,	Thompson,
Brown,	Hering,	O'Brien,	Toole,
Brownfield,	Hess,	O'Connor,	Tronzo,
Burrows,	Hetrick,	O'Keefe,	Tumelty,
Caputo,	Hindman,	Ominsky,	Valibus,
Cherrenak,	Hirsch,	Ostroff,	VanSickle,
Coakley,	Holland,	Patterson, C. S.,	Vogt,
Cohen, H. B.,	Holmes,	Patterson, J. W.,	Wagner,
Cohen, R. E.,	Holstrom,	Pearson,	Wall,
Coleman,	Horting,	Pershing,	Walsh,
Coolahan,	Jirolanlo,	Piole,	Weiss, D. H.,
Corrigan,	Keenan,	Powers,	Weiss, S. A.,
Costanzo,	Kelso,	Preston,	Welliver,
Decker,	Kilroy,	Readinger,	Welsh,
DeNote,	Kroll,	Reese,	Westrick,
Dickinson,	LaRue,	Reising,	Whalen,
Donohoe,	Long,	Richter,	Whitenight,
Dougherty,	Lopresti,	Robinson,	Wright,
Downey,	Lovett,	Ruffennach,	Yanoshat,
Dubbs,	Marino,	Rush,	Yourishin,
Dyson,	Matthews, H. T.,	Sarraf,	Zappala,
Elpern,	McCullough,	Scanlon,	Furman,
Falkenstein,	McDermott,		

NAYS—39

Atkins,	Imbrie,	Perry,	Strode,
Baker, F. T.,	Kane,	Rothenberger,	Terry,
Cadwalader,	Kline,	Royer,	VanAllsburg,
Davies,	Lelsey,	Schrock,	Wampole
Eckels,	Longaker,	Schumacher,	Watkins,
Fiss,	Matthews, J. F.,	Snyder,	Wilson,
Gillette,	McDevitt,	Sollenberger,	Winner,
Habbyshaw,	McKinney,	Sproul,	Wood,
Hamilton, R. S.,	Muir,	Stewart,	Woodside
Huntley,	Peale,	Stockham,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE ON HOUSE BILL No. 177.

Mr. FRANCIS T. BAKER filed the following reason for his vote:

I am voting "no" on House Bill No. 177 for the following reason:

The price of cattle is considerably increased at this time and will cost more to replace.

I am of the opinion we should not reduce the indemnity below the present amount of forty and seventy dollars.

Mr. MATTHEWS filed the following reason for his vote:

I am voting against this bill because I feel that the amount of indemnity should at least remain at $70.00 and $40.00 for Bangs disease the same as it was for T. B.

The testing for Bangs Disease will surely bring the price of cattle up in our State and the small amount provided in this bill would work a hardship on our farmers especially the smaller ones who may loose their herds. It is unfortunate that the administration saw fit to limit the appropriation to such a small amount as I feel it is bound to work a hardship on the farmer.

Mr. SCHROCK filed the following reason for his vote:

I am voting "no" on House Bill No. 177 for the following reason:

The price of cattle is now increasing and therefore, I do not think we should reduce the amount of indemnity at this time.

Mr. SNYDER filed the following reason for his vote:

I am voting "no" on this bill because I think the amount of indemnity paid for Bangs disease, should remain at $40 and $70 the same as it was for T. B.

When the testing for Bangs becomes general throughout the State, the price of cattle will increase and it will work a hardship, especially on the small owner if he is unfortunate enough to lose a large proportion of his herd.

I am sorry the administration saw fit to limit the appropriation for the above, which certainly will work a hardship on may of our farmers throughout the State.

Mr. SOLLENBERGER filed the following reasons for his vote.

I am voting against it because I feel that the State should pay $40 and $70 (The same as T B) and sorry the Gorvernor saw fit to cut appropriation. This will work a hardship on the farmer.

Mr. STEWART filed the following reason for his vote:

I am voting "no" on this bill for the reason that I think the price should be increased and not reduced in view of the fact that when the test for Bangs disease becomes general over the State the price of cattle will be greatly increased making it difficult for replacement.

Mr. WOOD filed the following reasons for his vote:

I am voting "no" for the following reasons:

That the present indemnity of $40 for a grade animal and $70 for a pure bred animal should be increased instead of reduced because when the testing for Bang's Disease becomes general the price of cattle will greatly increase. Any attempt to reduce the indemnity at the present time is a slap at the dairymen who have been put to a lot of trouble and expense the last few years by rules and regulations of the Department of Health without getting any more money for his milk and now they want to kill his cows without paying for them in full.

The appropriation is too small to properly carry on the work during the coming biennium and should be increased from $1,200,000 to $2,000,000.

Mr. ACHTERMAN in the Chair.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 690, entitled:

An Act to amend section twelve as amended and section seventeen of the act, approved the second day of May one thousand nine hundred and twenty-nine, (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," providing for the annulment of certain voidable marriages.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeablyto the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196.

Achterman,	Flinchbaugh,	McFall,	Siegel,
Alexander,	Ganser,	McGee,	Simon,
Allmond,	Gerard,	McKinney,	Simpson,
Arnold,	Gillette,	McShane,	Skale,
Atkins,	Gorski,	Melchiorre,	Sloan,
Ankerman,	Habbyshaw,	Mellott,	Smith, John A.,
Baine,	Haberlen,	Merrell,	Smith, James A.,
Baker, J. J	Hagerty,	Mihm,	Snyder,
Balthaser,	Hall,	Moomaw,	Sollenberger,
Blank,	Hamilton, F. P.,	Mooney,	Spengler,
Bohn,	Hamilton, R. S.,	Moul,	Sproul,
Boies,	Harkins,	Muir,	Stackpole,
Boltz,	Harmuth,	Munley,	Stank,
Boyer,	Hays,	Murrin,	Stewart,
Bradley,	Hering,	Nagel,	Stockham,
Brancato,	Hess,	O'Brien,	Strode,
Brigerman,	Hetrick,	O'Connor,	Terry,
Broad,	Hindman,	O'Keefe,	Thomas,
Brown,	Hirsch,	Ominsky,	Thompson,
Brownfield,	Holland,	O'Neill,	Tronzo,
Burrows,	Holmes,	Ostroff,	Trout,
Cadwalader,	Holstrom,	Patterson, C. S.,	Tumelty,
Caesar,	Horting,	Peale,	Turner,
Caputo,	Huntley,	Pearson,	Valibus,
Chervenak,	Imbrie,	Perry,	VanAllsburg,
Coakley,	Jirolanio,	Pershing,	VanSickle,
Cohen, H. B.,	Kane,	Piole,	Vogt,
Cohen, R. E.,	Keenan,	Powers,	Wagner,
Coleman,	Kelso,	Preston,	Wall,
Coolahan,	Kilroy,	Readinger	Walsh,
Corrigan,	Kline,	Reese,	Wampole,
Costanzo,	Kroll,	Richter,	Watkins,
Davies,	LaRue,	Robinson,	Webster,
Decker,	Leisey,	Rothenberger,	Weidemann,
DeNote,	Levy,	Royer,	Weiss, D. H.,
Dickinson,	Lewis,	Ruffennach,	Weiss, S. A.,
Donohoe,	Long,	Rush,	Welliver,
Dougherty,	Longaker,	Sarraf,	Welsh,
Downey,	Lopresti,	Scanlon,	Westrick,
Dubbs,	Lyons,	Schor,	Whalen,
Dyson,	Mallen,	Schrock	Whitenight
Eckels,	Marino,	Schrope,	Wilson,
Epern,	Matthews, H. T.,	Schumacher,	Woodside,
Falkenstein,	Matthews, J. F.,	Serrill,	Wright,
Finnerty,	McArdle,	Shaw,	Yanoshak
Fiss,	McCullough,	Shea,	Yeakel,
Fitch,	McDermott,	Shepard,	Yourishin,
Flanagan,	McDevitt,	Shoemaker,	Zappala,
Flannery,	McElroy,	Shugarts,	Furman,

NAYS—9.

Baker, F. T.,	Moran,	Reising,	Winner,
Bierly,	Patterson, J. W.,	Toole,	Wood,
Lovett,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. GERARD. Mr. Speaker, I desire to call up at this time House Bill No. 390, Printer's No. 181, on page 16 of today's calendar, bill on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. GERARD.

The House resumed the consideration on final passage of House Bill No. 390, entitled:

An Act relating to the performance of industrial work in homes regulating and in certain cases prohibiting industrial home-work imposing duties restrictions and liabilities on industrial home-workers and on persons partnerships associations and corporations directly or indirectly furnishing materials and articles to home-workers for manufacture or work thereon requiring permits and home-workers' certificates and prescribing the fees therefor conferring powers and imposing duties on the Deparement of Labor and Industry and the Department of Revenue and prescribing penalties

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. KANE. Mr. Speaker, as one of those who intends to vote for this bill but who is in a little confusion with regard to it, I would like to ask the sponsor, Mr. Gerard, a question at this time. May I have leave to interrogate the gentleman?

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GERARD. I will, Mr. Speaker.

Mr. KANE. Mr. Speaker, I notice in this bill that industrial home work is subdivided, apparently, into two classifications, one of which, applying to most of the occupations, is put under the regulation of the Department and the Department may after investigation either license those occupations or not. However, we have another classification of certain enumerated occupations which are absolutely forbidden by this law. Two of those are the following: First, the making of children's clothing for children under ten years of age and the other is the manufacturing of food stuff in the home. Could you tell me the reason for barring those two occupations absolutely?

Mr. GERARD. Mr. Speaker, in answer to the gentleman from McKean, I would say that the bill is rather self explanatory because of the preamble and section one. The bill proposes to regulate industrial home work by prescribing licenses for those who give out this work into homes. The several items that are prescribed here, relative to the prohibitory work, has not, I believe, and I believe you will agree with me been done for the purpose of discriminating against any one or depriving any one of a means of livelihood. Articles of food and drink are prohibited, articles for use in connection with the serving of food or drink, articles of wearing apparel for the use of children ten years of age or under, toys and dolls, tobacco, drugs

and poisons, bandages and other sanitary goods, explosives, fire works and articles of like character and the tearing or sewing of rage. I submit to you, members of the House, that all of these articles if made in homes possibly where there would be unsanitary conditions, would tend to be both unsafe and unsanitary and for that reason those articles were included in this bill.

Mr. KANE. Mr. Speaker, I have read the preamble of the bill and I am satisfied that the purpose of the bill is good.

The SPEAKER. Does the gentleman from McKean desire further to interrogate the gentleman from Allegheny?

Mr. KANE. Yes, Mr. Speaker. As the answer was not specific, I would like to question the gentleman a little further, if I may.

The SPEAKER. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. GERARD. I will, Mr. Speaker.

Mr. KANE. Mr. Speaker, the point I would like to have the gentleman explain himself—not from the preamble but himself—is this, and I would like to bring the application of this bill if possible, home to the members of this House: if I were disabled and unable to take care of my family or killed, it seems to me that there are several occupations that my wife, who is the mother of three small children, could carry on in her home without being compelled to go out and work in a factory. One of those, it seems to me, on the face of things would be the making of children's clothing—she does that now. Is there any reason why that should be absolutely prohibited rather than left to the Department to decide whether it could be carried on if the conditions are sanitary? In other words, why are you classifying the making of children's clothing in the home with drugs and poisons? Why are you unwillingly to let the Department decide whether it is satisfactory or not after investigation?

Mr. GERARD. In answer to the gentleman from McKean, Mr. Kane, I will say Mr. Speaker, that in the first instance he is correct: that women can do this work at home and it is now being done at home, but this class of work is becoming very wide spread and for that reason we feel that it is a class of work that should be regulated, and we also feel that certain lines of work should be prohibited. The gentleman from McKean has also mentioned the question of food. Well, first, I will say that a lady could cook or could, rather, bake pies or bread in a home and that one home might be sanitary while, on the other hand, there would be very many that would not be sanitary. Does that answer the question of the gentleman from McKean?

Mr. KANE. Mr. Speaker, I am afraid that it does answer it, but I would like to ask one more specific question if I may.

Mr. Speaker, I would like to ask the gentleman from Allegheny whether he means by that answer that the purpose of this bill is a labor regulation rather than a sanitary measure and whether he really intends to prohibit women from carrying on a home occupation, regardless of whether it is sanitary or not.

Mr. GERARD. Mr. Speaker, in answer to the gentleman from McKean I would say both. The ultimate result of this bill, if it is finally passed and becomes a law, will be that the Department of Labor and Industry will have regulatory powers over what home work is given out. The Department will know just where it went, how it is done and the conditions in those homes where it is done.

Mr. KANE. Mr. Speaker and members of the House, I would like very much to vote on this bill as a labor measure as well as a sanitary one. I appreciate that one of the hazards in trying to regulate labor is the fact that these occupations can be carried on sometimes in such obscure places and by such undercover methods that it is extremely difficult to regulate the commerce in the factory and permit ruinous competition to be carried on by manufacturing going on in the home without regulation. I realize all that. The gentleman is apparently somewhat mistaken as to the provisions of this bill. As I read the bill and I believe it is clearly stated in print therein, certain occupations are put under the Department of Labor and Industry for the purpose of regulation, but there are no less than a dozen occupations which are not placed under the Department but are absolutely forbidden to be carried on in the home. Among those which are not regulated but are absolutely prohibited by this legislation are the manufacture of articles of food in the home, not for the family but for other people, for commercial purposes, the manufacture of toys and dolls, the manufacture of wearing apparel for use of children ten years of age or under. Now, members of the House, I submit to you, as a friend of this sort of measure, that it is most unreasonable to empower the Department to impose sanitary regulations, let us say, over the making of lamp chimneys or lamp shades in the home and at the same time to absolutely prohibit the manufacture of children's clothing in the home. Now heaven knows if there is any place where children's clothing could be conceivably manufactured under the most clean and careful sanitary conditions it is right in your own home. I hope, I most earnestly hope, that if the condition ever arises in this State where people are faced with starvation and they are unable to carry on at their own occupation we will be able, as we have done in our own county, to substitute some form of public assistance when it is necessary to keep people from starving. I believe the people should have the privilege of carrying on certain occupations, if they care to, provided they carry them on in a sanitary and safe manner. I do not think we ought to prohibit those occupations. I am absolutely and heartily in favor of regulating them, to see that our standards of labor are not upset.

I would like to ask the sponsor of this bill whether he could see his way clear to place those two classes of occupations under the regulation of the Department of Labor and Industry rather than prohibiting them absolutely. I do not believe that is the intention of this bill and I do not think that is the wish of the members of this House. I would like to ask the sponsor of the bill if he would consider making that change in the bill. Mr. Speaker, may I ask the sponsor if he would consider making that change.

The SPEAKER. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. GERARD. Mr. Speaker, I will.

Mr. KANE. Mr. Speaker, may I ask the gentleman if he feels that it would injure his bill materially, taking out the manufacture of children's clothing and the manufacture of food stuffs out of the second part of the bill and putting them back in the first part of the bill where the Department has the right to investigate, to regulate

those things and if necessary to prohibit, rather than to put it in the latter section of the bill where it must be prohibited regardless of how it is carried on.

Mr. GERARD. Mr. Speaker, in answer to the gentleman from McKean, I do not desire to change that part of the bill because by so doing it would weaken the purposes of the bill. May I say to the gentleman from McKean, relative to the making of children's clothes, that it is very apparent, as I said before, that this work has become very wide spread, and there is no good reason why they can't bring this work into factories and shops where it can be done. It is not necessary that this work should be brought into the homes and for that reason I would not desire to change that part of the bill.

Mr. KANE. Mr. Speaker and members of the House, the gentleman from Allegheny has just said that he saw no reason why that particular occupation could not be taken out of the homes. I cite the very adequate and sufficient reason that in most cases where people do this work they do not do it because they have a yearning for the work but because they have to do so. That is a very sufficient reason. In the case of my own family I may say that if I died my wife would be compelled to carry on in the home because she could not leave three small children alone in order to go out and work in a factory. I hope that fact will never be the case. As much as I would like to vote for this bill, and especially so in view of the fact that in our county we do not have such a thing as industrial home work, and it would be an easy thing for me to vote for this bill, it would be a popular thing. yet I do not feel, Mr. Speaker and members of the House, that I should deny to the people of my own county who are willing to work the privilege of earning a living, when I am willing to empower the Department most fully with the right to inspect and regulate and prohibit certain occupations. I am most unwilling and I think the members of the House should be unwilling to state that certain occupations, for no good reason at all, are absolutely forbidden in Pennsylvania.

Mr. GERARD. Mr. Speaker and members of the House, the real sincere purpose back of this bill is to eventually abolish the sweat shop system in Pennsylvania. Work that is given out into homes helps to lower the standard of wages, and those people who can earn a little money at home do so at the expense of a particular industry. That matter was brought out very carefully in the public hearing on this particular bill. One gentleman was asked particularly and he stated that he and his wife and boy and girl worked on a farm and did the work on the side of sewing rags and that they made around ten or fifteen dollars a month by doing so. I suppose that is just extra money to them, but at the same time when they are doing that they are depriving somebody else of work in a shop or factory from making a livelihood. That is the reason why we have introduced this measure. We wish eventually to eliminate sweat shop conditions in Pennsylvania I ask your support of this bill.

Mr. TURNER. Mr. Speaker and members of the House, I am in the greatest sympathy with gentleman from Allegheny in his desire to eliminate the sweat shop in Pennsylvania. It has been a question that has been before this legislature for some time and it has been a troublesome thing in an endeavor to work out a piece of legislation to accomplish what the sponsor desires, and which at the same time would not injure others. I had intended to vote for this but as I now understand the bill it would prevent, for instance, the dressmaker from carrying on a business in her own home. I know in my own personal experience that my children's clothing were made by a dress-maker in South Philadelphia who carried on a business for a number of years in her own home. She had a large clientelc, a clientele that had come down in some instances from mother to daughter. If the provisions of this bill would preclude such a person from carrying on a business of that kind I do not feel that I could vote for it.

In the second place, as I now understand the bill, it would prevent the manufacture or the making of food products, the baking of pies or cakes or things of that kind in the home. In the community in which I live there are a number of women who carry on a regular baking business from their homes. It is a baking business of high quality and in one or two instances they bake the products at home and sell them to stores in the town nearby. During the depression in what I might term one of the highest class residental districts in our county I know that a number of women in that community were able to eke out the family living only by reason of the fact that they were able to carry on by baking or making preserves or by sewing, without having to go on the dole.

We also know that in most all of the cities there are what we call exchanges, where products are made by people who are unable to go out and work or by people who by reason of financial distress have to undertake work of this kind. These exchanges are set up by charitable women for the purpose of aiding just that sort of person, and in all those instances, if they are precluded from doing so under the provisions of this bill, I think it would be most unfair and improper. I would like to help out on this work if possible, and I concur in what the gentleman from McKean, Mr. Kane, has said that it is important that the bill be amended so that in some way these people can carry on that work in the home. If it necessary to have it regulated and inspected by the Department let us have it regulated and inspected, but do not let us deprive these people of the opportunity in these may instances to carry on that kind of work, because in the first instance it is necessary for them, and in the second place they have just as much right to carry on their businesses as do the people who go into factories to work.

Mr. REISING. Mr. Speaker and members of the House, I was very much impressed with the fact that our good friend Mr. Turner has expressed his sympathy for the depeople of our State, but in view of the fact that he has been a member of the Legislature for so many years and that we haven't got any further than we have, in doing something real for our distressed people, I am inclined to think that it is just sympathy.

Now with respect to the things he mentions, the baking of pies, the making of dresses and various other things and disposing of them to the people in the community there is nothing in this bill that prevents it as I understand the bill. Section 4, on page 5, says this in so many words: "Prohibited Homework, it shall be unlawful to manufacture in a home for an employer contractor or representative contractor any of the following articles or to perform in a home for such persons any of the following work and no permit issued under this act shall be deemed to authorize such manufacture or performance of any

such work." I feel that the argument against this bill has been somewhat misleading and I only hope that the members of this House will not be misled by such argument.

In the case of the gentleman from McKean, Mr. Kane, when he speaks of the distressed condition in the event that the bread winner is killed or crippled, leaving a wife with small children, understand that this is just one of the bills in the program of this Administration to take care of our people. The mother with the little children will be taken care of by the Mother's Assistance Fund, and where people become old they will be put on Old Age Assistance, where they are ill they will be taken care of along other lines, where they are unemployed they will be given unemployment relief in some form or other or they will be given a job. So I ask you not to pay any further attention to what has been said by the opposition of this bill.

Mr. TURNER. Mr. Speaker and members of the House, a delegation from the other side of the House has just visited me and pointed out to me the error under which I labored in connection with this bill. I shall have to accuse the gentleman from Allegheny of having placed me in this position. I listened to his statements and to his answers to the interrogatories of the gentleman from McKean and they were clearly along the lines of my argument. I find, however, that the provisions in the bill do not sustain my argument, and, therefore, I am in favor of the bill.

Mr. VAN SICKLE. Mr. Speaker and members of the House, that simply shows the fallacy of following Republican reasoning.

Mr. JACOB F. MATTHEWS. Mr Speaker, I would like to interrogate the gentleman from Beaver, Mr. Reising.

The SPEAKER. Will the gentleman from Beaver permit himself to be interogated?

Mr. REISING. I will, Mr. Speaker.

Mr. JACOB F. MATTHEWS. Mr. Speaker, I would like to ask the gentleman if this bill prohibits the baking of baked goods by a mother. For instance, the baking of a few baked goods in her home, such as bread or pastry, for sale to the public.

Mr. REISING. It will not prohibit that, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Gerard,	McKinney,	Siegel,
Alexander,	Gillette,	McShane,	Simon,
Allmond,	Gorski,	Meichiorre,	Simpson,
Arnold,	Habbyshaw,	Mellott,	Skale,
Atkins,	Haberlen,	Merrell,	Sloan,
Aukerman,	Hagerty,	Mihm,	Smith, John A.,
Baine,	Hall,	Moomaw,	Smith, James A.,
Baker, J. J.,	Hamilton, F. P.,	Mooney,	Sollenberger,
Balthaser,	Hamilton, R. S.,	Moran,	Spengler,
Bierly,	Harkins,	Moul,	Sproul,
Blank,	Harmuth,	Muir,	Stackpole,
Bohn,	Hays,	Munley,	Stank,
Boles,	Hering,	Murrin,	Stewart,
Boltz,	Hess,	Nagel,	Stockham,
Boyer,	Hetrick,	O'Brien,	Strode,
Bradley,	Hindman,	O'Connor,	Terry,
Brancato,	Hirsch,	O'Keefe,	Thomas,
Brigerman,	Holland,	Ominsky,	Thompson,
Broad,	Holmes,	O'Neill,	Toole,
Brown,	Holstrom,	Ostroff,	Tronzo,
Brownfield,	Horting,	Patterson, C. S.,	Trout,
Burrows,	Huntley,	Patterson, J. W.,	Tumelty,
Cadwalader,	Imbrie,	Peale,	Turner,
Caesar,	Jirolanio,	Pearson,	Valibus,
Caputo,	Kane,	Perry,	VanAllsburg,
Chervenak,	Keenan,	Pershing,	VanSickle,
Coakley,	Kelso,	Piole,	Vogt,
Cohen, H. B.,	Kilroy,	Powers,	Wagner,
Cohen, R. E.,	Kline,	Preston,	Walsh,
Coleman,	Kroll,	Readinger,	Wampole,
Comahan,	LaRue,	Reese,	Watkins,
Corrigan,	Leiser,	Reising,	Webster,
Costanzo,	Lewis,	Richter,	Weidemann,
Davies,	Lewis,	Robinson,	Weiss, D. H.,
Decker,	Long,	Rothenberger,	Weiss, S. A.,
DeNote,	Longaker,	Royer,	Welliver,
Dicklnson,	Loprestl,	Ruffennach,	Welsh,
Donohoe,	Lovett,	Rush,	Westrick,
Dougherty,	Lyons,	Sarraf,	Whalen,
Downey,	Mallen,	Scanlon,	Whitenight,
Dubbs,	Marino,	Schor,	Wilson,
Dyson,	Matthews, H. T.,	Schrock,	Winner,
Eckels,	Matthews, J. F.,	Schrope,	Wood,
Elpern,	McArdle,	Schumacher,	Woodside,
Falkenstein,	McCullough,	Serrill,	Wright,
Finnerty,	McDermott,	Shaw,	Yanoshat,
Fiss,	McDevitt,	Shea,	Yeakel,
Fitch,	McElroy,	Shepard,	Yourishin,
Flanagan,	McFall,	Shoemaker,	Zappala,
Flannery,	McGee,	Shugarts,	Furman,
Ganser,			

NAYS—4

Baker, F. T.,	Flinchbaugh,	Snyder,	Wall,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled, as follows:

HOUSE BILL No. 552.

An Act to amend the act, approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" as amended by further defining the rights powers duties liabilities and immunities of building and loan associations and of their officers directors shareholders solicitors and other employes and by further regulating the merger and consolidation of building and loan associations and the creation of building and loan associations by merger consolidation or conversion and by providing for the reorganization of building and loan associations and by providing for the conversion of building and loan asociations into Federal savings and loan associations.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 1, page 32, line 20, by striking out after the word "property" the words "as determined by a qualified appraiser who is not a director officer solicitor or employe of the association";

On the question recurring,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz

YEAS—205

Achterman	Ganser,	McKinney	Simon
Alexander,	Gerard,	McShane,	Simpson,
Allmond,	Gillette,	Melchiorre	Shale,
Arnold,	Gorski,	Mellott,	Sloan,
Atkins,	Habbyshaw	Merrell,	Smith, John A.,
Auterman,	Haberlen,	Mihm,	Smith, James A.,
Baine,	Hagerty,	Moomaw,	Snyder,
Baker, F. T.,	Hall,	Mooney,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Spengler,
Balthaser,	Hamilton, R. S.	Moul,	Sproul,
Bierly,	Harkins,	Muir,	Stackpole,
Blank,	Harmuth,	Munley,	Stank,
Bohn,	Hays,	Murrin,	Stewart,
Boles,	Hering,	Nagel,	Stockham,
Boltz,	Hess,	O'Brien,	Strode,
Boyer,	Herrick,	O'Connor,	Terry,
Bradley,	Hindman,	O'Keefe,	Thomas,
Brancato,	Hirsch,	Ominsky,	Thompson,
Brigerman,	Holland,	O'Neill	Toole,
Broad,	Holmes,	O'Toole,	Tronzo,
Brown,	Holstrom	Patterson, C. S.,	Trout,
Brownfield,	Horting,	Patterson, W.,	Tumelty,
Burrows,	Huntley,	Peale,	Turner,
Cadwalader,	Imbrie,	Pearson,	Vallbus,
Caesar,	Jirolanio,	Perry,	VanAllsburg,
Caputo,	Kane,	Pershing,	VanSickle,
Chervenak,	Keenan,	Piole,	Vogt,
Coakley,	Kelso,	Powers,	Wagner,
Cohen, H. B.,	Kilroy,	Preston,	Wall,
Cohen, R. E.,	Kline,	Readinger,	Walsh,
Coleman,	Kroll,	Reese,	Wampole,
Coolahan,	LaRue,	Reising,	Watkins,
Corrigan,	Leisey,	Richter,	Webster,
Costanzo,	Levy,	Robinson,	Weidemann,
Davies,	Lewis,	Rothenberger,	Weiss, D. H.,
Decker,	Long,	Rover,	Weiss, S. A.,
DeNote,	Longaker,	Ruffennach,	Welliver,
Dickinson,	Lopresti,	Rush,	Welsh,
Donohoe,	Lovett,	Sarraf,	Westrick,
Dougherty,	Lyons,	Scanlon,	Whalen,
Downey,	Mallen,	Schor,	Whitenight,
Dubbs,	Marino,	Schrock,	Wilson,
Dyson,	Matthews, H. T.,	Schrope,	Winner,
Eckels,	Matthews, J. F.	Schumacher,	Wood,
Ehrem,	McArdle,	Serrill,	Woodside,
Falkenstein	McCullough,	Shaw,	Wright,
Finnerty,	McDermott,	Shea,	Yanoshat,
Fiss,	McDevitt,	Shepard,	Yeakel,
Fitch	McElroy,	Shoemaker,	Yourishin,
Flanagan,	McFall,	Shugarts,	Zappala,
Flannery,	McGee,	Siegel,	Furman,
Flinchbaugh,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1051, as follows:

An Act to amend section one section two and section five of an act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entitled "An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof" further defining water obstructions and enlarging the powers and duties of the Water and Power Resources Board by further providing for the regulation of any changes that in any manner diminish the cross current or cross section of any stream or body of water

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fifth day of June one thousnad nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entitled "An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof" is hereby amended to read as follows

Section 1 That the term "water obstruction" as used in this act includes any dam wall wing-wall wharf embankment abutment projection bridge or similar or analogous structure or any other obstruction whatsoever in along across or projecting into or being in any stream or body of water wholly or partly within or forming part of the boundary of this Commonwealth except the tidal waters of the Delaware River and of its navigable tributaries

The word "construct" shall be taken to mean construct erect build place or deposit

Section 2 That section two of said act is hereby amended to read as follows

Section 2 From and after the passage of this act it shall be unlawful for any person or persons partnership association corporation county city borough town or township to construct any dam or other water obstruction or to make or construct or permit to be made or constructed any change therein or addition thereto or to make or permit to be made any change in or addition to any existing water obstruction It shall also be unlawful in any manner to change or diminish the course current or cross section of any stream or body of water wholly or partly within or forming a part of the boundary of this Commonwealth except the tidal waters of the Delaware River and its navigable tributaries without the consent or permit of the Water and Power Resources Board in writing previously obtained upon written application to said Commission therefore

Section 3 That section five of said act is hereby amended to read as follows

Section 5 Upon complaint or upon its own initiative the Water and Power Resourses Board shall have power to cause an investigation or examination to be made of any dam or other water obstruction now existing or hereafter constructed If the Board shall determine that such dam or water obstruction is unsafe or needs repair alteration or change in its structure or location or should be removed as being unsafe and not susceptible of repair or for any reason is derogatory to the regimen of the stream the Board shall in writing notify the owner or owners thereof the repair alter change its structure or location or remove the same as the exigencies of the case may require such work to commenced and proceeded with to completion within such reasonable time as may be prescribed in such notice by the Board And it shall thereupon be and become the duty of such owner or owners to comply with the provisions of such notice

If said owner or owners notified as aforesaid shall neglect or refuse to make such repairs alterations change or changes in structure or location or to cause such removal or if said owner or owners cannot be found or determined then the Board may make such repairs alterations change or changes in structure or location or

cause such removal and the Board may thereafter recover in the name of the Commonwealth from the owner or owners the said cost or expense in the same manner as debts are now by law recoverable

It is the Legislative intent that the provisions of this amendment shall extend to and include all types of water obstruction regardless of the date when they were constructed and whether or not the same were constructed by permission express or implied of the Commonwealth or of any authorized agency thereof and whether temporary or permanent and to all changes in the course current or cross section of any stream or body of water whether such change be temporary or permanent The Water and Power Resources Board is authorized and empowered to hold hearings subpoena witnesses perform any and all such acts make and enforce such rules and regulations and issue such orders not inconsistent with this act as it may deem necessary and proper for carrying out the purposes of this act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Ganser,	McKinney,	Simon,
Alexander,	Gerard,	McShane,	Simpson,
Allmond,	Gillette,	Melchiorre,	Skale,
Arnold,	Gorski,	Mellott,	Sloan,
Atkins,	Habbyshaw,	Merrell,	Smith, John A.,
Aukerman,	Haberlen,	Mihm,	Smith, James A.,
Baine,	Hagerty,	Moomaw,	Snyder,
Baker, F. T.,	Hall,	Mooney,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Spengler,
Balthaser,	Hamilton, R. S.,	Moul,	Sproul,
Bierly,	Harkins,	Muir,	Stackpole,
Blank,	Harmuth,	Munley,	Stank,
Bohn,	Hays,	Murrin,	Stewart,
Boles,	Hering,	Nagel,	Stockham,
Boltz,	Hess,	O'Brien,	Strode,
Boyer,	Hetrick,	O'Connor,	Terry,
Bradley,	Hindman,	O'Keefe,	Thomas,
Brancato,	Hirsch,	Ominsky,	Thompson,
Brigerman,	Holland,	O'Neill,	Toole,
Broad,	Holmes,	Ostroff,	Tronzo,
Brown,	Holstrom,	Patterson, J. W.,	Trout,
Brownfield,	Horting,	Patterson, C. S.,	Tumelty,
Burrows,	Huntley,	Peale,	Turner,
Cadwalader,	Imbrie,	Pearson,	Valibus,
Caesar,	Jirolanio,	Perry,	VanAllsburg,
Caputo,	Kane,	Pershing,	VanSickle,
Chervenak,	Keenan,	Piole,	Vogt,
Coakley,	Kelso,	Powers,	Wagner,
Cohen, H. B.,	Kilroy,	Preston,	Wall,
Cohen, R. E.,	Kline,	Readinger,	Walsh,
Coleman,	Kroll,	Reese,	Wampole,
Coolahan,	LaRue,	Reising,	Watkins,
Corrigan,	Leisey,	Richter,	Webster,
Costanzo,	Levy,	Rothenberger,	Weidemann,
Davies,	Lewis,	Robinson,	Weiss, D. H.,
Decker,	Long,	Royer,	Weiss, S. A.,
DeNote,	Longaker,	Ruffennach,	Welliver,
Dickinson,	Lopresti,	Rush,	Welsh,
Donohoe,	Lovett,	Sarraf,	Westrick,
Dougherty,	Lyons,	Scanlon,	Whalen,
Downey,	Mallen,	Schor,	Whitenight,
Dubbs,	Marino,	Schrock,	Wilson,
Dyson,	Matthews, H. T.,	Schrope,	Winner,
Eckels,	Matthews, J. F.,	Schumacher,	Wood,
Elpern,	McArdle,	Serrill,	Woodside,
Falkenstein,	McCullough,	Shaw,	Wright,
Finnerty,	McDermott,	Shepard,	Yanoshat,
Fiss,	McDevitt,	Shea,	Yeakel,
Fitch,	McElroy,	Shoemaker,	Yourishin,
Flanagan,	McFall,	Shugarts,	Zappala,
Flannery,	McGee,	Siegel,	Furman,
Flinchbaugh,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER (Roy E. Furman) in the Chair.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 507, entitled:

An Act prohibiting in cities of the first class the further use of structures for human habitation after they have been condemned for such use and providing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Ganser,	McKinney,	Simon,
Alexander,	Gerard,	McShane,	Simpson,
Allmond,	Gillette,	Melchiorre,	Skale,
Arnold,	Gorski,	Mellott,	Sloan,
Atkins,	Habbyshaw,	Merrell,	Smith, James A.,
Aukerman,	Haberlen,	Mihm,	Smith, John A.,
Baine,	Hagerty,	Moomaw,	Snyder,
Baker, F. T.,	Hall,	Mooney,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Spengler,
Balthaser	Hamilton, R. S.,	Moul,	Sproul,
Bierly,	Harkins,	Muir,	Stackpole,
Blank,	Harmuth,	Munley,	Stank,
Bohn,	Hays,	Murrin,	Stewart,
Boles,	Hering,	Nagel,	Stockham,
Boltz,	Hess,	O'Brien,	Strode,
Boyer,	Hetrick,	O'Connor,	Terry,
Bradley,	Hindman,	O'Keefe,	Thomas,
Brancato,	Hirsch,	Ominsky,	Thompson,
Brigerman,	Holland,	O'Neill,	Toole,
Broad,	Holmes,	Ostroff,	Tronzo,
Brown,	Holstrom,	Patterson, C. S.,	Trout,
Brownfield,	Horting,	Patterson, J. W.,	Tumelty,
Burrows,	Huntley,	Peale,	Turner,
Cadwalader,	Imbrie,	Pearson,	Valibus,
Caesar,	Jirolanio,	Perry,	VanAllsburg,
Caputo,	Kane,	Pershing,	VanSickle,
Chervenak,	Keenan,	Piole,	Vogt,
Coakley,	Kelso,	Powers,	Wagner,
Cohen, H. B.,	Kilroy,	Preston,	Wall,
Cohen, R. E.,	Kline,	Readinger,	Walsh,
Coleman,	Kroll,	Reese,	Wampole,
Coolahan,	LaRue,	Reising,	Watkins,
Corrigan,	Leisey,	Richter,	Webster,
Costanzo,	Levy,	Robinson,	Weidemann,
Davies,	Lewis,	Rothenberger,	Weiss, D. H.,
Decker,	Long,	Royer,	Weiss, S. A.,
DeNote,	Longaker,	Ruffennach,	Welliver,
Dickinson,	Lopresti,	Rush,	Welsh,
Donohoe,	Lovett,	Sarraf,	Westrick,
Dougherty,	Lyons,	Scanlon,	Whalen,
Downey,	Mallen,	Schor,	Whitenight,
Dubbs,	Marino,	Schrock,	Wilson,
Dyson,	Matthews, H. T.,	Schrope,	Winner,
Eckels,	Matthews, J. F.,	Schumacher,	Wood,
Elpern,	McArdle,	Serrill,	Woodside,
Falkenstein,	McCullough,	Shaw,	Wright,
Finnerty,	McDermott,	Shea,	Yanoshat,
Fiss,	McDevitt,	Shepard,	Yeakel,
Fitch,	McElroy,	Shoemaker,	Yourishin,
Flanagan,	McFall,	Shugarts,	Zappala,
Flannery,	McGee,	Siegel,	Furman,
Flinchbaugh,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 359, entitled:

An Act to amend section three of the act, approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127), entitled "An act relating to adoption," by changing the requirements as to appearance and examination under oath in the case of certain children.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Ganser,	McKinney,	Simon,
Alexander,	Gerard,	McShane,	Simpson,
Allmond,	Gillette,	Melchiorre,	Skale,
Arnold,	Gorski,	Mellott,	Sloan,
Atkins,	Habbyshaw,	Merrell,	Smith, James A.,
Aukerman,	Haberlen,	Mihm,	Smith, John A.,
Baine,	Hagerty,	Moomaw,	Snyder,
Baker, F. T.,	Hall,	Mooney,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Spengler,
Balthaser,	Hamilton, R. S.,	Moul,	Sproul,
Bierly,	Harkins,	Muir,	Stackpole,
Blank,	Harmuth,	Munley,	Stank,
Bohn,	Hays,	Murrin,	Stewart,
Boles,	Hering,	Nagel,	Stockham,
Boltz,	Hess,	O'Brien,	Strode,
Boyer,	Hetrick,	O'Connor,	Terry,
Bradley,	Hindman,	O'Keefe,	Thomas,
Brancato,	Hirsch,	Ominsky,	Thompson,
Brigerman,	Holland,	O'Neill,	Toole,
Broad,	Holmes,	Ostroff,	Tronzo,
Brown,	Holstrom,	Patterson, C. S.,	Trout,
Brownfield,	Horting,	Patterson, J. W.,	Tumelty,
Burrows,	Huntley,	Peale,	Turner,
Cadwalader,	Imbrie,	Pearson,	Valibus,
Caesar,	Jirolanio,	Perry,	VanAllsburg,
Caputo,	Kane,	Pershing,	VanSickle,
Chervenak,	Keenan,	Piole,	Vogt,
Coakley,	Kelso,	Powers,	Wagner,
Cohen, H. B.,	Kilroy,	Preston,	Wall,
Cohen, R. E.,	Kline,	Readinger,	Walsh,
Coleman,	Kroll,	Reese,	Wampole,
Coolahan,	LaRue,	Reising,	Watkins,
Corrigan,	Leisey,	Richter,	Webster,
Costanzo,	Levy,	Robinson,	Weidemann,
Davies,	Lewis,	Rothenberger,	Weiss, D. H.,
Decker,	Long,	Royer,	Weiss, S. A.,
DeNote,	Longaker,	Ruffennach,	Welliver,
Dickinson,	Lopresti,	Rush,	Welsh,
Donohoe,	Lovett,	Sarraf,	Westrick,
Dougherty,	Lyons,	Scanlon,	Whalen,
Downey,	Mallen,	Schor,	Whitenight,
Dubbs,	Marino,	Schrock,	Wilson,
Dyson,	Matthews, H. T.,	Schrope,	Winner,
Eckels,	Matthews, J. F.,	Schumacher,	Wood,
Elpern,	McArdle,	Serrill,	Woodside,
Falkenstein,	McCullough,	Shaw,	Wright,
Finnerty,	McDermott,	Shea,	Yanoshat,
Fiss,	McDevitt,	Shepard,	Yeakel,
Fitch,	McElroy,	Shoemaker,	Yourishin,
Flanagan,	McFall,	Shugarts,	Zappala,
Flannery,	McGee,	Siegel,	Furman,
Flinchbaugh,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER IN ORDER

Mr. ROTHENBERGER asked and obtained permission for House Bill No. 858, Printer's No. 207, on page 12 of today's calendar, bill on third reading to be passed over in its order.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 257, as follows:

An Act to amend clause (b) of section four Article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended changing the order in which officers of such cities shall act as mayor in case of a vacancy or disability of the mayor to act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (b) of section four Article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as last amended by the act approved the third day of June one thousand nine hundred and thirty-three (P. L. 1519) is hereby further amended to read as follows

(b) Until the vacancy is filled or in case of the mayor's temporary disability the city controller [president of the council shall act as mayor or if he should resign or be unable to act as mayor then the chairman of the finance committee of the council] shall act as mayor [director of public safety shall act as mayor or if he should resign or be unable to act as mayor then the director of public health shall act as mayor or if he should resign or be unable to act as mayor then the director of public health shall act as mayor or if he should resign or be unable to act as mayor then the director of public welfare shall act as mayor or if he should resign or be unable to act as mayor then the director of wharves docks and ferries shall act as mayor or if he should resign or be unable to act as mayor then the director of city transit shall act as mayor or if he should resign or be unable to act as mayor then the director of supplies and purchases shall act as mayor or if he should resign or be unable to act as mayor then the director of city architecture shall act as mayor of if he should resign or be unable to act as mayor then the president of the council shall act as mayor]

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Flannery,	McShane,	Siegel,
Alexander,	Flinchbaugh,	Melchiorre,	Simon,
Allmond,	Ganser,	Mellott,	Simpson,
Arnold,	Gerard,	Merrell,	Skale,
Aukerman,	Gillette,	Mihm,	Sloan,
Baine,	Gorski,	Moomaw,	Smith, James A.,
Baker, J. J.,	Haberlen,	Mooney,	Smith, John A.,
Balthaser,	Hagerty,	Moran,	Snyder,
Bierly,	Hall,	Moul,	Sollenberger,
Blank,	Hamilton, F. P.,	Muir,	Spengler,
Bohn,	Harkins,	Munley,	Sproul,
Boles,	Harmuth,	Murrin,	Stackpole,
Boltz,	Hays,	Nagel,	Stank,
Boyer,	Hering,	O'Brien,	Stewart,
Bradley,	Hess,	O'Connor,	Strode,
Brancato,	Hetrick,	O'Keefe,	Terry,
Brigerman,	Hindman,	Ominsky,	Thomas,
Broad,	Hirsch,	O'Neill,	Thompson,
Brown,	Holland,	Ostroff,	Toole,
Brownfield,	Holmes,	Patterson, C. S.,	Tronzo,
Burrows,	Holstrom,	Patterson, J. W.,	Trout,
Cadwalader,	Horting,	Peale,	Tumelty,
Caesar,	Huntley,	Pearson,	Valibus,
Caputo,	Imbrie,	Perry,	VanAllsburg,
Chervenak,	Jirolanio,	Pershing,	VanSickle,

Coakley,	Kane,	Piole,	Vogt,
Cohen, H. B.,	Keenan,	Powers,	Wagner,
Cohen, R. E.,	Kelso,	Preston,	Wall,
Coleman,	Kilroy,	Readinger,	Walsh,
Coolahan,	Kline,	Reese,	Wampole
Corrigan,	Kroll,	Reising,	Watkins,
Costanzo,	LaRue,	Richter,	Webster,
Davies,	Leisey,	Robinson,	Weiss, D. H.,
Decker,	Levy,	Rothenberger,	Weiss, S. A.,
DeNote,	Lewis,	Royer,	Welliver,
Dickinson,	Long,	Ruffennach,	Welsh,
Donohoe,	Lopresti,	Rush,	Westrick
Dougherty,	Lovett,	Sarraf,	Whalen,
Downey,	Lyons,	Scanlon,	Whitenight
Dubbs,	Mallen,	Schor,	Wilson,
Dyson,	Marino,	Schrope,	Winner,
Eckels,	Matthews, H. T.,	Schumacher,	Wood,
Elpern,	Matthews, J. F.,	Serrill,	Woodside,
Falkenstein,	McArdle,	Shaw,	Wright,
Finnerty,	McCullough,	Shea,	Yanoshat,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Shugarts,	Furman,
	McGee,		

NAYS—11

Atkins,	Longaker,	Schrock,	Weidemann,
Habbyshaw,	McDevitt,	Stockham,	Yeakel,
Hamilton, R. S.,	McKinney,	Turner,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Orderer, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 915 entitled:

An Act authorizing the Department of Public Instruction to fix the annual expiration date for licenses and registration certificates for trades and occupations

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows,viz:

YEAS—205

Achterman,	Ganser,	McKinney,	Simon,
Alexander,	Gerard,	McShane,	Simpson,
Allmond,	Gillette,	Melchiorre,	Skale,
Arnold,	Gorski,	Mellott,	Sloan,
Atkins,	Habbyshaw,	Merrell,	Smith, James A.,
Aukerman,	Haberlen,	Mihm,	Smith, John A.,
Baine,	Hagerty,	Moomaw,	Snyder,
Baker, F. T.,	Hall,	Mooney,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Spengler,
Balthaser,	Hamilton, R. S.,	Moul,	Sproul,
Bierly,	Harkins,	Muir,	Stackpole,
Blank,	Harmuth,	Munley,	Stank,
Bohn,	Hays,	Murrin,	Stewart,
Boles,	Hering,	Nagel,	Stockham,
Boltz,	Hess,	O'Brien,	Strode,
Boyer,	Hetrick,	O'Connor,	Terry,
Bradley,	Hindman,	O'Keefe,	Thomas,
Brancato,	Hirsch,	Ominsky,	Thompson,
Brigerman,	Holland,	O'Neill,	Toole,
Broad,	Holmes,	Ostroff,	Tronzo,
Brown,	Holstrom,	Patterson, S.,	Trout,
Brownfield,	Horting,	Patterson, W.,	Tumelty,
Burrows,	Huntley,	Peale,	Turner,
Cadwalader,	Imbrie,	Pearson,	Valibus,
Caesar,	Jirolanio,	Perry,	VanAllsburg,
Caputo,	Kane,	Pershing,	VanSickle,
Chervenak,	Keenan,	Piole,	Vogt,
Coakley,	Kelso,	Powers,	Wagner,
Cohen, H. B.,	Kilroy,	Preston,	Wall,
Cohen, R. E.,	Kline,	Readinger,	Walsh,
Coleman,	Kroll,	Reese,	Wampole,
Coolahan,	LaRue,	Reising,	Watkins,
Corrigan,	Leisey,	Richter,	Webster,
Costanzo,	Levy,	Robinson,	Weidemann,
Davies,	Lewis,	Rothenberger,	Weiss, D. H.,
Decker,	Long,	Royer,	Weiss, S. A.,
DeNote,	Longaker,	Ruffennach,	Welliver,
Dickinson,	Lopresti,	Rush,	Welsh,
Donohoe,	Lovett,	Sarraf,	Westrick,
Dougherty,	Lyons,	Scanlon,	Whalen,
Downey,	Mallen,	Schor,	Whitenight,
Dubbs,	Marino,	Schrock,	Wilson,
Dyson,	Matthews, H. T.,	Schrope,	Winner,
Eckels,	Matthews, J. F.,	Schumacher,	Wood,
Elpern,	McArdle,	Serrill,	Woodside,
Falkenstein,	McCullough,	Shaw,	Wright,
Finnerty,	McDermott,	Shea,	Yanoshat,
Fiss,	McDevitt,	Shepard,	Yeakel,
Fitch,	McElroy,	Shoemaker,	Yourishin,
Flanagan,	McFall,	Shugarts,	Zappala,
Flannery,	McGee,	Siegel,	Furman,
Flinchbaugh,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 868 as follows:

An Act to prohibit the wilful and malicious breaking or destruction of certain milk bottles or other dairy product containers and prescribing fines or penalties therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it is hereby declared to be unlawful for any person firm corporation partnership or association to wilfully and maliciously break or destroy milk bottles or other dairy product containers except paper containers and containers used for the retail sale of evaporated milk Any person general manager superintendent agent or person in charge of the work of any corporation firm partnership or association or any individual violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one hundred dollars ($100.00) or undergo an imprisonment in the county jail of the proper county for a period not exceeding sixty days or both at the discretion of the court

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Ganser,	McKinney,	Simon,
Alexander,	Gerard,	McShane,	Simpson,
Allmond,	Gillette,	Melchiorre,	Skale,
Arnold,	Gorski,	Mellott,	Sloan,
Atkins,	Habbyshaw,	Merrell,	Smith, James A.,
Aukerman,	Haberlen,	Mihm,	Smith, John A.,
Baine,	Hagerty,	Moomaw,	Snyder,
Baker, F. T.,	Hall,	Mooney,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Spengler,
Balthaser,	Hamilton, R. S.,	Moul,	Sproul,
Bierly,	Harkins,	Muir,	Stackpole,
Blank,	Harmuth,	Munley,	Stank,
Bohn,	Hays,	Murrin,	Stewart,
Boles,	Hering,	Nagel,	Stockham,
Boltz,	Hess,	O'Brien,	Strode,
Boyer,	Hetrick,	O'Connor,	Terry,
Bradley,	Hindman,	O'Keefe,	Thomas,
Brancato,	Hirsch,	Ominsky,	Thompson,
Brigerman,	Holland,	O'Neill,	Toole,
Broad,	Holmes,	Ostroff,	Tronzo,
Brown,	Holstrom,	Patterson, S.,	Trout,

Brownfield,	Horting,	Patterson, W.,	Tumelty,
Burrows,	Huntley,	Peale,	Turner,
Cadwalader,	Imbrie,	Pearson,	Valibus,
Caesar,	Jirolanio,	Perry,	VanAllsburg,
Caputo,	Kane,	Pershing,	VanSickle,
Chervenak,	Keenan,	Piole,	Vogt,
Coakley,	Kelso,	Powers,	Wagner,
Cohen, H. B.,	Kilroy,	Preston,	Wall,
Cohen, R. E.,	Kline,	Readinger,	Walsh,
Coleman,	Kroll,	Reese,	Wampole,
Coolahan,	LaRue,	Reising,	Watkins,
Corrigan,	Leisey,	Richter,	Webster,
Costanzo,	Levy,	Robinson,	Weidemann,
Davies,	Lewis,	Rothenberger,	Weiss, D. H.,
Decker,	Long,	Royer,	Weiss, S. A.,
DeNote,	Longaker,	Ruffennach,	Welliver,
Dickinson,	Lopresti,	Rush,	Welsh,
Donohoe,	Lovett,	Sarraf,	Westrick,
Dougherty,	Lyons,	Scanlon,	Whalen,
Downey,	Mallen,	Schor,	Whitenight,
Dubbs,	Marino,	Schrock,	Wilson,
Dyson,	Matthews, H. T.,	Schrope,	Winner,
Eckels,	Matthews, J. F.,	Schumacher,	Wood,
Elpern,	McArdle,	Serrill,	Woodside,
Falkenstein,	McCullough,	Shaw,	Wright,
Finnerty,	McDermott,	Shea,	Yanoshat,
Fiss,	McDevitt,	Shepard,	Yeakel,
Fitch,	McElroy,	Shoemaker,	Yourishin,
Flanagan,	McFall,	Shugarts,	Zappala,
Flannery,	McGee,	Siegel,	Furman,
Flinchbaugh,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 853, entitled:

An Act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by counties, cities, boroughs, towns, townships, school districts, poor districts and other incorporated districts of this Commonwealth, for public works projects.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Ganser,	McKinney,	Simon,
Alexander,	Gerard,	McShane,	Simpson,
Allmond,	Gillette,	Melchiorre,	Skale,
Arnold,	Gorski,	Mellott,	Sloan,
Atkins,	Habbyshaw,	Merrell,	Smith, James A.,
Aukerman,	Haberlen,	Mihm,	Smith, John A.,
Baine,	Hagerty,	Moomaw,	Snyder,
Baker, F. T.,	Hall,	Mooney,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Spengler,
Balthaser,	Hamilton, R. S.,	Moul,	Sproul,
Bierly,	Harkins,	Muir,	Stackpole,
Blank,	Harmuth,	Munley,	Stank,
Bohn,	Hays,	Murrin,	Stewart,
Boies,	Hering,	Nagel,	Stockham,
Boltz,	Hess,	O'Brien,	Strode,
Boyer,	Hetrick,	O'Connor,	Terry,
Bradley,	Hindman,	O'Keefe,	Thomas,
Brancato,	Hirsch,	Ominsky,	Thompson,
Brigerman,	Holland,	O'Neill,	Toole,
Broad,	Holmes,	Ostroff,	Tronzo,
Brown,	Holstrom,	Patterson, S.,	Trout,
Brownfield,	Horting,	Patterson, W.,	Tumelty,
Burrows,	Huntley,	Peale,	Turner,
Cadwalader,	Imbrie,	Pearson,	Valibus,
Caesar,	Jirolanio,	Perry,	VanAllsburg,
Caputo,	Kane,	Pershing,	VanSickle,
Chervenak,	Keenan,	Piole,	Vogt,
Coakley,	Kelso,	Powers,	Wagner,
Cohen, H. B.,	Kilroy,	Preston,	Wall,
Cohen, R. E.,	Kline,	Readinger,	Walsh,
Coleman,	Kroll,	Reese,	Wampole,
Coolahan,	LaRue,	Reising,	Watkins,
Corrigan,	Leisey,	Richter,	Webster,
Costanzo,	Levy,	Robinson,	Weidemann,
Davies,	Lewis,	Rothenberger,	Weiss, D. H.,
Decker,	Long,	Royer,	Weiss, S. A.,
DeNote,	Longaker,	Ruffennach,	Welliver,
Dickinson,	Lopresti,	Rush,	Welsh,
Donohoe,	Lovett,	Sarraf,	Westrick,
Dougherty,	Lyons,	Scanlon,	Whalen,
Downey,	Mallen,	Schor,	Whitenight,
Dubbs,	Marino,	Schrock,	Wilson,
Dyson,	Matthews, H. T.,	Schrope,	Winner,
Eckels,	Matthews, J. F.,	Schumacher,	Wood,
Elpern,	McArdle,	Serrill,	Woodside,
Falkenstein,	McCullough,	Shaw,	Wright,
Finnerty,	McDermott,	Shea,	Yanoshat,
Fiss,	McDevitt,	Shepard,	Yeakel,
Fitch,	McElroy,	Shoemaker,	Yourishin,
Flanagan,	McFall,	Shugarts,	Zappala,
Flannery,	McGee,	Siegel,	Furman,
Flinchbaugh,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 992 (Senate Bill No. 54), entitled:

An Act to amend section one of the act, approved the tenth day of April, one thousand nine hundred thirty-one (P. L. 23), entitled as amended, "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute, located on the left bank of Oil Creek, in Oil Creek Township or Cherry Tree Township, or both, Venango County, to establish the Drake Well Memorial Park, under the control and supervision of the Department of Forests and Waters; empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth; and making an appropriation," as amended; by increasing the area of said park.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Ganser,	McKinney,	Simon,
Alexander,	Gerard,	McShane,	Simpson,
Allmond,	Gillette,	Melchiorre,	Skale,
Arnold,	Gorski,	Mellott,	Sloan,
Atkins,	Habbyshaw,	Merrell,	Smith, James A.,
Aukerman,	Haberlen,	Mihm,	Smith, John A.,
Baine,	Hagerty,	Moomaw,	Snyder,
Baker, F. T.,	Hall,	Mooney,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Spengler,
Balthaser,	Hamilton, R. S.,	Moul,	Sproul,
Bierly,	Harkins,	Muir,	Stackpole,
Blank,	Harmuth,	Munley,	Stank,
Bohn,	Hays,	Murrin,	Stewart,
Boies,	Hering,	Nagel,	Stockham,
Boltz,	Hess,	O'Brien,	Strode,
Boyer,	Hetrick,	O'Connor,	Terry,
Bradley,	Hindman,	O'Keefe,	Thomas,
Brancato,	Hirsch,	Ominsky,	Thompson,
Brigerman,	Holland,	O'Neill,	Toole,
Broad,	Holmes,	Ostroff,	Tronzo,
Brown,	Holstrom,	Patterson, S.,	Trout,
Brownfield,	Horting,	Patterson, W.,	Tumelty,

Burrows,	Huntley,	Peale,	Turner,
Cadwalader,	Imbrie,	Pearson,	Valibus,
Caesar,	Jirolanio,	Perry,	VanAllsburg,
Caputo,	Kane,	Pershing,	VanSickle,
Chervenak,	Keenan,	Piole,	Vogt,
Coakley,	Kelso,	Powers,	Wagner,
Cohen, H. B.,	Kilroy,	Preston,	Wall,
Cohen, R. E.,	Kline,	Readinger,	Walsh,
Coleman,	Kroll,	Reese,	Wampole,
Coolahan,	LaRue,	Reising,	Watkins,
Corrigan,	Leisey,	Richter,	Webster,
Costanzo,	Levy,	Robinson,	Weidemann,
Davies,	Lewis,	Rothenberger,	Weiss, D. H.,
Decker,	Long,	Royer,	Weiss, S. A.,
DeNote,	Longaker,	Ruffennach,	Welliver,
Dickinson,	Lopresti,	Rush,	Welsh,
Donohoe,	Lovett,	Sarraf,	Westrick,
Dougherty,	Lyons,	Scanlon,	Whalen,
Downey,	Mallen,	Schor,	Whitenight,
Dubbs,	Marino,	Schrock,	Wilson,
Dyson,	Matthews, H. T.,	Schrope,	Winner,
Eckels,	Matthews, J. F.,	Schumacher,	Wood,
Elpern,	McArdle,	Serrill,	Woodside,
Falkenstein,	McCullough,	Shaw,	Wright,
Finnerty,	McDermott,	Shea,	Yanoshat,
Fiss,	McDevitt,	Shepard,	Yeakel,
Fitch,	McElroy,	Shoemaker,	Yourishin,
Flanagan,	McFall,	Shugarts,	Zappala,
Flannery,	McGee,	Siegel,	Furman,
Flinchbaugh,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 617, entitled:

An Act to amend section nine of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and re-instatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," regulating physical examination of applicants.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Ganser,	McKinney,	Simon,
Alexander,	Gerard,	McShane,	Simpson,
Allmond,	Gillette,	Melchiorre,	Skale,
Arnold,	Gorski,	Mellott,	Sloan,
Atkins,	Habbyshaw,	Merrell,	Smith, James A.,
Aukerman,	Haberlen,	Mihm,	Smith, John A.,
Baine,	Hagerty,	Moomaw,	Snyder,
Baker, F. T.,	Hall,	Mooney,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Spengler,
Balthaser,	Hamilton, R. S.,	Moul,	Sproul,
Bierly,	Harkins,	Muir,	Stackpole,
Blank,	Harmuth,	Munley,	Stank,
Bohn,	Hays,	Murrin,	Stewart,
Boies,	Hering,	Nagel,	Stockham,
Boltz,	Hess,	O'Brien,	Strode,
Boyer,	Hetrick,	O'Connor,	Terry,
Bradley,	Hindman,	O'Keefe,	Thomas,
Brancato,	Hirsch,	Ominsky,	Thompson,
Brigerman,	Holland,	O'Neill,	Toole,
Broad,	Holmes,	Ostroff,	Tronzo,
Brown,	Holstrom,	Patterson, S.,	Trout,
Brownfield,	Horting,	Patterson, W.,	Tumelty,
Burrows,	Huntley,	Peale,	Turner,
Cadwalader,	Imbrie,	Pearson,	Valibus,
Caesar,	Jirolanio,	Perry,	VanAllsburg,
Caputo,	Kane,	Pershing,	VanSickle,
Chervenak,	Keenan,	Piole,	Vogt,
Coakley,	Kelso,	Powers,	Wagner,
Cohen, H. B.,	Kilroy,	Preston,	Wall,
Cohen, R. E.,	Kline,	Readinger,	Walsh,
Coleman,	Kroll,	Reese,	Wampole,
Coolahan,	LaRue,	Reising,	Watkins,
Corrigan,	Leisey,	Richter,	Webster,
Costanzo,	Levy,	Robinson,	Weidemann,
Davies,	Lewis,	Rothenberger,	Weiss, D. H.,
Decker,	Long,	Royer,	Weiss, S. A.,
DeNote,	Longaker,	Ruffennach,	Welliver,
Dickinson,	Lopresti,	Rush,	Welsh,
Donohoe,	Lovett,	Sarraf,	Westrick,
Dougherty,	Lyons,	Scanlon,	Whalen,
Downey,	Mallen,	Schor,	Whitenight,
Dubbs,	Marino,	Schrock,	Wilson,
Dyson,	Matthews, H. T.,	Schrope,	Winner,
Eckels,	Matthews, J. F.,	Schumacher,	Wood,
Elpern,	McArdle,	Serrill,	Woodside,
Falkenstein,	McCullough,	Shaw,	Wright,
Finnerty,	McDermott,	Shea,	Yanoshat,
Fiss,	McDevitt,	Shepard,	Yeakel,
Fitch,	McElroy,	Shoemaker,	Yourishin,
Flanagan,	McFall,	Shugarts,	Zappala,
Flannery,	McGee,	Siegel,	Furman,
Flinchbaugh,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1057 (Senate Bill No. 29), entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number six and providing for the election and appointment of judges for said court

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. McDEVITT. Mr. Speaker, may I interrogate the gentleman from Philadelphia, Mr. Ominsky.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. OMINSKY. I will, Mr. Speaker.

Mr. McDEVITT. Mr. Speaker, I should like to ask the gentleman from Philadelphia if I am correct in understanding that this bill, which provides for the creation of a No. 6 Common Pleas Court in Philadelphia is in answer to a report of the Philadelphia Bar Association recommending such an additional court and is in no way connected or related to the proposed ripper legislation dealing with the Municipal Court in Philadelphia.

Mr. OMINSKY. Mr. Speaker, in answer to the gentleman from Philadelphia, Mr. McDevitt, I can say "yes."

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Flannery,	McDevitt,	Siegel,
Alexander,	Flinchbaugh,	McElroy,	Simon,
Allmond,	Ganser,	McFall,	Simpson,
Arnold,	Gerard,	McGee,	Skale,
Atkins,	Gillette,	McShane,	Sloan,
Aukerman,	Gorski,	Melchiorre,	Smith, James A.,
Baine,	Habbyshaw,	Mellott,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stackpole,
Bohn,	Harkins,	Munley,	Stank,
Boles,	Harmuth,	Murrin,	Stewart,
Boltz,	Hays,	Nagel,	Stockham,
Bradley,	Hering,	O'Brien,	Strode,
Brancato,	Hess,	O'Connor,	Terry,
Brigerman,	Hetrick,	O'Keefe,	Thomas,
Broad,	Hindman,	Ominsky,	Thompson,
Brown,	Hirsch,	O'Neill,	Toole,
Brownfield,	Holland,	Ostroff,	Tronzo,
Burrows,	Holmes,	Patterson, S.,	Tumelty,
Cadwalader,	Holstrom,	Patterson, W.,	Turner,
Caesar,	Horting,	Pearson,	Valibus,
Caputo,	Huntley,	Perry,	VanAllsburg,
Chervenak,	Imbrie,	Pershing,	VanSickle,
Coakley,	Jirolanio,	Piole,	Vogt,
Cohen, H. B.,	Kane,	Powers,	Wagner,
Cohen, R. E.,	Keenan,	Preston,	Wall,
Coleman,	Kelso,	Readinger,	Walsh,
Coolahan,	Kilroy,	Reese,	Wampole,
Corrigan,	Kline,	Reising,	Watkins,
Costanzo,	Kroll,	Richter,	Weidemann,
Davies,	LaRue,	Robinson,	Weiss, D. H.,
Decker,	Leisey,	Rothenberger,	Weiss, S. A.,
DeNote,	Levy,	Royer,	Welliver,
Dickinson,	Lewis,	Ruffennach,	Welsh,
Donohoe,	Long,	Rush,	Westrick,
Dougherty,	Longaker,	Sarraf,	Whalen,
Downey,	Lopresti,	Scanlon,	Whitenight,
Dubbs,	Lovett,	Schor,	Winner,
Dyson,	Lyons,	Schrope,	Woodside,
Eckels,	Mallen,	Schumacher,	Wright,
Elpern,	Marino,	Shaw,	Yanoshat,
Falkenstein,	Matthews, H. T.,	Shea,	Yeakel,
Finnerty,	Matthews, J. F.,	Shepard,	Yourishin,
Fiss,	McArdle,	Shoemaker,	Zappala,
Fitch,	McCullough,	Shugarts,	Furman,
Flanagan,	McDermott,		

NAYS—11

Boyer,	Muir,	Serrill,	Wilson,
McKinney,	Peale,	Trout,	Wood,
Merrell,	Schrock,	Webster,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 99 as follows:

An Act to re-enact and amend the title and the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred and thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" by making the present schedules of compensation compulsory upon all employers changing adding to and increasing the schedules of compensation prescribing and changing certain presumptions and rules of evidence increasing the requirements to be met by employers desiring to be self-insurers conferring certain powers and duties upon the Department of Labor and Industry imposing additional duties and liabilities upon employers and insurance carriers including the cost of administering the workmen's compensation system including the rehabilitation of employes providing for the payment of compensation for certain second injuries and for the rehabilition of injured employes and for the payment of re-opened cases after a certain lapse of time by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents imposing new and changing certain existing penalties and generally amending clarifying and changing the provisions of said act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and all the sections of the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" are hereby re-enacted amended or further amended as the case may be to read as follows

An Act defining the liability of an employer to pay damages for injuries received by an employe in the course of or resulting from employment establishing [an elective] a compulsory system and schedule of compensation [and] providing procedure for the determination of liability and compensation thereunder and prescribing penalties

Be it enacted by the Senate and the House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Article I Interpretation and [definition] definitions

Article II Defining the liability of an employer in an action at law for damages for personal injury to an employe and abolishing in whole or in part certain defense thereto

Article III Establishing a system of compulsory compensation [by agreement prescribing the method by which such agreement shall be made terminated] defining the injuries for which compensation is payable the persons to whom it is payable its amount and the condition under which and the manner in which it is payable

Article IV Providing a procedure for the determination and settlement of claims for compensation

Article V General provisions

ARTICLE I

INTERPRETATION AND [DEFINITION] DEFINITIONS

Section [1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same] 101 That this act shall be called and cited as The Workmen's Compensation Act [of one thousand nine hundred and fifteen] and shall apply to all accidents occurring within this Commonwealth irrespective of the place where the contract of hiring was made renewed or extended and shall not apply to any accident occurring outside of the Commonwealth except to accidents occurring to Commonwealth employes outside the Commonwealth while such employers are engaged in duly authorized business of the [State] Commonwealth and except accidents occurring to employes whose duties require them to go temporarily beyond the territorial limits of the Commonwealth not over ninety days when such employes are performing services for employers whose place of business is within the Commonwealth

Section 102 Wherever in this act the singular is used the plural shall be included where the masculine gender is used the feminine and neuter shall be included

Section 103 The term "employer" as used in this act is declared to be synonymous with master and to include

natural persons partnerships joint-stock companies corporations for profit corporations not for profit municipal corporations the Commonwealth and all governmental agencies created by it Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "employer" as applied to partnerships or joint-stock companies or corporations shall mean the partners or the executive officers or local managers thereof

Section 104 The term "employe" as used in this act is declared to be synonymous with servant and includes [all]

(a) All natural persons including minors who perform services of any kind except agriculture services or domestic services performed in a private home for another for a valuable consideration exclusive of persons whose employment is casual in character and not in the regular course of the business of the employer [and exclusive of persons to whom articles or materials are given out to be made up cleaned washed altered ornamented finished or repaired or adapted for sale in the worker's own home or on the premises not under the control of managament of the employer]

(b) All members or employes of volunteer fire companies of the various cities boroughs incorporated towns and townships who shall be and are hereby declared to be "employes" of such cities boroughs incorporated towns and townships for all the purposes of this act and shall be entitled to receive compensation under this act in case of injuries received in accidents occurring while actually engaged as firemen or while going to or returning from any fire which the fire companies of which they are members shall have attended or while performing any other duties of such companies

Section 105 The term "contractor" as used in article two section two hundred and three [and articles three section three hundred and two (b)] shall not include a contractor engaged in an independent business other than that of supplying laborers or assistants in which he serves persons other than the employer in whose service the accident occurs but shall include a sub-contractor to whom a principal contractor has sub-let any part of the work which such principal contractor has undertaken

Section 106 The exercise and performance of the powers and duties of a local or other public authority shall for the purposes of this act be treated as the trade or business of the authority

Section 107 The term ["Bureau"] "Department" when used in this act shall mean [the Bureau of Workmen's Compensation of] the Department of Labor and Industry of this Commonwealth

The term "Board" when used in this act shall mean The Workmen's Compensation Board [of the Bureau] of this Commonwealth

Section 108 For the purpose of this act minors shall have the same power to contract file claims for compensation and receive compensation as adult employes subject however to the power of the board in its discretion at any time to require the appointment of a guardian to contract or to receive money thereunder or under an award for the benefit of any such minor Any minor employed by his parent or parents shall have the right to file a claim for compensation under this act against such parent or parents in his own name and in his own right and to enforce the payment of such compensation

ARTICLE II

DAMAGES BY ACTION AT LAW

Section 201 That in any action brought to recover damages for personal injury by an accident to an employe in the course of or resulting from his employment or for death resulting from such injury it shall not be a defense

(a) That the injury was caused in whole or in part by the negligence of a fellow employe or

(b) That the employe had assumed the risk of the injury or

(c) That the injury was cause in any degree by the negligence of such employe unless it be established that the injury was caused by such employe's intoxication or by his reckless indifference to danger The burden of proving such intoxication or reckless indifference to danger shall be upon the defendant and the question shall be one of fact to be determined by the jury

Section 202 The employer shall be liable for the negligence of all employes while acting with the scope of their employment including engineers chauffeurs miners mine-foremen fire-bosses mine superintendents plumbers officers of vessels and all other employes licensed by the [State] Commonwealth or other governmental authority if the employer be allowed by law the right of free selection of such employes from the class of persons thus licensed and such employes shall be the agents and representatives of their employers and their employers shall be responsible for the acts and neglects of such employes as in the case of other agents and employes of their employers and notwithstanding the employment of such employes the property in and about which they are employed and the use and operation thereof shall at all times be under the supervision management and control of their employers

Section 203 [An employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises of a part of the employer's regular business entrusted to such employe or contractor shall be liable to such laborer or assistant in the same manner and to the same extent as to his own employe] An employer who permits a sub-contractor or employe to engage another in whole or in part in services furthering the employer's regular business entrusted to such employe or sub-contractor shall be liable to the employe so engaged in the same manner and to the same extent as to his own employe whether said injury occurred upon premises occupied or controlled by the employer or not provided only that the injury occurred either in the course of employment or resulting from his employment

Section 204 No agreement composition or release of damages made before the [happening] date of any accident [except the agreement defined in article three of this act] shall be valid or shall bar a claim for damages for the injury resulting therefrom and any such agreement [other than that defined in article three herein] is declared to be against the public policy of this Commonwealth The receipt of benefits from any association society or fund shall not bar the recovery of damages by action at law nor the recovery of compensation under article three hereof and any release executed in consideration of such benefits shall be void

ARTICLE III

[ELECTIVE] COMPULSORY COMPENSATION

Section 301 [When employer and employe shall by agreement either express or implied as hereinafter provided accept the provisions or article three of this act compensation for] In the case of personal injury to or [for] the death of [such] any employe by an accident [in the course of his employment] which happens either in the course of his employment or which if not in the course of his employment results from his employment compensation shall be paid in all cases by the employer without regard to negligence according to the schedule contained in sections three hundred and [six] four and three hundred and [seven] five of this article provided that no compensation shall be made when the injury or death [be] is intentionally self inflicted but the burden of proof of such fact shall be upon the employer

(b) The right to receive compensation under this act shall not be affected by the fact that a minor is employed by his parent or parents or is employed or is permitted to be employed in violation of the laws of this Commonwealth relating to the employment of minors or that he obtained his emplyoment by misrepresenting his age or that any minor or other employe on account of whose injury or death the benefits are claimed was violating any law or rule or regulation of the business or industry or a positive order of the employer at the time of the injury except that no minor or employe shall be entitled to receive compensation under this act who at the time of injury was engaged in the commission of a felony

(c) The terms 'injury" and "personal injury" as used in this act shall be construed to mean only violence to the

physical structure of the body and such disease or infection as naturally results therefrom and whenever death is mentioned as a cause for compensation under this act it shal mean only death resulting from such violence and its resultant effects and occurring within [three] five hundred weeks after the accident The term "injury by an accident which happens either in the course of his employment or which if not in the course of his employment results from his employment" as used in this article shall not include an injury caused by an act of a third person intended to injure the employe because of reasons personal to him and not directed against him as an employe or because of his employment but shall include all other injuries sustained while the employe is [actually] engaged in the [furtherance of the] business or affairs of the employer whether upon the employer's premises or elsewhere and shall include all injuries caused by the condition of the premises or by the operation of the employer's business or affairs thereon sustained by the employe who though not so engaged is injured upon the premises occupied by or under the control of the employer or upon which the employer's business or affairs are being carried on the employe's presence thereon being required by the nature of his employment

Section 302 [(a) In] The provisions of this act shall apply to every contract of hiring made after [December thirty-first one thousand nine hundred and fifteen] the effective date of this act and [in] to every contract of hiring renewed or extended by mutual consent expressed or implied after said date [it shall be conclusively presumed that the parties have accepted the provisions of article three of this act and have agreed to be bound thereby unless there be at the time of the making renewal or extension of such contract an express statement in writing from either party to the other that the provisions of article three of this act are not intended to apply and unless a true copy of such written statement accompanied by proof of service thereof upon the other party setting forth under oath or affirmation the time place and manner of such service be filed with the Bureau within ten days after such service and before any accident has occurred Every] and to every contract of hiring oral written or implied from circumstances now in operation or made or implied on or before [December thirty-first one thousand nine hundred and fifteen shall be conclusively presumed to continue subject to the provisions of article three hereof unless either party shall on or before said date, in writing have notified the other party to such contract that the provisions of article three hereof are not intended to apply and unless there shall be filed with the Bureau a true copy of such notice together with proof of service within the time and in the manner hereinabove prescribed Provided however That the provisions of this section shall not be so construed as to impair the obligations of any contract now in force In the employment of minors article three shall be presumed to apply unless the said written notice be given by or to the parent or guardian of the minor It shall not be lawful for any officer or agent of this Commonwealth or for any county city borough or township therein or for any officer or agent thereof or for any other governmental authority created by the laws of this Commonwealth to give such notice of rejection of the provisions of this article to any employe of the State or of such governmental agency] the effective day of this act

[(b) After December thirty-first one thousand nine hundred and fifteen an employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises of a part of the employer's regular business entrusted to that employe or contractor shall be conslusively presumed to have agreed to pay to such laborer or assistant compensation in accordance with the provisions of article three unless the employer shall post in a conspicuous place upon the premises where the laborer's or assistant's work is done a notice of his intention not to pay such compensation and unless there be filed with the Bureau within ten days thereafter and before any accident has occurred a true copy of such notice together with proof of the posting of the same setting forth upon oath or affirmation the time place and manner of such posting and after December thirty-first one thousand nine hundred and fifteen any such laborer or assistant who shall enter upon premises occupied by or under control of such employer for the purpose of doing such work shall be conclusively presumed to have agreed to accept the compensation provided in article three in lieu of his right of action under article two unless he shall have given notice in writing to the employer at the time of entering upon such employer's premises for the purpose of doing his work of his intention not to accept such compensation and unless within ten days thereafter and before any accident has occurred there shall have been filed with the Bureau a true copy of such notice accompanied by proof of service thereof upon such employer setting forth under oath or affirmation the time place and manner of such service And in such cases where article three binds such employer and such laborer or assistant it shall not be in effect between the intermediate employer or contractor and such laborer or assistant unless otherwise expressly agreed

Section 303 Such agreement shall constitute an acceptance of all the provisions of article three of this act and shall operate as a surrender by the parties thereto of their rights to any form or amount of compensation or damages for any injury or death occurring in the course of the employment or to any method of determination thereof other than as provided in article three of this act Such agreement shall bind the employer and his personal representatives and the employe his or her wife or husband widow or widower next of kin and other dependents]

[Section 304 Any agreement between employer and employe for the operation or non-operation of the provisions of article three of this act may be terminated prior to any accident by either party upon sixty days notice to the other in writing if a copy of such notice with proof of service be filed in the Bureau as provided in section three hundred and two of this article]

Section [305] 303 Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance Fund or in any insurance company or mutual association or company authorized to insure such liability in this Commonwealth unless such employer shall be exempted by the [Bureau] department from such insurance An employer desiring to be exempt from insuring [the whole or any part of] his liability for compensation shall make application to the [Bureau] department showing his financial ability to pay such compensation whereupon the [Bureau] department if satisfied of the applicant's financial ability shall [by written order make] upon the payment of a fee of one hundred ($100) issue to the applicant a permit authorizing such exemption Whenever an application for an exemption shall be filed by or on behalf of more than one employer every such employer applicant shall be required to pay the fee prescribed by this section in order to obtain a permit The department shall establish a period of twelve (12) calendar months to begin and end at such times as the department shall prescribe which shall be known as the annual exemption period Unless previously revoked all permits issued under this section shall expire and terminate on the last day of the annual exemption period for which they were issued Permits issued under this act shall be renewed upon the filing of an application and the payment of a renewal fee of one hundred dollars ($100) The [Bureau] department may from time to time require further statements of the financial ability of such employer and if at any time it should appear to the department that such employer [appears] is no longer able to pay compensation or has failed to pay compensation claims promptly as provided in this act or has occasioned unnecessary delay in the hearing or trial of the compensation claims of his employes or has by his failure to obey the provisions of this act or the rules or regulations of the department materially hindered the proper administration of this act the department shall revoke its [order] permit granting exemption in which case the employer shall immediately subscribe to the State

Workmen's Insurance Fund or insure his liability in [a] any insurance company or mutual association or company as aforesaid

Every employer liable under this act to pay compensation shall post and maintain in a conspicuous place in and about his place of business a notice that he has secured the payment of compensation to his employes and their dependents in accordance with the provisions of this section Such notice shall be in such form os shall be prescribed by the department and amoung other things shall set forth the name of the employer's insurance carrier or that he has been exempted by the department from carrying insurance as the case may be

If any employer shall fail to comply with the provisions of this section with respect to posting and maintaining the notice required by this act such employer shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars ($25) and costs of prosecution

If any employer fails to comply with the provisions of this section with respect to insuring or securing an exemption from insurance or in any applications filed under this section shall furnish the department with a false or fraudulent statement of outstanding incurred liability for compensation or any other false or fraudulent statement such employer [shall be guilty of a misdemeanor and] upon conviction thereof in a summary proceeding shall for every such failure or false or fraudulent statement [shall] be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than [five] three hundred dollars [($500)] ($300) and costs of prosecution and upon failure to pay such fine and costs shall be sentenced to undergo [or] imprisonment for a period of not more than [six] three months [or both at the discretion of the court] Every day's violation and every false or fraudulent statement shall constitute a separate offense It shall be the duty of the [Bureau] department to enforce the provisions of this section and it shall investigate all violations that are brought to its notice and shall institute presecutions for violations thereof All [fines] fees collected received or recovered under the provisions of this section shall be paid [by the clerk of the court] to the [Bureau] department and by it paid into the State Treasury through the Department of Revenue

In any proceeding against an employer under this section a certificate of non-insurance issued by the official Workmen's Compensation Rating and Inspection Bureau and a certificate of the department showing that the defendant has not been exempted from obtaining insurance under this section shall be prima facie evidence of the facts therein stated

The department by appropriate proceedings also shall have the power to enjoin any employer from transacting business unless and until such employer shall have complied with this section

For the purposes of this section minor children working for their parents shall be conclusively presumed to be emancipated

Section [306] 304 The following schedule of compensation is hereby established for injuries resulting in total disability

(a) [For the first five hundred weeks after] After the seventh day of total disability sixty-five per centum of the wages of the injured employe as defined in section three hundred and [nine] seven but the compensation shall not be more than [fifteen] twenty-five dollars per week nor less than [seven] twelve dollars per week [and shall not exceed in the aggregate the sum of sixty-five hundred dollars] Provided That if at the time of injury the employe receives wages of less than [seven] twelve dollars per week then he shall receive the full amount of such wages per week as compensation Provided That if total disability shall continue for a period of three weeks or more the employe also shall be entitled to receive compensation for the first seven days of total disability Nothing in this clause shall require payment of compensation after disability shall cease [Should partial disability be followed by total disability the period of five hundred weeks mentioned in this clause of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability]

(b) For disability partial in character (except the particular cases mentioned in clause (c) sixty-five per centum of the difference between the wages of the injured employe as defined in section three hundred and [nine] seven and the earning power of the employe thereafter but such compensation shall not be more than [fifteen] twenty-five dollars per week This compensation shall be paid during the period of such disability [not however beyond three hundred weeks] after the seventh day of [such partial] disability [Should total disability be followed by partial disability the period of three hundred weeks mentioned in this clause shall be reduced by the number of weeks during which compensation was paid for such total disability] Provided That if the partial disability shall continue for a period of three weeks or more the employe shall also be entitled to receive compensation for the first seven days of partial disability In cases of partial disability the actual earnings of an employe after the date of injury may along with other evidence be received as evidence of the extent of his earning power but if such employe has no such earnings the referee may in the interest of justice fix such earning power as shall be reasonable but not in excess of sixty-five per centum of his prior wages as defined in section three hundred and seven having due regard to the character of his previous employment and the nature of his injury and his partial disability

(c) For all partial disability resulting from permanent injuries of the following classes the compensation shall begin upon the termination of total disability if any total disability resulted from the injury or upon the termination of partial disability compensable under subsection (b) of this section in excess of fifteen per centum of wages and shall be paid in addition to the compensation paid for such total or partial disability and shall be [exclusively] as follows

For the loss of a hand sixty-five per centum of wages during [one hundred and seventy-five] two hundred and forty-four weeks

For the loss of an arm sixty-five per centum of wages during [two hundred and fifteen] three hundred and twelve weeks

For the loss of a foot sixty-five per centum of wages during [one hundred and fifty] two hundred and five weeks

For the loss of a leg sixty-five per centum of wages during [two hundred and fifteen] two hundred and eighty-eight weeks

For the loss of an eye [sixty-five per centum of wages during one hundred and twenty-five weeks] or for the removal of a cataract from or lense of an eye causing the loss of binocular vision sixty-five per centum of wages during two hundred and forty-four weeks

For the complete loss of hearing in one ear sixty-five per centum of wages during eighty weeks For the loss of hearing in both ears sixty-five per centum of wages during one hundred and sixty weeks

For the loss of a thumb or great toe sixty-five per centum of wages during sixty weeks

For the loss of a first toe or a first finger commonly called index finger sixty-five per centum of wages during thirty-five weeks

For the loss of a second toe or finger sixty-five per centum of wages during thirty weeks

For the loss of a third toe or finger sixty-five per centum of wages during twenty weeks

For the loss of a fourth toe or finger commonly called little finger sixty-five per centum of wages during fifteen weeks

The loss of less than the first phalange of the toe thumb or of any finger shall be considered equivalent to the loss of one-half of such toe thumb or finger and shall be compensated at the same rate as for the loss of a toe thumb or finger but for one-half of the period provided for the loss of a toe thumb or finger Provided however That the accident involves injury to part of the bone of the phalange

The loss of [more than] one phalange or more of a toe thumb or finger shall be considered equivalent to the loss of the entire toe thumb or finger

For the loss of any two or more such members or the permanent loss of the use of the finger thumb hand arm foot leg toe or eye as hereinbefore provided not constituting total disability sixty-five per centum of wages during the aggregate of the periods specified for each

The loss of the function of the distal joint shall be considered compensable for the period of one-half the number of weeks set forth for the loss of the toe or finger involved The loss of the function of the proximal joint shall be considered to be the loss of the use of the toe or finger and shall be compensable as set forth above for the loss of the toe or finger involved

At the termination of the above periods specified for the specfic losses set forth if the employe by reason of the specific loss or losses continues to be disabled either partially or totally then he shall be compensated under subsection (a) or subsection (b) as the case may be

For serious and permanent disfigurement of the head [or] face neck arms chest or back of such a character as to produce an unsightly appearance and such as is not usually incident to the employment sixty-five per centum of wages not to exceed [one hundred and fifty weeks] three hundred and twelve weeks

Unless the board shall otherwise determine the loss of both hands or both arms or both feet or both legs or both eyes shall constitute permanent total disability to be compensated according to the provisions of clause (a)

Amputation between the [elbow] wrist and the [wrist] knuckles shall be considered as the equivalent of the loss of a hand and amputation between the [knee] toes and the angle shall be considered as the equivalent of the loss of a foot Amputation [at or] above the [elbow] wrist shall be considered as the loss of an arm and amputation at or above the [knee] ankle shall be considered as the loss of a leg Permanent loss of the use of a hand arm foot leg eye toe finger or thumb for industrial purposes shall be considered as the equivalent of the loss of such hand arm foot leg eye toe finger or thumb

This compensation shall not be more than [fifteen] twenty-five dollars per week nor less than [seven] twelve dollars per week Provided That if at the time of injury the employe receives wages of less than [seven] twelve dollars per week then he shall receive the full amount of such wages per week as compensation

(d) No compensation shall be allowed for the first seven days after disability begins except as [hereinafter] provided in [clause] clauses (a) (b) and (e) of this section

(e) During the first [thirty days] six months after [disability begins] the date of injury and during such further period as the board may in the manner hereinafter provided require in a particular case the employer shall furnish reasonable surgical [and] medical dental and nursing services hospital treatment artificial appliances medicines and supplies as and when needed unless the employe refuses to allow them to be furnished by the employer Provided That the injured employe may at the expense of his employer not in excess of five dollars consult a physician of his own choice or upon written request to the board or a referee designated by the board and notice to the employer may be permitted by the board to consult a physician of his own choice at any time during his disability the cost of such consultation to be paid by the employer in accordance with a schedule of charges to be prescribed and approved by the board Any such request shall be acted upon promptly either with or without a hearing and shall have preference over any other matter or proceeding pending before the board or the referee Upon application of an injured employe the board may issue its order requiring the employer to furnish such further services hospital treatment medicines artificial appliances or supplies during such further period after the six months' period as the board may in the interest of justice deem advisable In all cases where the employer's physician treats the injured employe such physician shall furnish written reports at the time of the first and last treatment to the employe and the department and where the employer's physician advises the injured employe that no further medical services are required he shall furnish the injured employe with a certificate to this effect [The cost of such services medicines and supplies shall not exceed over one hundred dollars ($100)] If the employer shall upon application made to him refuse to furnish such services hospital treatment appliances medicines and supplies the employe may procure same and shall receive from the employer the reasonable cost thereof [within the above limitations In addition to the above services medicines and supplies hospital treatment services and supplies shall be furnished by the employer for the said period of thirty days The cost for such hospital treatment services and supplies shall not in any case exceed the prevailing charge in the hospital for like services to other individuals] If the employe shall refuse [reasonable surgical medical and hospital] such services hospital treatment appliances medicines and supplies tendered to him by his employer he shall forfeit all rights to compensation for any injury or any increase in his in capacity shown to have resulted from such refusal Provided however That the employe need not submit to surgical treatment which in the opinion of at least two qualified physicians might jeopardize his life The employer shall also furnish to the employe or pay the cost of transportation to and from the place where such services are rendered and reimbursement for such costs assumed by the employe may be enforced as payments of compensation are enforced

Should the employe die from some other cause than the injury the liability for compensation shall cease except that in the case of permanent injuries the balance of specific payment under clause (c) of this section shall be paid to the dependents of the deceased as set forth in section three hundred and five of this article not to exceed however a maximum of four hundred (400) weeks

[(g) Hernia shall be considered as a physical weakness or ailment which ordinarily develops gradually and shall not be compensable unless conclusive proof is offered that the hernia was immediately precipitated by such sudden effort or severe strain that first the descent of the hernia immediately followed the cause second there was actual pain in the hernia region third the above manifestations were of such severity that the same were immediately noticed by the claimant and communicated to the employer or a representative of the employer within forty-eight hours after the occurrence of the accident]

(g) If an employe receives an injury compensable under this act which of itself would not cause permanent total disability but which combined with a previous major permanent injury does in fact cause permanent total disability or if an employe who has previously suffered a major permanent injury receive an injury compensable under this act which of itself is a permanent injury or which either causes permanent total disability or results in the death of such employe compensation for such further permanent injury total disability or death shall be paid out of the moneys existing to the credit of the second injury reserve account hereinafter created by this act in the State Workmen's Insurance Fund as follows

(1) In the case of further permanent injury not resulting in total disability either of itself or in combination with any prior major permanent injury the amount provided by clause (c) of this section for the particular type of the later permanent injury

(2) In the case of total disability resulting either from the later injury of itself or from such injury combined with any prior major permanent injury an amount equivalent to the difference between the compensation payable for any prior major permanent injury and the amount payable for total disability under clause (a) of this section

(3) In the case of death resulting from the later injury or from a combination of any prior major permanent injury and the later injury the amount payable under section three hundred five of this act in cases of death

The employer of any such employe shall be responsible for compensating the injured employe for the second injuries and in the manner prescribed in this subsection

but shall be relieved from the payment of compensation to such employe to the extent such compensation is paid under this subsection out of the second injury reserve account of the State Workmen's Insurance Fund

Such employer in order to obtain the benefits of this subsection shall file with the board a petition of agreed facts in the manner provided in section four hundred eleven of this act and thereafter the procedure shall be the same as in other cases except that the board may in its discretion act on such petition without a hearing

For purposes of this subsection a "major permanent injury" shall mean all permanent injuries set forth in clause (c) of section three hundred four exclusive of loss of or loss of use of one or more fingers or toes not amounting to loss of or loss of use of hand or foot

Section [307] 305 In case of death compensation shall be computed on the following basis and distributed to the following persons

1 If there be no widow nor widower entitled to compensation compensation shall be paid to the guardian of the child or children or if there be no guardian to such other persons as may be designated by the board as hereafter provided as follows

(a) If there be either one or two children [thirty-three] thirty per centum of wages of deceased but not in excess of [seven] twenty-five dollars [and fifty cents] per week

(b) If there be three children forty-four] forty-five per centum of wages of deceased but not in excess of [ten] twenty-five dollars per week

(c) If there be four children [fifty-five] sixty per centum of wages of deceased but not in excess of [twelve] twenty-five dollars [and fifty cents] per week

(d) If there be five or more children [sixty-two and one-half] sixty-five per centum of wages of deceased but not in exces of [fourteen] twenty-five dollars per week

[(e) If there be six or more children sixty-five per centum of wages of deceased but not in excess of fifteen dollars per week]

2 To the widow or widower if there be no children forty-four per centum of wages but not in excess of [ten] twenty-five dollars per week

3 To the widow or widower if there be one child [fifty-five] fifty-nine per centum of wages but not in excess of [twelve and a half] twenty-five dollars per week

4 To the widow or widower if there be two or more children sixty-two and one-half] sixty-five per centum of wages but not in excess of [fourteen] twenty-five dollars per week

[4½ To the widow or widower if there be three or more children sixty-five per centum of wages but not in excess of fifteen dollars per week]

5 If there be neither widow widower nor children entitled to compensation or if the widow widower or children are not receiving the maximum compensation payable under this act then to the father or mother if dependent to any extent upon the employe at the time of the accident twenty-five per centum of wages but not in excess of [five] twelve dollars per week Provided however That in the case of a minor child who has been contributing to his parents the dependency of said parents shall be conclusively presumed And provided further That if the father or mother was totally dependent upon the deceased employe at the time of the accident the compensation payable to such father or mother shall be forty-five per centum of wages but not in excess of [ten] seventeen dollars per week but the provisions of this paragraph in connection with other provisions of this section shall not be deemed to require the payment of compensation in excess of twenty-five dollars per week in any one case

6 If there be neither widow widower children nor dependent parent entitled to compensation [the following] or if the widow widower children or dependent parent are not receiving the maximum compensation payable under this act then to the brothers and sisters until the age of eighteen if actually dependent to any extent upon the decedent for support at the time of his death fifteen per centum of wages for one brother or sister and five per centum additional for each additional brother or sister with a maximum of twenty-five per centum such compensation to be paid to their guardian or if there be no guardian to such other person as may be designed by the board as hereinafter provided but the provisions of this paragraph in connection with other provisions of this section shall not be deemed to require the payment of compensation in excess of twenty-five dollars per week in any one case

7 Whether or not there be dependents as aforesaid the reasonable expense of burial not exceeding [one hundred and fifty] two hundred and fifty dollars which shall be paid by the employer or insurer directly to the undertaker (without deduction of any amounts theretofore paid for compensation or for medical expenses)

Compensation shall be payable under this section to or on acount of any child brother or sister only if and while such child brother [and] or sister is under the age of [sixteen] eighteen unless such child brother or sister is dependent by reason of mental or physical disability in which case such compensation shall be paid to or on account of such child brother or sister until he or she reaches the age of eighteen or for five hundred weeks whichever is the longer period No compensation shall be payable under this section to a widow unless she was living with her deceased husband at the time of his death or was then actually dependent upon him for support No compensation shall be payable under this section to a widower unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for suport The terms "child" and "children" shall include stepchildren and adopted children and children to whom he stood in loco parentis if members of decendent's household at the time of his death and shall include posthumous children Should any dependent of a deceased employe die or remarry or should the widower become capable of self-support the right of such dependent or widower to compensation under this section shall cease Provided however That upon remarriage of any widow other than a non-resident alien widow the compensation of such widow shall continue as hereinbefore provided for [one-third of the period during which compensation then remains payable to her] two years from the date of such remarriage If the compensation payable under this section to any person shall for any cause cease the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased

The wages upon which death compensation shall be based shall not in any case be less than [twelve] eighteen dollars and fifty cents per week

This compensation shall be paid during [three] five hundred weeks except that in the case of a widow so long as she remains unmarried compensation shall be payable for life and in the case of children entitled to compensation under this section the compensation of each child shall continue after said period of [three] five hundred weeks until such child reaches the age of [sixteen] eighteen at the rate of [seventeen and one-half per centum of wages but not in excess of three dollars and seventy-fiv cents per week if there be one child twenty-seven] [and one-half] thirty per centum of wages but not in excess of [six] ten dollars [and twenty-five cents] per week if there be one or two children [thirty-eight and one-half] forty-five per centum of wages but not in excess of [eight] twelve dolars [and seventy-five cents] per week if there be three children [fifty] sixty per centum of wages but not in excess of [eleven] fifteen dollars and [twenty-five cents] per week if there be four children and [fifty-five] sixty-five per centum of wages but not in excess of [twelve] seventeen dollars and fifty cents per week if there be five children or more [and sixty per centum of wages but not in exces of thirteen dollars and seventy-five cents per week if there be six children or more] The board may if the best interest of a child or children shall so require at any time order and direct the compensation payable to a child or children or to a widow or a widower on acount of any child or children to be paid to the guardian of such child or children or if there be

no guardian to such other person as the board as hereinafter provided may direct If there be no guardian or committee of any minor dependent or insane employe or dependent on whose account compensation is payable the amount payable on account of such minor dependent or insane employe or dependent may be paid to any surviving parent or to such other as the board may order and direct and the board may require any person other than a guardian or committee to whom it has directed compensation for a minor dependent or insane employe or dependent to be paid to render as and when it shall so order accounts of the receipts and disbursements of such person and to file with it a satisfactory bond in a sum sufficient to secure the proper application of the moneys received by such person

Section [308] 306 Except as hereinafter provided all compensation payable under this article shall be payable in periodical instalments as the wages of the employe were payable before the accident

All compensation payable under this article shall be made payable only to employes or their dependents or their guardians or such other persons as may be designated by the board

Every employer or his insurance carrier shall file promptly with the department an original standard check voucher receipt in such form and at such times as shall be prescribed by the department for each payment of compensation made under this act

Any person copartnership association or corporation who or which violates any of the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay for each violation a fine of not less than ten dollars ($10.00) nor more than twenty-five dollars ($25.00)

Section [309] 307 Wherever in this article the term "wages" is used it shall be construed to mean the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident [and] except that if the injured employe was at the time of the injury a minor and is permanently disabled his average weekly wage for the purpose of determining the compensation payable under this act shall be determined on the basis of the earnings that such minor if not disabled probably would earn within a reasonable time after reaching the age of twenty-one (21) years In determining such probable earnings due consideration shall be given to the employe's aptitude education and experience fitting him for any employment not only in the trade or business in which he was engaged at the time of the injury but in any other trade or business Unless otherwise established his earnings shall be taken as equivalent to the amount upon which maximum compensation is payable The term "wages" [shall not include gratuities received from the employer or others nor shall it include amounts deducted by the employer under the contract of hiring for labor furnished or paid for by the employer and necessary for the performance of such contract by the employe but] shall include board and lodging received from the employer Whenever the employe receives board and lodging as a part of his wages the board shall be rated at fifty cents per day and board together with lodging shall be rated at one dollar per day for the purpose of computing wages In seasonable occupations the employe's weekly wages shall be taken to be one-fiftieth of the total wages which he has earned from all occupations during the year immediately preceding the accident unless it be shown that during such year by reason of exceptional causes such method of computation does not ascertain fairly the earnings of the employe in which case the period for calculation shall be extended so far to give a basis for the fair ascertainment of his average weekly earnings in continuous employments if immediately prior to the accident the rate of wages was fixed by the day or hour or by the output of the employe his weekly wages shall be taken to be five and one-half times his average earnings at such rate for a working day and using as a basis of calculation his earnings during so much of the preceding six months as he worked for the same employer Provided however That if the employe regularly and habitually worked more than five and one-half days per week the weekly wage shall be found by multiplying his average earnings for working day by six six and one-half or seven according to the customary number of working days constituting an ordinary week in his occupation or trade Where the employe is working under concurrent contracts with two or more employers his wages from all employers shall be considered as if earned from the employer liable for compensation

In cases where the employe has been in the employ of the employer less than one full week and by reason of the shortness of time during which the employe has been in the employment of the employer or the nature or terms of the employment it is impracticable to ascertain the average weekly wages as hereinbefore provided the average weekly amount which during the six months previous to the injury has been earned by other persons employed by the same employer under similar contracts of hiring or if there are no persons so employed by other persons employed by other employers under similar contracts of hiring under similar conditions shall be taken as the basis for the ascertainment of the weekly wages of such employe

Section [310] 308 Compensation under this article to alien dependent widows and children not residents of the United States shall be two-third of the amount provided in each case for residents and the employer may at any time commute all future instalments of compensation payable to alien dependents not residents of the United States by paying to such alien dependents the then value thereof calculated in accordance with the provisions of section three hundred and [sixteen] fourteen of this article Alien widowers parents brothers and sisters not residents of the United States shall not be entitled to any compensation

Non-resident alien dependents may be officially represented by the Consular officers of the nation of which such alien or aliens may be citizens or subjects and in such cases the Consular officers shall have the right to receive for distribution to such non-resident alien dependents all compensation awarded hereunder and the receipt of such Consular officers shall be a full discharge of all sums paid to and received by them

Section [311] 309 Unless the employer shall have actual knowledge of the occurrence of the injury or unless the employe or [some one] someone in his behalf or some of the dependents or [some one] [someone] in their behalf shall give notice thereof to the employer within [fourteen] thirty days after the accident no compensation shall be due until such notice be given or knowledge obtained but if the employe or other beneficiary shall show that his delay in giving notice was due to his mistake or ignorance of fact or of law or to his physical or mental disability or to fraud misrepresentation or deceit or to any other reasonable cause or excuse then compensation shall be allowed unless the employer shall show that he did not know and by reasonable diligence could not have learned of the accident and that he was prejudiced by the delay in which case he shall be relieved to the extent of such prejudice [and unless such knowledge be obtained or notice given within ninety days after the occurrence of the injury no compensation shall be allowed] It shall be presumed that the employer had notice of any injury within the period prescribed in this section and the burden of proof shall be upon the employer to show otherwise

Section [312] 310 The notice referred to in section three hundred and [eleven] nine hereof shall be substantially in the following form

To (name of employer)

You are hereby notified that an injury of the following character (.....) was suffered by (name of employe injured) who was in your employment at (place) while engaged as (kind of employment) on or about the (.....) day of (.....) Anno Domini (.....) and that compensation will be claimed therefor

Dated (.....) Signed (.....)

But no variation from this form shall be material if the notice be sufficient to inform the employer that a

certain employe by name received an injury the character of which is described in ordinary language in the course of or resulting from his employment on or about a time specified and at or near a place specified

Section [313] 311 The notices referred to in section [three hundred and two and section] three hundred and [eleven] nine hereof may be served personally upon the employer or upon the manager or superintendent in charge of the works or business in which the accident occurred or by sending them through the registered mail to the employer at his or its last known residence or place of business or if the employer be a corporation either foreign or domestic then upon the president vice-president secretary or treasurer thereof Knowledge of the occurrence of the injury on the part of any of said agents shall be the knowledge of the employer

Section [314] 312 At any time after an injury the employe if so requested by his employer must submit himself for examination at some reasonable time and place to a physician or physicians legally authorized to practice under the laws of such place who shall be selected and paid by the employer If the employe shall refuse upon the request of the employer to submit to the examination by the physician or physicians selected by the employer the board may upon petition of the employer order the employe to submit to an examination at a time and place set by it and by the physician or physicians selected and paid by the employer or by a physician or physicians designated by it and paid by the employer and if the employe shall without reasonable cause or excuse disobey or disregard such order he shall be deprived of his right to compensation under this article The board may at any time after such first examination upon petition of the employer order the employe to submit himself to such further examinations as it shall deem reasonable and necessary at such times and places and by such physicians as it may designate and in such case the employer shall pay the fees and expenses of the examining physician or physicians and the reasonable traveling expenses and loss of wages incurred by the employe in order to submit himself to such examination The refusal or neglect without reasonable cause or excuse of the employe to submit to such examination ordered by the board either before or after an agreement or award shall deprive him of the right to compensation under this article during the continuance of such refusal or neglect and the period of such neglect or refusal shall be deducted from the period during which compensation would otherwise be payable

The employe shall be entitled to have a physician or physicians of his own selection to be paid by him participate in any examination requested by his employer or ordered by the board

Section [315] 313 In cases of personal injury all claims for compensation shall be forever barred unless within [one year] two years after the accident the parties shall have agreed upon the compensation payable under this article or unless within [one year] two years after the accident one of the parties shall have filed a petition as provided in article four hereof In cases of death all claims for compensation shall be forever barred unless within [one year] two years after the date of death the parties shall have agreed upon the compensation under this article or unless within [one year] two years after the date of death one of the parties shall have filed a petition as provided in article four hereof where however payments of compensation have been made in any case or an employer has failed to report to the department the occurrence of an injury to his employe as required by law said limitations shall not take effect until the expiration of [one year] two years from the time of the making of the last payment or the filing of such report as the case may be Provided That the provisions of this section shall apply to accidents which have occurred before the passage of this act as well as to accidents occurring after the passage of this act

Section [316] 314 The compensation contemplated by this article may at any time be commuted by the board at its then value when discounted at five per centum interest with annual rests disregarding the probability of the beneficiary's death upon application of either party with due notice to the other if it appear that such commutation will be for the best interest of the employe or the dependents of the deceased employe and that it will avoid undue expense or undue hardship to either party or that such employe or dependent has removed or is about to remove from the United States or that the employer has sold or otherwise disposed of the whole or the greater part of his business or assets Except as provided in section three hundred and [ten] eight hereof and in this section no commutation of compensation shall be made

Any person partnership association or corporation who or which shall commute or attempt to commute any compensation directly or indirectly in violation of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or to undergo imprisonment for a period of not more than six (6) months or both in the discretion of the court No person partnership association or corporation shall be entitled to receive credit for any moneys paid in violation of this section and any such payment shall be considered as a gratuity

Section [317] 315 At any time after the approval of an agreement or after the entry of the award a sum equal to all future instalments of compensation may (where death or the nature of the injury renders the amount of future payments certain) with the approval of the board be paid by the employer to any savings bank trust company or life insurance company in good standing and authorized to do business in this [State] Commonwealth and such sum together with all interest thereon shall thereafter be held in trust for the employe of the dependents of the employe who shall have no further recourse against the employer The payment of such sum by the employer evidenced by the receipt of the trustee noted upon the prothonotary's docket shall operate as a satisfaction of said award as to the employer Payments from said fund shall be made by the trustee in the same amounts and at the same periods as are herein required of the employer until said fund and interest shall be exhausted In the appointment of the trustee preference shall be given in the discretion of the board to the choice of the employe or the dependents of the deceased employe Should however there remain any unexpended balance of any fund after the payment of all sums due under this act such balance shall be repaid to the employer who made the original payment or to his legal representative

Section [318] 316 The right of compensation granted by this article of this act shall have the same preference (without limit of amount) against the assets of an employer liable for such compensation as is now or may hereafter be allowed by law for a claim for unpaid wages for labor Provided however That no claim for compensation shall have priority over any judgment mortgage or conveyance of land recorded prior to the filing of the petition award or agreement as to compensation in the office of the prothonotary of the county in which the land is situated Claims for payments due under this article of this act shall not be assignable and (except as provided in section five hundred and one of article five hereof) shall be exempt from all claims of creditors and from levy execution or attachment which exemption may not be waived

Section [319] 317 Where a third person is liable to the employe or the dependents for the injury or death the employer shall be subrogated to the right of the employe or the dependents against such third person but only to the extent of the compensation payable under this article by the employer Any recovery against such third person in excess of the compensation theretofore paid by the employer shall be paid forthwith to the employe or to the dependents and shall be treated as an advance payment by the employer on account of any future instalments of compensation

Sceion [320] 318 (a) If the employe at the time of the accident is a minor under the age of eighteen years employed or permitted to work in violation of any provision of the laws of this Commonwealth relating to

minors of such age compensation either in the case of injury or death of such employe shall be double the amount that would be payable to such minor if legally employed The amount by which such compensation shall exceed that provided for in case of legal employment may be referred to as "additional compensation"

(b) The employer and not the insurance carrier shall be liable for the additional compensation Any provision in an insurance policy undertaking to relieve an employer from such liability shall be void

(c) Where death or the nature of the injury renders the amount of future payments certain the total amount of the additional compensation subject to discount as in the case of commutation shall be immediately due and payable It shall be deposited subject to the approval of the board in any savings bank trust company or life insurance company in good standing and authorized to do business in this [State] Commonwealth

Where the amount of the future payments of compensation is uncertain the board shall upon the approval of the agreement or the entry of an award determine as nearly as may be the total amount of payment to be made and the additional compensation so calculated shall immediately upon such determination become due and payable by the employer The amount may be redetermined by the board and any increase shall then become due and payable and any excess which shall be shown to have been paid shall be returned to the person paying the same Upon determination of the amount due it shall be deposited as above provided Payments of compensation out of deposits shall be made to the employe or dependents as payments of other compensation are made Provided however That the board may in its discretion and upon inquiry as in cases of commutation accelerate such payments

(d) The provisions of the foregoing paragraph (c) shall not apply to employers who are exempted by the [bureau] department from the necessity of carrying insurance

(e) Possession of an employment certificate duly issued and transmitted to the employer in accordance with the provisions of the child labor law and receipt thereof duly acknowledged by him shall be conclusive evidence to such employer of his legal right to employ the minor for whose employment such certificate has been issued

(f) The possession of an age certificate duly issued and transmitted to the employer by the school authorities of the school district in which a minor resides shall be conclusive evidence to the employer of the minor's age as certified therein

[(g) If neither party has elected not to be bound by the provisions of article three of the act to which this act and to have waived any other right or remedy section three hundred and two of said act they shall be held to have agreed to be bound by the provisions of this act and to have waived any other right to remedy at law or in equity for the recovery of damages for injuries occurring under the circumstances herein described]

Section 319 In the case of an employe who dies as the result of an injury received in the course of or resulting from his employment and who leaves no dependents entitled to receive in excess of thirty-five hundred dollars ($3,500.00) compensation under this act the employer or his insurance carrier as the case may be shall pay the sum of thirty-five hundred dollars ($3,500.00) to the department or the difference between the amount paid to such dependents and the sum of thirty-five hundred dollars ($3,500.00) In order to enforce payment of such sum the department shall have power to file with the board a claim for the same in like manner as any claim for compensation may be filed under this act

(b) One-fourth of the amount received in each case under this section by the department but not however in excess of two hundred and fifty dollars ($250.00) shall be paid by it into the Federal State Rehabilitation Fund of the State Treasury through the Department of Revenue which amount shall be credited to a ledger account to be known as the industrial rehabilitation account All moneys credited to the industrial rehabilitation account are hereby appropriated to the department for all expenses incurred by the department under the rehabilitation laws of this Commonwealth for the rehabilitation of insured employes who are entitled to compensation under this act and who are as a result of their injuries totally or partially incapacitated for renumerative employment in the line of employment in which they were employed at the time of injury

(c) The balance of any amount received by the department under this section shall be paid by it into the State Workmen's Insurance Fund of the State Treasury through the Department of Revenue which amount shall be credited to a ledger account to be known as the second injury reserve account All amounts credited to the second injury reserve account are hereby appropriated to the department for the payment of the compensation provided in clause (g) of section three hundred and four of this act and for the payment of compensation provided in sections four hundred and thirteen and four hundred hundred and thirty-four in cases that are reopened after a period of ten years

Whenever at the end of any fiscal year of the Commonwealth after the year one thousand nine hundred and forty-five the total amount credited to the second injury reserve account shall exceed a sum equivalent to three times the average annual incurred liability of the account to employes or their dependents during the three preceding fiscal years the surplus amount shall upon requisition of the department be transferred to the Federal State Rehabitation Fund and credited to the industrial rehabilitation account in such fund All amounts so transferred shall be available and are hereby appropriated to the department for the same purposes for which moneys credited to such account are appropriated by subsection (b) of this section

ARTICLE IV

PROCEDURE

Section 401 The term "Referee" when used in this article shall mean Workmen's Compensation Referee

The term "Fund" when used in this article shall mean the State Workmen's Insurance Fund of this Commonwealth

The term "Employer" when used in this article shall mean the employer as defined in article one of this act or his duly authorized agent or his insurer if such insurer has assumed the employer's liability or the fund of the employer be insured therein

Section 402 All proceedings before the board or any referee and all appeals to the board shall be instituted by petition addressed to the board All petitions shall be in writing and in the form prescribed by the board

Section 403 All petitions all copies of agreements for compensation and all [other] papers requiring action by the board shall be mailed or delivered to the [bureau] department at its principal office

Section 404 The (bureau] department shall immediately upon their receipt properly file and docket all petitions agreements for compensation findings of fact by the board or any referee awards or disallowances of compensation or medifications thereof and all other reports or papers filed with it under the provisions of this act or the rules and regulations of the board

Section 405 Immediately upon receiving from the board or any referee any award or disallowance of compensation or any modification thereof or any other decision the [bureau] department shall serve a copy thereof on all parties in interest

Section 406 All notices and copies to which any party shall be entitled under the provisions of this article shall be served direct For the purposes of this article any notice or copy shall be deemed served on the date when mailed properly stamped and adressed and shall be presumed to have reached the party to be served but any party may show by competent evidence that any notice or copy was not received or that there was an unusual or unreasonable delay in its transmission through the mails In any such case proper allowance shall be made for the

party's failure within the prescribed time to assert any right given him by this act

The [bureau] department [the secretary] and every referee shall keep a careful record of the date of mailing every notice and copy required by this act to be served on the parties in interest

Section 407 On or after the [tenth] seventh day after any accident shall have occurred the employer and employe or his dependents may agree upon the compensation payable to the employe or his dependents under this act but any agreement made prior to the [tenth] seventh day after the accident shall have occurred or permitting a commutation of payments contrary to the provisions of this act or varying the amount to be paid or the period during which compensation shall be payable as provided in this act shall be wholly null and void It shall be unlawful for any employer to accept a receipt showing the payment of compensation when in fact no such payment has been made

All agreements made in accordance with the provisions of this section shall be in writing and signed by all parties in interest

It shall be unlawful for any employer to procure or to cause to be procured the signature of any employe or of the dependents of any employe or of other persons in interest to any agreement or supplemental agreement which is not complete in every material respect and any employer so doing shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of one hundred dollars ($100.00) for each offense

All agreements for compensation and all supplemental agreements for the modification suspension reinstatement or termination thereof and all receipts executed by any injured employe of whatever age or by any dependent to whom compensation is payable under section three hundred and [seven] five and who has attained the age of sixteen years shall be valid and binding unless modified or set aside as hereinafter provided

Section 408 All agreements for compensation may be modified suspended reinstated or terminated at any time by a supplemental agreement approved by the [board] department if the incapacity of an injured employe has increased decreased recurred or temporarily or finally terminated or if the status of any dependent has changed

Section 409 Whenever an agreement or supplemental agreement shall be executed between an employer and an employe or his dependents are provided by this act such agreement shall be executed in triplicate Two copies thereof signed by all parties in interest shall be mailed or delivered to the [board] department within thirty days after execution by the claimant It shall be the duty of the [board] department to examine the agreement to determine whether it conforms to the provisions of section four hundred and seven to notify the parties thereto of its validity or invalidity under the aforesaid section within thirty days after the copies of the agreement have been mailed or delivered to it and if the agreement be approved to send to the employe together with such notification of its approval a copy of the agreement Provided however That any payment made in accordance with any agreement prior to the receipt of notice of invalidity shall discharge pro tanto the liability under article three of this act of the employer making such payments

Whenever an agreement or a supplemental agreement is disapproved by the department the employer shall pay to the employe compensation on the basis of such agreement to such extent as the agreement would if approved require Compensation on the basis of such agreement shall be paid until such time as the employer's liability for compensation is finally determined under the provisions of this act Any payments made by an employer in accordance with such agreement shall discharge pro tanto his liability for such compensation as may be subsequently determined to be due the employe under the provisions of this act

Any employer who shall fail to mail or deliver to the department two copies of any agreement or supplemental agreement within thirty days after such agreement or supplemental agreement is executed by the claimant shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars ($25.00) for each such failure

Section 410 If after any accident the employer and the employe or his dependent concerned in any accident shall fail to agree upon the facts thereof and the compensation due under this act the employe or his dependents or the department for and on behalf of such employe or his dependents whenever an agreement or supplemental agreement has been disapproved by the department or it shall otherwise deem it to be in the interests of justice to do so may present a claim for compensation to the board All allegations contained in the claim petition must be separately and specifically admitted or denied by the defendant Claimant shall have a right upon a petition to the referee and his order thereon to inspect the premises where the claimant's alleged injury was received

Whenever any claim for compensation is presented to the board other than claims of non-resident alien dependents and is finally adjudicated in favor of the claimant the amounts of compensation actually due at the time the first payment is made after such adjudication shall bear interest at the rate of six per centum per annum beginning fourteen days after the date of the accident and such interest shall be payable to the same person as the compensation is payable

In case any claimant shall die before the final adjudication of his claim the amount of compensation due such claimant to the date of death shall be paid to the dependents entitled to compensation or if there be no dependents then to the estate of the decedent

Section 411 Whenever the employer and the employe or his dependent shall on or after the [tenth] seventh day after any accident agree on the facts on which a claim for compensation depends but shall fail to agree on the compensation payable thereunder they may petition the board to determine the compensation payable Such petition shall contain the agreed facts and shall be signed by all parties in interest The board shall fix a time and place for hearing the petition and shall notify all parties in interest As soon as may be after such hearing the board shall award or disallow compensation in accordance with the provisions of this act

Section 412 If any party shall desire the commutation of future instalments of compensation he shall present a petition therefor to the board

Section 413 The board or a referee designated by the board may at any time review and modify or set aside an original or supplemental agreement upon petition filed by either party or by the department with the board or in the course of the proceedings under any petition pending before such board or referee if it be proved that such agreement was procured prior or subsequent to the effective date of this act by the fraud coercion or other improper conduct of a party or was founded upon a mistake of law or of fact or that the facts in the particular case disclose such agreement to be inequitable to either party

The board or referee designated by the board may at any time modify reinstate suspend or terminate an original or supplemental agreement or an award upon petition filed by either party with such board upon proof that the disability of an injured employe has increased decreased recurred or has temporarily or finally ceased or that the status of any dependent has changed Such modification reinstatment suspension or termination shall be made as of the date upon which it is shown that the disability of the injured employe has increased decreased recurred or has temporarily or finally ceased or upon which it is shown that the status of any dependent has changed [Provided That except in the case of eye injuries an agreement or an award can only be reviewed modified or reinstated during the time such agreement or award has to run if for a definite period and except in the case of eye injuries no agreement or award shall be reviewed or modified or reinstated unless a petition is filed with the board within one year after the date of the last payment of compensation with or without an agreement] Where

compensation is awarded under this section in any case where more than ten years have elapsed between the date of the last payment of compensation and the date of the filing of the petition under this section the said compensation shall be payable out of moneys existing to the credit of the second injury reserve account created by this act in the State Workmen's Insurance Fund

The board or referee to whom any such petition has been assigned may subpoena witnesses hear evidence make findings of fact and award or disallow compensation in the same manner and with the same effect and subject to the same right of appeal as if such petition were an original claim petition

The filing of a petition to terminate or modify a compensation agreement or award as provided in this section shall operate as a supersedeas and shall suspend the payment of compensation fixed in the agreement or by the award [in whole or] to such extent as the facts alleged in the petition would if proved require except that the filing of a petition relative to a change in or termination of the disability of an injured person shall not act as a supersedeas unless such petition contains an affidavit by a physician that he has examined the claimant a percentage estimate of the extent of disability and that the petitioner in his opinion is entitled to the relief prayed for in the petition Payment must be made up to date of the filing of the petition to terminate and in the case of a petition to modify in accordance with the per centum of liability admitted in such petition In any such action to terminate or modify the burden of proof shall be upon the party filing such petition No petition to terminate or modify an existing agreement or award shall be filed while said agreement or award is being adjudicated

Section 414 Whenever a claim petition or other petition is presented to the board the board shall by general rules or special order either direct it to be heard by one or more members of the board or assign it to a referee for hearing Provided however that petitions presented under sections four hundred and eleven and four hundred and twelve shall be heard by one or more members of the board

The [secretary] department shall serve upon each adverse party a copy of the petition together with a notice that such petition will be heard by the board or the referee to whom it has been assigned (giving his name and address) as the case may be and if the petition shall have been assigned to a referee shall mail the original petition to such referee together with copies of the notices served upon the adverse parties

Section 415 At any time before an award or disallowance of compensation or order has been made by a referee to whom a petition has been assigned the board may order such petition heard before it or one or more of its members or may reassign it to any other referee Unless the board shall otherwise order the testimony taken before the original referee shall be considered as though taken before the board or substituted referee

Section 416 Within ten days after a copy of any petition has been served upon any adverse party he may file with the secretary of the board if the petition has been directed to be heard by the board or with the referee if the petition has been assigned to a referee an answer in the form prescribed by the board

Every fact alleged in a petition not specifically denied by an answer so filed by an adverse party shall be deemed to be admitted by him But the failure of any adverse party or of all of them to deny a fact so alleged shall not preclude the board or referee before whom the petition is heard from requiring of its or his own motion proof of such fact

Section 417 As soon as may be after the twelfth day after notice that a petition has been directed to be heard by the board has been served upon the adverse parties thereof the board shall fix a time and place for hearing the petition If a petition be assigned to a referee he shall twelve days after notice that such petition has been assigned to him has been served upon the adverse parties fix a time and a place for hearing the petition Such hearing shall not be less than five nor more than fourteen days after the mailing of notice thereof by the referee The secretary of the board if the petition has been directed to be heard by the board or by one or more of its members or the referee to whom the petition has been assigned shall serve upon all parties in interest a notice of the time and place of hearing and shall serve upon the petitioner a copy of any answer of any adverse party

Section 418 The board if a petition is directed to be heard by it or by one or more of its members or the referee to whom a petition is assigned for hearing may subpoena witnesses order the production of books and other writings and hear evidence and shall make in writing and as soon as may be after the conclusion of the hearing such findings of fact conclusions of law and award or disallowance of compensation or other order as the petition and answers and the evidence produced before it or him and the provisions of this act shall in its or his judgment require The findings of fact made by the board in any petition heard by it or by one or more of its members or upon a hearing de novo shall be final made by a referee to whom a petition has been assigned except as hereinafter provided and the findings of fact or any question of fact has been referred under the provisions of section four hundred and nineteen shall be final unless the board shall under the provisions of section four hundred and twenty-five of this article grant a hearing de novo or a rehearing

Section 419 The board may refer any question of fact arising under any petition including a petition for commutation heard by it to a referee to hear evidence and report to the board the testimony taken before him or such testimony and findings of fact thereon as the board may order The board may refer any question of fact arising out of any petition assigned to a referee to any other referee to hear evidence and report the testimony so taken thereon to the original referee

Section 420 The board or a referee if it or he deem it necessary may of its or his own motion either before during or after any hearing make an investigation of the facts set forth in the petition or answer The board or referee with the consent of the board [may] shall whenever it shall be deemed in the interest of justice to do so appoint one or more impartial physicians or surgeons to examine the injuries of the plaintiff and report thereon or he may employ the services of such other experts as shall appear necessary to ascertain the facts The report of any physician surgeon or expert appointed by the board or by a referee shall be filed with the board or referee as the case may be and shall be a part of the record and open to inspection as such

The board shall fix the compensation of such physicians surgeons and experts which when so fixed [shall be paid out of the sums appropriated to the Department of Labor and Industry for the maintenance of the department and] shall be taxed as part of the costs of the proceedings [to be repaid to such department by either party or both as the board may direct If any sum so taxed shall not be paid by the party directed to repay the same may be collected as costs are now collectible] and shall be paid by the employer to the physician surgeon or expert If any employer shall fail to pay such cost promptly the physician surgeon or expert may proceed to collect the same in the manner provided in this act for the collection of awards of compensation

Section 421 All hearings before the board or one or more members thereof or before a referee shall be public

Upon an appeal to the Board the official stenographic notes taken at the hearing before a referee shall be transcribed and a copy thereof furnished upon request to the employer and the claimant the cost of which shall be taxed as a cost of the proceedings and shall be paid by the employer If any sum so taxed is not paid by the employer the same may be collected as costs are now collectible

Section 422 Neither the board nor any of its members nor any referee shall be bound by the technical rules of evidence in conducting any hearing or investigation but all findings of fact shall be based only upon competent evidence

Declarations of a deceased employe concerning the accident shal be received in evidence and shall if corroborated by witnesses or other evidence be sufficient to establish the accident the injury and the fact that it occurred in the course of his employment or resulted therefrom

If any party or witness resides outside of the Commonwealth or through illness or other cause is unable to testify before the board or a referee his or her testimony or deposition may be taken within or without this Commonwealth in such manner and in such form as the board may by special order or general rule prescribe The records kept by a hospital of the medical or surgical treatment given to an employe in such hospital shall be admissible as evidence of the medical and surgical matters stated therein but shall not be conclusive proof of such matters

Section 423 Any partly in interest may within twenty days after notice of a referee's award or disallowance of compensation shall have been served upon him take an appeal to the board on the ground (1) that the award or disallowance of compensation is not in conformity with the terms of this act or that the referee committed any other error of law (2) that the findings of fact and award or disallowance of compensation was unwarranted by the evidence or was procured by fraud coercion or other improper conduct of any party in interest The board may upon cause shown extend the time provided in this article for taking such appeal or for the filing of an answer or other pleading

In any such appeal the board may disregard the findings of fact of the referee and may examine the testimony taken before such referee and if it deem proper may hear other evidence and may substitute for the findings of the referee such findings of fact as the evidence taken before the referee and the board as herein before provided may in the judgment of the board require and may make such disallowance or award of compensation or other order as the facts so found by it may require

Section 424 Whenever an appeal shall be based upon an alleged error of law it shall be the duty of the board to grant a hearing thereon The board shall fix a time and place for such hearing and shall serve notice thereof on all parties in interest

As soon as may be after such hearing the board shall either sustain or reverse the referee's award or disallowance of compensation or make such modification thereof as it shall deem proper

Section 425 Whenever an appeal shall be taken on the ground that the referee's award or disallowance of compensation was unwarranted by the evidence or because of fraud coercion or other improper conduct by any party in interest the board may in its discretion grant a hearing de novo before the board or one or more of its members or assign the petition for rehearing to any referee designated by it or sustain the referee's award or disallowance of compensation If the board shall grant a hearing de novo it shall fix a time and place for same and shall notify all parties in interest

As soon as may be after any hearing de novo by the board it shall in writing state its findings of fact and award or disallow compensation in accordance with the provisions of this act

Section 426 The board upon petition of any party and upon cause shown at any time before the court of common pleas of any county of this Commonwealth to [whom] which an appeal has been taken under the provisions of section four hundred and twenty-seven of this article shall have taken final action thereon may grant a rehearing of any petition upon which the board or referee has made an award or disallowance of compensation or other order or ruling or upon which the board has sustained or reversed any action of a referee The time for taking appeals shall be suspended pending the determination of the first petition for rehearing in those cases in which such petition is filed within twenty days from notice of decision of the Workmen's Compensation Board [but such rehearing shall not be granted more than one year after the board has made such award disallowance or other order or ruling or has sustained or reversed any action of the referee] If the board shall grant a rehearing of any petition from [the board's] its action on which an appeal has been taken to and is pending in the court of common pleas of any county of this Commonwealth under the provisions of section four hundred and twenty-seven of this article the board shall file in such court a certified copy of its order granting such rehearing and it shall thereupon be the duty of such court to cause the record of the case to be remitted to the board Provided however That nothing contained in this section shall limit or restrict the right of the board or a referee designated by the board to review modify set aside reinstate suspend or terminate an orgiinal or supplemental agreement or an award in accordance with the provisions of section four hundred thirteen of this article

Section 427 Any party may appeal from any action of the board on matters of the law to the court of common pleas of the county in which the accident occurred or of the county in which the adverse party resides or has a permanent place of business or by agreement of the parties to the court of common pleas of any other county of this Commonwealth Such appeal must be brought within twenty days after notice of the action of the board has been served upon such party unless any court of common pleas to which an appeal lies shall upon cause shown extend the time herein provided for taking the appeal The party taking the appeal shall at the time of taking the appeal serve upon the adverse party a written notice thereof setting forth the date of the appeal and the court in which the same is filed and shall file either with his notice of appeal or within thirty days thereafter such exceptions to the action of the board as he may desire to take and shall specify the findings of fact if any of the board or of the referee sustoined by the board which he alleges to be unsupported by compentent evidence

Upon filing of the notice of an appeal the prothonotary of the court of common pleas to which the appeal has been taken shall issue a writ of certiorari directed to the [Workmen's Compensation Board] board commanding it within ten days after service thereof to certify to such court its entire record in the matter in which the appeal has been taken The writ so issued shall be mailed by the prothonotary to the [Bureau] department at Harrisburg together with a copy of the exceptions The board shall within ten days after such service certify to such court its entire record in the matter in which the appeal has been taken including the rules of of testimony

Any court before whom an appeal is pending from any action of the board may remit the record to the board for more specific findings of fact if the findings of the board or referee are not in its opinion sufficient to enable it to decide the question of law raised by the appeal

If the court of common pleas of any county of this Commonwealth shall affirm an award or order of the board or of a referee sustained by the board fixing the compensation payable under this act the court shall enter judgment for the total amount stated by the award or order to be payable whether then due and accrued or payable in future installments If such court shall sustain the appellant's exceptions to a finding or findings of fact and reverse the action of the board founded thereon the court shall remit the record to the board for further hearing and determination in which the procedure shall be the same as that hereinbefore provided in this article in the case of a petition presented to the board except that the board may order that any part of the testimony taken in the original proceedings may be considered as though taken in such further hearing

The prothonotary of any court of common pleas to which an appeal has been taken from the board shall send to the board a certificate of the judgment of the court as soon as rendered with a copy of any opinion which may be filed in the case and within five days shall give notice of such judgment and the date thereof by registered mail to each attorney-at-law appearing in the case at the address given by the attorney in the pleadings and if no attorney-at-law has appeared by registered mail to the party or parties not represented by counsel At

the end of the period hereinafter allowed for an appeal from the judgement of the court the record of the board shall be remitted to it by the prothonotary unless an appeal shall have been taken to the Superior Court as hereinafter provided If such appeal shall be taken the record shall be remitted to the board by the prothonotary on its return from the appellate court

Any party may appeal to the Superior Court from the judgment of the court of common pleas within thirty days after entry of said judgment irrespective of the amount involved Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Superior Court and the record so certified shall contain all that was before the court of common pleas Any appeal from the action of the board to a court of common pleas and from it to the Supreme Court shall take precedence over all other civil action The judgment of the Superior Court shall be final unless an appeal therefrom is allowed by the Supreme Court as in the case of other judgments of [that tribunal] the Superior Court

Section 428 At any time after the approval of a compensation agreement or after an award or order has been made by the board or referee the department the employe or dependent entitled to compensation thereunder may file a certified copy of the agreement and the order of the board approving the same or of the award or order with the prothonotary of the court of common pleas of any county and the prothonotary shall enter the total amount of compensation stated in the agreement award or order to be payable to the employe or his dependents whether then due and accrued or payable in future instalments as a judgment against the employer or other party liable under such agreement or award Such judgment shall be a lien against property of the employer or other party liable under such agreement or award and execution may issue thereon forthwith

Wherever after an accident any employe or his dependents shall have entered into a compensation agreement his employer or shall file a claim petition with the board he may file a certified copy thereof with the prothonotary of the court of common pleas of any county The prothonotary shall enter the amount stipuated in any such agreement or claimed in any such petition as judgment against the employer If the agreement be approved by the Department or compensation awarded as claimed in the petition the amount of compensation stipulated in the agreement or claimed in the petition shall be a lien as of the date when the agreement or petition was filed with the prothonotary Pending the approval of the agreement or the award of compensation no other lien which may be attached to the employer's property during such time shall gain priority over the lien of such agreement or award but no execution shall issue on any compensation judgment before the approval of the agreement or the award of compensation on the said petition

If the agreement be disapproved or after hearing compensation shall be disallowed the employer may file with the prothonotary of any county in which the petition or agreement is on record as a judgment a certified copy of the disapproval of the agreement or disallowance of compensation and it shall be the duty of such prothonotary to strike off the judgment

If the amount of compensation claimed be disallowed but another amount awarded the compensation judgment shall be a lien to the extent of the award as of the date of filing the petition with the prothonotary with the same effect as to other liens and the same disability to issue execution thereon as if the compensation claimed had been allowed In such cases the prothonotary shall make such modification of the record as shall be appropriate

If the compensation payable under any agreement or award upon which judgment has been entered under the provisions of this section shall be modified suspended reinstated or terminated by a supplemental agreement executed under the provisions of section four hundred and eight or by an award or order made under the provisions of section four hundred and thirteen any party to such judgment at any time after such agreement has been approved by the Department or after the expiration of the time allowed for an appeal from the award or order may file with the prothonotary of the court of common pleas of any county in which the judgment is on record a certificate copy of such supplemental agreement award or order and it shall thereupon be the duty of the prothontary to medify suspend re-instate or satisfy judgment in accordance with the terms of such supplemental agreement award or order

Execution may issue by first filing with the prothonotary an affidavit that there has been a default in payments of compensation due on any judgment for compensation entered prior to the approval of the compensation agreement or an award on petition as soon as such agreement shall have been approved by the department or such award made as evidenced by the approval of the board of the award or by a certified copy thereof

Execution shall in all cases be for the amount of compensation and interest thereon due and payable up to the date of the issuance of said execution with costs and further execution may issue from time to time as further compensation shall become due and payable until full amount of the judgment with costs shall have actually been paid

Section 429 If any party against whom a compensation agreement award or other order fixing the compensation payable under this act has ben filed or record in any county of this Commonwealth in accordance with the provisions of section four hundred and twenty-eight of this article or against whom judgment has been entered by the prothonotary of the court of common pleas of any county on any award or order of the board or a referee shall at any time present to the board receipts or copies thereof certified by any referee showing the payment of compensation as required by the agreement or award full to the date of presentation to the referee the board shall issue a certificate to such party in the form prescribed stating the extent to which the judgment on the agreement or award has been reduced Upon the presentation of such certificate to the prothonotary of the court of common pleas of any county in which such agreement or award has been filed of record as a judgment or in which judgment on an award has been entered by the prothonotary of the court of common pleas it shall be the prothonotary's duty to mark such judgment satisfied to the extent of the payments so certified and upon the presentation to such prothonotary of a certificate issued by the board under the provisions of section three hundred and [seventeen] fifteen of this act it shall be the duty of the prothonotary to mark such judgment fully satisfied

Section 430 The lien of any judgment entered upon any award shall not be divested by any appeal If however the party appealing from the award shall file with the board a bond in such amount and in such form as the rules and regulations of the board shall direct the appeal shall pending its decision excuse the payment of so much of the compensation as is contested therein but if the final decision on appeal shall sustain the award it shall be the duty of the employer by whom such award is payable to make payments of compensation as from the date of the original award If on appeal the award is sustained as to a part it shall be the duty of the employer by whom such part is payable to make payments as from the date of the original award In case the award is annulled on appeal it shall be the duty of the prothonotary of any county in which such award has been entered as a judgment to mark it satisfied

Section 431 The cost of the prothonotary for entering the amount of compensation as provided in this act or making a modification of the record or marking the judgment satisfied shall be allowed taxed and collected as upon a confession of judgment on a judgment note

Section 432 It shall be the duty of the prothonotary of each court of common pleas and of the Supreme and Superior Court of the Commonwealth to make a monthly report to the board of the disposition of all appeals taken to such court under the provisions of this article

Section 433 A document on file in the [bureau] department or with the board or any referee or part of

the record of any proceedings taken under Articles III and IV of this act shall be proved by a copy thereof certified by the Department under the seal of the Department or certified by the chairman of the board and attested by the secretary of the board under seal of the board as the case may be

Section 434 A final receipt given by an employe or dependent entitled to compensation under a compensation agreement or award reciting that the disability or dependency has terminated shall be prima facie evidence of the termination of the employer's liability to pay compensation under such agreement or award Provided however That the said receipt has been approved by the department And provided further That the board or referee designated by the board may at any time set aside a final receipt upon petition filed with the board if it be proved that such receipt was procured by fraud coercion or other improper conduct of a party or is founded upon mistake of law or of fact or upon erroneous judgment on the part of the employe of his ability to work Where compensation is awarded under this section in any case where more than ten years have elapsed between the date of the last payment of compensation and the date of the filing of the petition under this section the said compensation shall be payable out of moneys existing to the credit of the second injury reserve account in the State Workmen's Insurance Fund

Payments shall be made by the employer or insurance carrier on every agreement or award other than for a definite period until a final receipt has been filed with and approved by the department or until a petition to terminate or modify has been under section four hundred and thirteen Provided however That no petition to terminate shall be filed and no final receipt shall be approved by the department unless the physician's reports as required by section three hundred and four (e) of this act shall have been filed with the department

Section 435 Any hospital institution physician surgeon or other person who has furnished surgical medical dental or nursing services hospital treatment artificial appliances medicines or supplies for which the employer is made liable under the provisions of this act shall be deemed a party in interest and have standing before the board or any referee designated by the board and the courts of this Commonwealth to present a claim for remuneration for such services hospital treatment artificial appliance medicine and supplies and have the same heard and determined and shall be entitled to receive an award for such remunerations Any such claimant shall be entitled to enforce any such award in the same manner as claimants of compensation are entitled to enforce awards of compensation

Section 436 The board or a refereee designated by the board or any court of this Commonwealth in granting an award of compensation to an injured employe or his dependents or in affirming or modifying and affirming such an award or in reversing the disallowance of such an award shall in addition to such compensation include in such an award or judgment expert's fees if any rendered in any such proceeding payment of which may be enforced in the same manner as the payment of an award may be enforced under the provisions of this act

Section 437 Any party in interest may appear in person or be represented by counsel learned in the law or he may be represented by a member of his duly recognized union or labor organization Such labor representative shall be selected by said union or labor organization and duly approved by the department to practice before any referee or the Board

ARTICLE V

GENERAL PROVISIONS

Section 501 No claim or agreement for legal services or disbursements in support of any demand made or suit brought under the provisions of article two of this act shall be an enforceable lien against the amount to be paid as damages or be valid or binding in any [other] respect unless the same be approved in writing by the judge presiding at the trial or in case of settlement without trial by a judge of the common pleas court of the county in which the accident occurred

No claim or agreement for legal services or disbursements in support of any claim for compensation or in preparing any agreement for compensation under article three of this act shall be an enforcable lien against the amount to be paid as compensation or be valid or binding in any other respect unless the same be approved by the board Any such claim or agreement shall be filed with the [bureau] department which shall as soon as may be notify the person by whom the same was filed of the boards approval or disapproval thereof as the case may be

After the approval as herein required if the employer be notified in writing of such claim or agreement for legal services and disbursements the same shall be a lien against any amount thereafter to be paid as damages or compensation Provided however That where the employe's compensation is payable by the employer in periodical instalments the board shall fix at the time of approval the proportion of each instalment to be paid on account of legal service and disbursements

Section 502 All of the expenses of the department the board and various workmen's compensation referees incurred in connection with the administration and enforcement of this act and the act approved the eighteenth day of July one thousand nine hundred nineteen (P. L. 1045) entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry and confering upon the Commission of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations providing for the appointment of a chief of the bureau subordinate officers and employes and furnishing suitable accommodations and making an appropriation" and paid out of the General Fund of the State Treasury shall be charged to and paid by way of reimbursement by all employers or if are insured by their insurance carriers in such equitable amounts at such times and in such manner as the department shall by general rule or regulation prescribe

The department shall give written notice to each employer or his insurance carrier as the case may be of the amount lawfully charged against him under the provisions of this section Each employer or his insurance carrier shall pay the amount of such assessment to the department within thirty days after such notice If payment is not made by such employer or his insurance carrier within such thirty-day period the department through the Department of Justice may institute an appropriate action at law for the amount lawfully assessed against such employer or insurance carrier together with any additional costs incurred by the department or the Department of Justice by virtue of such failure to pay

The moneys in the State Workmen's Insurance Fund are hereby specifically appropriated for the purpose of paying assessments charged to it under this section

All assessments and costs received collected or recovered under this section shall be paid by the department into the General Fund of the State Treasury through the Department of Revenue

Section [502] 503 If any provision of this act shall be held by any court to be unconstiutional such judgment shall not affect any other section or provision of this act [except]

Section 504 All fines and except as otherwise provided in this act all fees received collected or recovered under the provisions of this act shall be paid to the department and by it paid into the State Workmen's Insurance Fund to the credit of the second injury reserve account created in such fund by this act and such fines and fees are hereby appropriated for the same purposes for which the moneys credited to such account are appropriated by this act

Section [503] 505 Nothing in this act shall affect or impair any right of action which shall have accrued before this act shall take effect

Section [504] 506 The following acts are hereby specifically repealed

The act approved the third day of June one thousand nine hundred fifteen (P. L. 777) entitled "A supplement

to an act entitled 'The Workmen's Compensation Act of one thousand nine hundred and fifteen' to exempt domestic servants and agricultural workers from the provisions thereof" and its amendments

The act approved the fourteen day of May one thousand nine hundred twenty-five (P. L. 714) entitled "A supplement to an act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder' providing for the payment of compensation to volunteer firemen or their dependents"

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

[Section 505 This act shall not apply in the case of an accident occurring prior to the first day of January next succeeding its passage and approval]

Section 507 This act shall become effective January first one thousand nine hundred and thirty eight

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WILSON. Mr. Speaker and member of the House, I feel that to permit a bill of this impormtance to go without saying something upon the floor of the House at this time would be a case of great neglect upon my part.

This bill is numbered 99 and is known as the department bill which re-enacts Workmen's Compensation in Pennsylvania, and your attention is called to the fact that two years ago there was a bill here that did the same thing under number 1199. I call your attention to the fact that the provisions of this Bill No. 99 are very similar to those of No. 1199, but many of them have been extended and there are many more uncertainties placed in this bill, so that it is a much more radical bill than 1199.

I also want to call your attention to the fact that neither at the Session of 1935 nor this Session has there been an attorney representing labor or a representative from the Attorney General's Department appearing before the committees or the members of the House to analyze or to explain or to tell why such a radical bill should be introduced at this time. It is to be regretted that a bill that would give workmen's compensation or give compensation to workmen in such a large amount as this would do should come up at this session. It is also to be regretted that if any bill were to be presented that it would be so radical a bill. It has been argued before the committee and at the open hearings, at both the Session of 1935 and 1937 that it was the same old story, that the employers of this State were coming back opposing things which labor was asking, opposing workmen's compensation, and that they could very easily pay more, and that they made the statement that their business would not warrant the increases that were asked for, and that they were unjustly treated.

It is true that the employers of this State came in and protested against Bill No. 1199. It is also true that certain employers have come in this time and protested against Bill No. 99. Now I feel that the first thing I should do, as a qualified expert, is something to make this record complete.

When the first compensation bill was introduced in this House, I was a member of the House and considered the bill very carefully. That was in 1911, and in 1913 I was a reporter and made daily reports, and followed the bill then being considered, which was defeated at that time. In 1913, when this bill known as the Workmen's Compensation Law was passed the first time in this State, I was a member of this House. I voted for the bill and served on the committee. That was eighteen years ago. Immediately after that session I was engaged by the Central District of Pennsylvania, some of the largest bituminous coal operators, to become compensation attorney or a specialist for them. I followed that work for twenty-two years. I feel that in representing the self-insurers and in analyzing those bills that have come along and in adjusting over ten thousand cases, having analyed them at these various sessions and since the law went into effect for different organizations, and having carried many original test cases through the courts, and having checked every one of the Supreme Court decisions amounting to about three hundred, and having analyzed every word, sentence and clause in the Workmen's Compensation Act, I believe I am qualified as a compensation specialist.

Perhaps the smart thing to do would be to vote "aye" on this bill and go back home and say what I did for labor, but knowing the importance, knowing all those things myself personally, and all the facts that might come in, knowing that this bill will mean an expense to the employers of this State of a least $3.56 per every dollar that was paid, I feel that the effect of it not only on the employers but also on the employes of my own district would be so great that it would be a liability to the employes rather than a benefit. Now, then if a reasonable bill should come along instead of this bill, with compensation for a small amount, that would be more like it, but here is the most radical bill in the United States. Here is a bill that goes far beyond any bill that has ever been asked to be passed in any State in the United States. Now, they say to us that we can easily pay it, they say to us we have been able to pay every time they have passed any amendments increasing workmen's compensation. I say to you we did appear every time a bill was proposed by the Department of Labor and Industry in opposition to the bill as presented for this one reason: the entire bill is a radical bill and the things that were said before by us in opposition to other bills are as equally true today as they were then. It was said then that we were telling things that were lies and that we could not verify our statements, that if the things we said were true there would be some facts and figures to prove them.

Now let me particularly direct attention to the self-insurers of this State. The self-insurers of this State carry approximately fifty per cent of all Workmen's Compensation risks. That work has been done splendidly; the Department of Labor and Industry will testify to that. Not only that but every man who has investigated will testify to that. We have three kinds of insurance for carrying these risks: one is the self-insurers where you are permited to carry your own insurance, the next is your State where you pay your premium and have your risk carried and the other is the insurance companies that are permited to do business in Pennsylvania. The record of the self-insurer in carrying half of this insurance is certainly very good. They are all proper, and right, and should be maintained. Now, then with this measure you

are proposing today to increase workmen's compensation so that it will be three dollars and a half more where one dollar was paid before, I say to you that the coal industry of this State, which pays sixty per cent of all the compensation in the State, will not be able to pay it, and that you give West Virginia, a competing state, a very great advantage againts us. In the light of the things that are taking place, in the light of the unemployment bills that have gone through for taxes, and in the linght of old age, and in the right of these extraordinary taxes, and the uncertainty of the future from a business standpoint, and all the facts and figures that have been out by specialists on business, it seems to me that this House ought not to pass a bill so radical as it is passing here without at least saying a few words on it.

I want to say to this House that in the session of 1935 I was here checking things and I was watching workmen's compensation because I was a specialist. I was a member of the State Chamber of Commerce and I am not ashamed of the work that I did. I have also for fifteen years been a director of the Self-Insurers Association and I am not ashamed of that, and for a compensation specialist to sit in this House and to permit such a bill to go by would be a reflection upon him or anybody who claims to be a specialist in this thing. Each one will vote according to his own conviction, of course, but it seems to me it ought to be made a matter of record without passing this bill over to the Senate and putting the responsibility on it without any debate or without any remarks, as was done in the Session of 1935.

I have been on committees to analyze these bills at different times. Here are some of the things that I want to say about this bill in the light of my own experience. I say that House Bill No. 99 if enacted into law will give Pennsylvania the most drastic and expensive workmen's compensation in the entire United States. I will not take the time of the House, but I do want to state to the members of this House that I have analyzed every particular provision in this bill clear through, and everyone who would like to know anything about it can come to me and I will be glad to explain to them how I arrived at the facts and figures and why the Department of Labor and Industry has not been and is not now in a position to give the exact facts and figures as to the costs of self-insurers.

Now, this is the reason: take the coal field, for instance. The overhead costs in a coal field where a large bituminous or anthracite operator attends to his work—the overhead is something that does not come down to the Department of Labor and Industry. He writes the agreements, he takes care of the law, he reports just those things, but the maintenance, the overhead, the carrying on of the compensation department, compensation attorneys, compensation doctors at the mines, and these other people who assist at the mines, contributions to the hospitals, and the rehabilitation. Which goes very often way beyond the thirty day period, sometimes we have to pay as much as a thousand dollars, or more, for a single patient perhaps a year later—all those things take place and never reach the Department. When I say to you that these facts and figures are correct, I want the House to believe it, because we have facts and figures to justify it, coupled with an experience extending over a period of twenty-two years. It is not political, there is no such thought in it as being political, because there is not a thing in it political one way or the other.

Now these people who are injured are entitled to the very best treatment that can be given them without destroying the industry or at least crippling the industry; there is no question about that. What we differ on is how far we should go and what we differ on is how it is going to affect the bituminous or anthractie industry. I speak particularly of the bituminous industry because that is where I live and where I have practiced law for over forty years—forty-four years to be exact. Just take it in Pennsylvania as compared with the adjoining states, just the maxium. In Pennsylvania they propose to make the maximum $25.00 a week and the minimum $12.00. In New York they have $25.00 and the minimum is $8.00, and it does not hit the employer who has four or less. In New Jersey it is twenty and ten. In Maryland it is twenty and eight. In West Virginia, our competing state, from the bituminous stand point, it is sixteen and eight. In Ohio it is eighteen seventy-five and five.

Now there is one other feature which makes it difficult for us to compete and that is the question of the computation of the wage basis. There is the Jenseen case, and in the final decision of the Supreme Court—

Mr. JOHN J. BAKER. Mr. Speaker, may I interrogate the gentleman from Jefferson, Mr. Wilson.

The SPEAKER. Will the gentleman from Jefferson permit himself to be interrogated?

Mr. WILSON. I will, Mr Speaker.

Mr. JOHN J. BAKER. Mr. Speaker, may I ask him from what bulletin the gentleman is reading the story that he is reciting to this house.

Mr. WILSON. Mr. Speaker, this is a little bulletin that was put out by the State Chamber of Commerce, of which I am a member and it is the basis of some of my figures here and it is supposed to be correct.

Now, then, in West Virginia they have a different way of computing wages and it is much more favorable to the employer and it is the same way in all of these other states. I want to call your attention to one other thing. In some of the industries you are only permitted to work for five days, but the compensation Bill No. 1199, as it was, and under this bill you will have to multiply that by at least five and a half. I do not think that I have been able to discover a single thing here that would protect the employer. I am only speaking here as a specialist, and to make it a matter of record that the members of the House were informed before they cast their vote and to explain why I cannot vote for so radical a bill. I want to further state to this House that when workmen's compensation runs for so long a time as is provided here—a case may run for fifty years—is a very long time for the bituminous industry to absorb and take care of.

It is well known that the coal industry is largely made up of wages at the expense of the coal industry. It is also well known that the coal industry is limited to certain counties. The bituminous counties are close, nearly all of them, to the West Virginia and the Ohio line. I want to say we will be unable to carry on if this bill goes through.

It may be that the gentleman who sponsored this bill or the Department has some information that I don't have. It may be that there will be amendments in the Senate. That was true before but it may not happen this time. I want to say that the bill is not a reasonable bill. I say that if it had been step by step and gradual that by this

time we could have a very much more extensive bill than we have and could have done it without very much trouble, without very much criticism, but when a radical bill like this bill is proposed the people who are being affected by it most are obliged to say something against it in protest.

I realize full well that the gentlemen on the other side say it is a Department bill, and that we can easily pass it through, but the facts and the figures show that it cannot be successfully carried on for any length of years by the bituminous and anthracite operators of this State. It is unfortunate that the bill is so radical, it is also unfortunate that it is such a bill that we cannot all vote for it and feel it is a good thing. The facts and figures show that it is not a good thing. They show that it would be so uncertain that litigation would follow. It is unfortunate that some lawyer for labor or somebody from the Department of Labor and Industry did not place a bulletin on our desks here to show what it will actually produce.

I want to say in conclusion that these figures are not complete at all, that I have given you; they are just an outline of what this bill will do. I can present facts and figures to you that are correct, because I am able to do so based upon my training and experience, and I can show you where the Department of Labor and Industry is mistaken and tell you what the expense will be, because all the expenses are not reported, because only a small proportion are reported by the self-insurers. The small people are not here to be heard, but they are vitally affected and when you harm them you harm the outlying districts.

I want to thank the gentlemen on the other side for their indulgence in giving me this opportunity to make this explanation. I consider this bill an unreasonable bill, and I could not permit this bill to pass by without taking your time to put these remarks on the record.

Mr. YOURISHIN. Mr. Speaker and members of the House, this bill is an ideal bill for everybody in the State of Pennsylvania. For twenty-one years labor has been knocking at the doors of the Legislature to liberalize the Workmen's Compensation bill. Outside of the increase in the rate from ten to fifteen, nothing has been done to liberalize our Workmen's Compensation law from 1915 up to the present time. Both political parties in their last two campaigns, in their platforms, agreed that the Workmen's Compensation law in the State of Pennsylvania must be liberalized. This bill represents that liberalization. I am glad that the gentleman on the other side mentioned the fact that he was a member of the State Chamber of Commerce, because when this bill was presented to the House and referred to the Committee on Labor, on January 12, the Committee on Labor thereafter had several hearings and invited everyone interested in this bill to be present, in order to get their views. The day before the public hearing before the committee, the Chairman of the Committee on Labor received a letter from the State Chamber of Commerce to the effect that they would not appear before the Committee in connection with the Workmen's Compensation bill because they felt it would be of no use. Why they took that attitude I do not know, but nevertheless when the letter was referred to the committee, the committee naturally felt that the State Chamber of Commerce was not opposing the bill. If they were opposing the bill, it seems that they did not like the color of the committee before which they had to appear. The only people that presented themselves to the Committee on Labor to express their views in opposition to House Bill No. 99 were the coal people. We had several hearings with them and the coal operators all agreed before the committee that they were not opposing any liberalization of the Workmen's Compensation bill in the State, and they have not up to this time submitted either to the sponsor, to the Department of Labor, or to the Committee on Labor their views as to what they can do and what they cannot do with reference to compensation. The Committee on Labor takes the view, and rightfully so, that every one in the State believes the compensation law would be liberalized, and we feel that this is a liberalized compensation bill, an ideal bill for the workers of the State of Pennsylvania, which will place Pennsylvania at the head of the list so far as workmen's Compensation is concerned. I ask the members of the House to vote for the bill.

Mr. ACHTERMAN in the Chair.

Mr. SAMUEL A. WEISS. Mr. Speaker, I would like to interrogate the gentleman from Jefferson, Mr. Wilson.

The SPEAKER. Will the gentleman from Jefferson permit himself to be interrogated?

Mr. WILSON. Mr. Speaker, I will.

Mr. SAMUEL A. WEISS. Mr. Speaker, in addition to compiling the report for the State Chamber of Commerce, may I ask the gentleman from Jefferson whether or not he is now engaged in reporting compensation matters for any company.

Mr. WILSON. Yes, Mr. Speaker I am. That is part of my business. I am a compensation attorney, but I want to state this to this House, that when I am here I am here representing the people of my district, and I also want to state that I was the only Republican so far as I know, to change a Democratic county without any effort at all and to come back here, and that was one of the reasons, because I went on the stump and gave them the facts and figures.

Mr. SAMUEL A. WEISS. Mr. Speaker, will the gentleman from Jefferson tell the members of the House whether he is familiar with the commission that was appointed by Governor Pinchot to investigate conditions under the Compensation Act several years ago?

Mr. WILSON. Mr. Speaker, I know that there was a commission appointed. I know some of the gentlemen who were on the commission I have seen the report but I do not now remember its support. I also remember that they talked about some occupational diseases and various other things, such as silicosis and things of that kind, but they did not all agree. The remarks that I have made today are based upon my own personal experience. I do not represent the Chamber of Commerce or any bituminous or anthracite coal industry, but reflect my own personal feeling, based upon the experience I have had, without regard to any committee which has been appointed or anybody else, because I hold myself out as a compensation expert. I feel it is not being immodest for a man of my age and experience to say that to this House. The figures I have given here today are based upon my own personal knowledge.

Mr. SAMUEL A. WEISS. Mr. Speaker, does the gentleman refer to the Kulp Commission?

Mr. WILSON. Well, I don't refer to the figures of any commission, but the facts and figures I have given here today are based upon my own personal knowledge.

Mr. SAMUEL A. WEISS. Mr. Speaker, does the gentleman from Jefferson known that the recommendations made in the present House Bill 99 are substantially the recommendations of the Kulp Commission made during Governor Pinchot's regime?

Mr. WILSON. Mr. Speaker, I do not know that they are. Even so, they wouldn't be a recommendation to me because they came from a commission that was appointed by Governor Pinchot.

Mr. SAMUEL A. WEISS. Mr. Speaker, does the gentleman from Jefferson know what the medical benefits are which are paid under the West Virginia compensation law? Does he know the minimum medical benefits under the West Virginia compensation law?

Mr. WILSON. Mr. Speaker, I have the figures here but I can not state them offhand, but I know that this bill will go farther and the cost of the bill will be much greater than the cost under the West Virginia bill.

Mr. SAMUEL A. WEISS. Mr. Speaker, does the gentleman know what the West Virginia provision is on medical benefits?

Mr. WILSON. No, I do not, Mr. Speaker, at the present moment, but it was all gone over at the time we figured these matters out.

Mr. SAMUEL A. WEISS. Mr. Speaker and members of the House, the gentleman from Jefferson, who so modestly gave his experience in some twenty or thirty thousand cases in the past forty years, exemplifies the tendency or idea of his party towards the Workmen's Compensation Law of this State.

As the gentleman from Luzerne, the Chairman of the Labor Committee, very well said, Pennsylvania needs a liberal Workmen's Compensation law. Just because benefits are to be increased under this present House Bill 99 is no reason to say that the State law has been a fair and reasonable Workmen's Compensation Law.

I might say to the gentleman from Jefferson that there is some resemblance between 99 and 1199 because 99 is an offspring from 1199. I might say to the gentleman from Jefferson that the Kulp Commission, appointed by Governor Pinchot in 1933, filed a report. Let me say to the gentleman from Jefferson that on that committee were such men as Dr. C. A. Kulp, Chairman; Hon. Arhtur C. Diehl, Workmen's Compensation Referee; Shippen Lewis, Dr. Ferguson and Hon. Harry B. Scott. After an investigation by the committee for a consideration length of time, involving some seven thousand cases, they made recommendations which are practically copied verbatim in House Bill 1199. They found that the Pennsylvania Workmen's Compensation Law was inadequate, they found that the minimum allowances were inadequate and the medical benefits did not meet the requirements of other states which had a similar Workmen's Compensation Law.

Let me say to the members of the House that the expression of the gentleman from Jefferson typifies the attitude of the Chamber of Commerce for the past twenty-five years in regard to the Workmen's Compensation Law. Thirty-nine states have a shorter waiting period than Pennsylvania. Thirty-six states have a higher maximum weekly allowance than Pennsylvania. Of forty-seven states, mark you, Pennsylvania is last when it comes to liberal provisions for medical compensation. Just bear in mind that in Pennsylvania an injured workman is only permitted to collect medical compensation for thirty days, not exceeding one hundred dollars. We are woefully lacking in that respect. As his Excellency, the Governor, well said, when he addressed this joint assembly on January 5th, Pennsylvania should be in the vanguard and not draw up the rear in workmen's compensation.

I will give a few illustrations to the gentleman from Jefferson. I represent a man who sustained a broken back two years ago. He has had an operation to his back and is still getting medical aid and surgical attention, yet, all that he can be paid under the Workmen's Compensation Law as it is today is the sum of one hundred dollars, yet his medical and surgical expense has been approximately three thousand dollars, many times more than the medical benefits and more than the compensation that he receives. The Chamber of Commerce naturally disapproves a provision of that kind. Seventeen states have more liberal provisions on a proper wage at the age of twenty-one. Twenty-seven states offer more liberal terms governing the maximum period and the total amount of compensation payable. Fifteen laws place no limitation.

I say to you, members of the House, that in 1935, in the session of the legislautre, we saw the necessity of such a law, in view of the fact that both Republicans and Democrats alike in the 1934 election pledged themselves to a more liberal Workmen's Compensation Law. The Democrats made an effort to redeem that pledge, and we did it in the 1935 session. What happened to the bill at that time is now history. The Republican Senate killed the bill; in fact, when the bill came back here I did not know it was the same measure, but we do know what happened to it. We know what happened to those Senators who attempted to kill such liberal provisions as are contained in House Bill 1199, and I say that those members of the House who use the same tactics, in attempting to keep from the workmen of the Commonwealth a Workmen's Compensation Law that meets the provisions of the State of New York, the State of Michipan, the neighboring State of West Virginia and the State of Ohio, will meet the same fate as those brothers in the Senate who killed this bill in the last session. I say to the members of this House that this is an opportunity for all of us to redeem the pledge we made in the campaign of 1934. Let us give to the workmen of Pennsylvania a decent Workmen's Compensation Law. With that in mind, I concur in the request of the Chairman of the Labor Committee in asking all of the members to vote "aye" on this bill.

Mr. WILSON. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Weiss.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SAMUEL A. WEISS. I will, Mr. Speaker.

Mr. WILSON. Mr. Speaker, I desire to ask the sponsor of this bill, Mr. Weiss, whether or not House Bill 99, is passed, would be the most expensive and the most liberal Workmen's Compensation Law in the United States.

Mr. SAMUEL A. WEISS. Mr. Speaker, in answer to the interrogation of the gentleman from Jefferson, I will

say that this bill will place Pennsylvania in the vanguard of liberal states when it comes to Workmen's Compensation Law. It will not be the most expensive bill in the nation because where it increases the cost of compensation today, it will only put those industries back to the point where they should have been paying the cost of workmen's compensation for the past twenty years.

Mr. WILSON. Mr. Speaker, I would like to ask the gentleman from Allegheny, Mr. Weiss, if he can name any state which anywhere near approaches us, so far as coal is concerned, so far as the coal industry is concerned.

Mr. SAMUEL A. WEISS. Yes, Mr. Speaker, West Virginia. The only difference in the West Virginia bill is that their rate of five and one-half dollars per week differs from ours. That is the only difference in the cost of workmen's compensation in West Virginia, as compared to ours. In addition, their maximum and minimum payments are different, and they make payments for life. Their medical benefits are identical wtih the provision of the Pennsylvania Workmen's Compensation Act, sponsored by the administration.

Mr. WILSON. Mr. Speaker, I would like to ask the gentleman from Allegheny if it is not true that the maximum rate in West Virginia is sixteen dollars a week.

Mr. SAMUEL A. WEISS. That is right, Mr. Speaker.

Mr. WILSON. Is it not true, Mr. Speaker, that the minimum rate in West Virginia is eight dollars a week?

Mr. SAMUEL A. WEISS. That is correct, Mr. Speaker.

Mr. WILSON. Mr. Speaker, how does the gentleman reconcile his statement as to the figures that West Virginia pays, so far as the coal industry is concerned?

Mr. SAMUEL A. WEISS. Mr. Speaker, as I said a moment ago, in case of death, they provide payment of wages for life; in case of injuries, permanent injuries and otherwise, they provide indefinite medical attention and hospitalization. These are the principal features of the bill that add to the compensation cost. And may I suggest to the gentleman from Jefferson that this is not only a compensation question, it is a social problem, where industry must bear its fair share and burden of taking case of this problem of compensation, which will result in reducing the relief load that the taxpayers of Pennsylvania have been compelled to pay.

Mr. WILSON. Mr. Speaker, I desire to ask the gentleman from Allegheny if the latter part of his answer was responsive. I desire also to ask the gentleman, if he believes that the bill that is in force in West Virginia is so liberal and so fine, that he would be willing that the bill from West Virginia, in all of it forms, be substituted for House Bill 99.

Mr. SAMUEL A. WEISS. Mr. Speaker, I will say to the gentleman from Jefferson that living conditions in West Virginia are different from those in Pennsylvania. I do not want Pennsylvania to be taking up the rear, I want Pennsylvania to be in the vanguard, I want Pennsylvania to be known all over the nation as one of the most liberal states when it comes to workmen's compensation.

Mr. WILSON. Mr. Speaker, I would like to ask the gentleman from Allegheny, Mr. Weiss, the sponsor of this bill, if he does now concede that House Bill 99, if not amended, would be much more liberal and much more expensive that the very liberal bill, to which he has referred, which is in effect in West Virginia.

Mr. SAMUEL A. WEISS. Yes, Mr. Speaker, according to the Chamber of Commerce statistics.

Mr. WILSON. Mr. Speaker, I asked for the gentlemen's opinion and not for the opinion of the Chamber of Commerce. I would like his own personal opinion on it.

Mr. SAMUEL A. WEISS. Mr. Speaker, I would like to be as modest as the gentleman from Jefferson, but I again say that the enactment of this bill will redeem the pledge of a liberal party in this Commonwealth and carry out the instructions of many of our leaders, who feel that Pennsylvania has been long lacking in a liberal workman's compensation law, and in accordance with the request our Governor made to the General Assembly that Pennsylvania should be in the vanguard and not draw up the rear with a liberal workmen's compensation law.

Mr. WILSON. Mr. Speaker, I submit that the gentleman from Allegheny is making a political speech and not answering my question. I would be very glad if he would answer the question whether it is his opinion that House Bill is much better, more liberal, than the bill which is now in force in West Virginia.

Mr. SAMUEL A. WEISS. Mr. Speaker, it is one of the finest bills introduced in this House. I might say that the Chamber of Commerce has bitterly opposed this measure. I will go further and say that a lot of the large utilities, some of whom have friends in this House today, favor many of the provisions of this bill and they have been meeting the requirements of this bill for some time past, even though it had not been enacted into law.

Mr. WILSON. Mr. Speaker and members of the House, it is not my purpose to dwell too long on this bill, but I want to say to you that I do not come here to speak for the Chamber of Commerce. If the gentleman from Allegheny desires to speak disrespectfully about the Chamber of Commerce, that is his business.

In the first instance, when I rise to speak, I do so for the purpose of putting on the record my experience as an adjustment expert. I disclaim representing the Chamber of Commerce of the floor of this House, and I will say to the gentleman from Allegheny that I have been sent here by my people to tell exactly what I know and what I think. That is something that the gentleman did not do in the session of 1935. I want to say right now that the membership of this House who are in back of this bill bill would not have said a word relating to House Bill 99, they would not have spoken a word for or against it in explanation of any of its provisions, if I had not risen to my feet and said something about it. That is why I am here. I think I have said enough, but it appears to me that this is the most radical, the most expensive and the most liberal bill in the whole United States, if it goes through. That is all.

Mr. HUNTLEY. Mr. Speaker and members of the House, I favor this bill because it in the interest of the man who labors. I believe if we had more bills that favor the laboring man and less bills that favor the loafers this State would be much better off. I have never heard of an industry going broke or leaving the State because it had men who work, but I have known of industry going broke because they had men who loaf. Let us support any bill that favors the laboring man.

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—169

Achterman,	Finnerty,	McDermott,	Shaw,
Alexander,	Fitch,	McDevitt,	Shea,
Allmond,	Flanagan,	McElroy,	Shepard,
Arnold,	Flannery,	McFall,	Shoemaker,
Atkins,	Flinchbaugh,	McGee,	Shugarts,
Aukerman,	Ganser,	McShane,	Siegel,
Baine,	Gerard,	Melchiorre,	Simon,
Baker, J. J.,	Gorski,	Mellott,	Skale,
Balthaser,	Habbyshaw,	Mihm,	Smith, James A.,
Bierly,	Haberlen,	Moomaw,	Smith, John A.,
Blank,	Hagerty,	Mooney,	Spengler,
Bohn,	Hamilton, F. P.,	Moran,	Sproul,
Boies,	Hamilton, R. S.,	Moul,	Stank,
Boltz,	Harkins,	Munley,	Stockham,
Bradley,	Harmuth,	Murrin,	Thomas,
Brancato,	Hays,	Nagel,	Thompson,
Brigerman,	Hering,	O'Brien,	Toole,
Broad,	Hess,	O'Connor,	Tronzo,
Brown,	Hindman,	O'Keefe,	Tumelty,
Brownfield,	Hirsch,	Ominsky,	Turner,
Burrows,	Holland,	O'Neill,	Valibus,
Cadwalader,	Holmes,	Ostroff,	VanSickle,
Caesar,	Holstrom,	Patterson, S.,	Vogt,
Caputo,	Horting,	Patterson, W.,	Wagner,
Chervenak,	Huntley,	Pearson,	Walsh,
Coakley,	Jirolanio,	Perry,	Wampole,
Cohen, H. B.,	Keenan,	Pershing,	Watkins,
Cohen, R. E.,	Kelso,	Piole,	Webster,
Coleman,	Kilroy,	Powers,	Weidemann,
Coolahan,	Kline,	Preston,	Weiss, D. H.,
Corrigan,	Kroll,	Readinger,	Weiss, S. A.,
Costanzo,	LaRue,	Reese,	Welliver,
Davies,	Lewis,	Reising,	Welsh,
Decker,	Long,	Richter,	Westrick,
DeNote,	Longaker,	Robinson,	Whalen,
Dickinson,	Lopresti,	Rothenberger,	Whitenight,
Donohoe,	Lovett,	Ruffennach,	Woodside,
Dougherty,	Lyons,	Rush,	Wright,
Downey,	Mallen,	Sarraf,	Yanoshat,
Dubbs,	Marino,	Scanlon,	Yeakel,
Eckels,	Matthews, J. F.,	Schor,	Yourishin,
Elpern,	McArdle,	Schrope,	Zappala,
Falkenstein,	McCullough,	Schumacher,	Furman,

NAYS—28

Baker, F. T.,	Imbrie,	Schrock,	Terry,
Boyer,	Kane,	Serrill,	Trout,
Dyson,	McKinney,	Sloan,	VanAllsburg,
Fiss,	Merrell,	Snyder,	Wall,
Gillette,	Muir,	Stackpole,	Wilson,
Hall,	Peale,	Stewart,	Winner,
Hetrick,	Royer,	Strode,	Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE ON HOUSE BILL No. 99

Mr. SCHUMACHER filed the following reasons for his vote:

I am voting in favor of this bill because I believe that the laboring man is entitled to adequate compensation. However, I do so with much misgivings as I am afraid it will place additional costs on certain Pennsylvania industries who are already hard put to compete with similar industries in states who are not as fair as Pennsylvania labor.

Mr. STACKPOLE filed the following reasons for his vote:

I am opposing House Bill 99 for the following reasons:

Just let me make it clear that I favor this bill in principle. because I feel that labor as well as anyone else should be taken care of when injured or catching a disease while at work.

However, as a representative to the Pennsylvania House of Representatives it is my duty to represent the best interests of the greatest number, and I am confident that House Bill 99 does not serve those interests.

House Bill 99 will increase the costs of Pennsylvania manufactured products over those of many other states and as a result prices will have to be raised. If I were convinced that the people of the United States would favor Pennsylvania products at a higher cost to themselves, because Pennsylvania had a fairer compensation law, I would unhesitatingly vote for this bill. But experience has shown that the public does not take into consideration a manufacturer's treatment of labor when purchasing his product.

Any bill which tends to increase the cost of manufacture to the industries of one State without similarly increasing the cost to the same industries in other States becomes an unfair bill no matter how fair the provisions of that bill may be, and House Bill 99 is just such a bill.

If House Bill 99 is a good bill in principle, and I believe it is, it should be a Federal bill, so that if it were passed, the industries of all states would work under exactly the same compensation requirements. If this is not the case industries will move to those sections of the country where conditions are most favorable and it is our duty as Pennsylvania Legislators to guard against such a move on the part of Pennsylvania industries. After all the biggest sufferers will be the laboring people who are not able to follow as rapidly as the industries leave.

In summing up, it is my belief that any bill, for compensation, taxes or any cause whatever, which affects the costs of competing products of more than one State should be Federal in scope and for that reason I must oppose House Bill 99 and am therefore voting "No".

Mr. VAN ALLSBURG filed the following reasons for his vote:

I vote against House Bill 99 not because I am opposed to a liberalization of the present act but because this Bill is so drastic that it would work a great and unfair hardship to both employer and employe especially, so to the small industries of my district.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1054 as follows:

An Act to amend section seven as amended sections nine and thirteen sections fourteen and eighteen as amended section nineteen and sections twenty-one and twenty-two as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages

and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by further regulating the contents and registration of birth certificates and death certificates and the giving of certified copies thereof providing for the registration of birth certificates of children of citizens born beyond the limits of the United States and of special certificates for adopted children and fixing fees for certified copies thereof imposing additional duties upon the local registrars and providing compensation therefor payable by the Commonwealth authorizing the Department of Health to issue certified copies of the records of local registrars in cities of the first class and increasing existing penalties and imposing new penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws 900) entitled "An act to provide for the immediate registration all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" as amended by the act approved the twenty-fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 976) is hereby further amended to read as follows

Section 7 [That the] The certificate of death shall contain [the following items] such information and be in such form as the Department of Health may prescribe It shall contain in addition thereto a statement of the service if any of the deceased

[(1) Place of death including State county township borough or city If in a borough or city the ward street and house number If in a hospital or other institution the name of the same to be given instead of the street and house number If in an industrial camp the name to be given

(2) Full name of decedent If an unnamed child the surname preceded by "unnamed"

(3) Sex

(4) Color or race as white black (negro or negro descent) Indian Chinese Japanese or other

(5) Conjugal condition as single married widowed or divorced

(6) Date of birth including the year month and day

(7) Age in years months and days

(8) Place of birth State or foreign country

(9) Name of father

(10) Birthplace of father State or foreign country

(11) Maiden name of mother

(12) Birthplace of mother State or foreign country

(13) Occupation The occupation to be reported of any person who had any remunerative employment women as well as men

(14) Signature and address of informant

(15) Date of death including the year month and day

(16) Statement of medical attendance on decedent fact and time of death including the time last seen alive

(17) Cause of death including the primary and immediate causes and contributory causes or complications if any and duration of each

(18) Signature and address of physician or official making the medical certificate

(19) Special information concerning deaths in hospitals and institutions and of persons dying away from home including the former or usual residence length of time at the place of death and place where the disease was contracted

(20) Place of burial or removal

(21) Date of burial or removal

(22) Signature and address of undertaker

(23) Official signature of registrar with date when certificate was filed and registered number

(24) Service] in the United States military or naval forces [if any] including date of entry of discharge organization or organizations served in serial number on discharge and [serial number on adjusted compensation certificate] claim number on his disability compensation claim if any

The [Bureau of Vital Statistics is hereby directed to] Department of Health shall prepare and mail monthly [a list containing the above information] to the county commissioners of the county in which [the soldier] any deceased veteran is buried a statement containing the full information as to the service of the veteran as taken from his death certificate

The personal and statistical particulars [(items one to thirteen and item twenty-four)] shall be authenticated by the signature of the informant in ink who may be any competent person acquainted with the facts

The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such in ink

The medical certificate shall be made and signed in ink by the physician if any last in attendance on the deceased who shall specify the time in attendance the time he last saw the deceased alive and the hour of the day at which death occurred And he shall further state the cause of death so as to show the course of disease or sequence of causes resulting in death giving the primary and immediate causes and also the contributory causes if any and the duration of each Indefinite and unsatisfactory terms indicating only symptoms of disease or conditions resulting from disease will not be held sufficient for issuing a burial or removal permit and any certificate containing only such terms as defined by the [State Registrar] Department of Health shall be returned to the physician for correction and definition Causes of death which may be the result of either disease or violence shall be carefully defined and if from violence its nature shall be stated and whether (probably) accidental suicidal or homicidal And in case of deaths in hospitals institutions or away from home the physician shall furnish the information required under this head [(item nineteen)] and shall state where in his opinion the disease was contracted

[That it shall be the duty of the State Registrar of Vital Statistics to maintain an additional file for receiving and registering properly completed birth certificates for children of citizens of Pennsylvania hereafter born beyond the limits and jurisdiction of the United States of America whose fathers were or may be at the time of their birth citizens of the United States of America and which said children are declared to be citizens of the United States of America by act of Congress Said birth certificates to be completed in the regular manner and certified to by the American Consul nearest said place of birth Certified copies of such certificates to be issued upon receipt of the regular fee

That it shall be the duty of the State Registrar of Vital Statistics upon receipt of a properly certified copy of an adoption decree to attach same to the original birth certificate filed for said adopted child and add thereto the new name of the child as contained in the decree of adoption together with the names of the adopting parents their color ages and occupations The issuance of any certified copy shall in addition to the place and date of birth contain only the new data as added from the adoption decree and the original date of filing name of physician or midwife and local registrar's name]

Section 2 That section nine of said act is hereby amended to read as follows

Section 9 [That the] The undertaker or person acting as undertaker shall be responsible for obtaining and filing the certificate of death with the local registrar of the district in which the death occurred and securing a burial or removal permit prior to any disposition of the body He shall obtain the personal and statistical particulars required from the person best qualified to supply them over the signature and address of his informant He shall then present the certificate to the attending physician if any or to the health officer or coroner as directed by the local registrar for the medical certificate of the cause of death and other particulars necessary to complete the record as specified in section eight He shall then state the facts required relative to the date and place of burial over his signature and with the address and present the completed certificate to the local registrar who [will] upon the receipt thereof properly and correctly filled out bearing the signature and address of the informant the signature and address of the physician last in attendance and the signature and address of the undertaker or person acting as such shall place thereon the filing date a registration number and his own signature as local registrar and shall issue a permit for burial removal or other disposition of the body The undertaker shall deliver the burial permit to the sexton or other person in charge of the place of burial before interring or otherwise disposing of the body or shall attach the transit permit containing the registrar's removal permit to the box containing the corpse when the same is to be shipped by any transportation company which permit shall accompany the corpse to its destination and if the same be within the State of Pennsylvania it shall be delivered to the sexton or other person in charge of the place of burial

Section 3 That section thirteen of said act is hereby amended to read as follows

Section 13 [That it] It shall be duty of the attending physician or midwife to file a certificate of birth properly and completely filled out giving all of the particulars [required by this act] as appearing on the approved form with the local registrar of the district in which the birth occurred within ten days after the date of birth and if there be no attending physician or mid-wife then it shall be the duty of the father or mother of the child householder or owner of the premises manager or superintendent of public or private institution in which the birth occurred to notify the local registrar within ten days after the birth of the fact of such a birth having occurred It shall then in such case be the duty of the local registrar to secure the necessary information and signature to make a proper certificate of birth

If the attending physician or midwife neglects to file said certificate of birth within ten days the local registrar of the district shall require from the physician or midwife an affidavit stating the reason for the delay in filing such affidavit shall be attached to and become a part of said birth record

On the day that the birth certificate of a living child is filed with the local registrar he shall send to the parent of such child a notice of the registry of the child's birth on a blank furnished by the Department of Health and signed by the Secretary of Health Such notice shall state the following facts as contained in the birth certificate

1 Name of child
2 Place and date of birth
3 Given name of father when legitimate
4 Given name of mother
5 Registration number of certificate

This notice may be accepted by school authorities as evidence of child's age for all purposes connected with employment or school attendance and may contain such other matter as the Department of Health deems advisable and for each original notice so issued by the local registrar he shall be paid a fee of four cents which shall be paid by the Commonwealth

Section 4 That section fourteen of said act as amended by section two of the act approved the twentieth day of April one thousand nine hundred and twenty-one (Pamphlet Laws 181) is hereby further amended to read as follows

Section 14 [That the] The certificate of birth shall contain [the following items] such information and be in such form as the Department of Health may prescribe with exact date of filing in the office of the local registrar attested by his official signature and registration number of birth The certificate of birth of an illegitimate child may or may not contain the statistical data of the putative father but the said illegitimate child shall take the maiden name of the mother when born out of wedlock

[(1) Place of birth including State county township or town village or city If in a city the ward street and house number if in a hospital or other institution the name of the same to be given as well as the residence of the parents and where the birth occurs in a township the post-office address of the parents shall be given

(2) Full name of child If the child dies without a name before the certificate is filed enter the words "died unnamed" If the living child has not been named at the date of filing the certificate of birth the space for "full name of child" is to be left blank to be filled out subsequently by a supplemental report as hereinafter provided

(3) Sex of child

(4) Whether a twin triplet or other plural birth A separate certificate shall be required for each child in a case of plural birth giving number of child in order of birth

(5) Whether legitimate or illegitimate
(6) Full name of father when legitimate
(7) Residence of father
(8) Color or race of father
(9) Birthplace of father
(10) Age of father at last birthday in years
(11) Occupation of father
(12) Maiden name of mother in full
(13) Residence of mother
(14) Color or race of mother
(15) Birthplace of mother
(16) Age of mother at last birthday in years
(17) Occupation of mother
(18) Number of child of this mother and number of children of this mother now living

(19) Certificate of attending physician or midwife as to attendance at birth including statement of year month day and hour of birth and whether the child was alive or dead at birth This certificate shall be signed by the attending physician or midwife with date of signature and address if there is no physician or midwife in attendance then the father or mother of the child householder or owner of the premises or manager or superintendent of public or private institution or other competent person whose duty it shall become to notify the local registrar of such a birth as required by section thirteen of this act

(20) Exact date of filing in office of local registrar attested by his official signature and registered number of birth as hereinafter provided

All certificates either of birth or death shall be written legibly in unfading ink and no certificate shall be held to be complete and correct that does not supply all of the items of information called for therein or satisfactorily for their omission]

Section 5 That section eighteen of said act as amended by the act approved the ninth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 176) is hereby further amended to read as follows

Section 18 [That the State Registrar] The Department of Health shall prepare print and supply to all registrars all blanks and forms used in registering recording and preserving the returns or in otherwise carrying out the purposes of this act and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration And no other blanks shall be used than those supplied by the [State Registrar] department [He] It shall carefully examine the certificates received monthly from the local registrars and if any such are incomplete or unsatisfactory [he] it shall require such further information to be furnished as may be necessary to make the record complete and saitsfactory and all physicians midwives informants or undertakers connected with any case and all other persons having knowledge of the facts are hereby required to furnish such information

as they may possess regarding any birth or death upon demand of the [State Registrar in person] Department of Health by mail or through the local registrar [He] The Department of Health shall have discretionary power to accept for filing birth certificates offered for filing after the period of ten days has elapsed No such delayed birth certificate shall be accepted for filing unless accompanied by an affidavit or affidavits acceptable to the department from the physician or midwife or by the parents and citizens having knowledge of the facts It shall further arrange bind and permanently preserve the certificates in a systematic manner and shall prepare and maintain a comprehensive index of all births and deaths registered the cards to show the name of child or deceased place and date of birth or death number of certificate and the volume in which it is contained [Within ten days after receipt of a certificate of the birth of a living child he shall send to the parent of such child a notice of the registry of the child's birth Such notice shall state the following facts as contained in the birth certificate

1 Name of child
2 Place and date of birth
3 Given name of father
4 Given name of mother
5 Permanent file number of certificate

This notice may be accepted by school authorities as evidence of child's age for all purposes connected with employment or school attendance and may contain such other matter as the State Registrar deems desirable He] The Department of Health shall maintain an additional file for receiving and registering properly completed birth certificate The Department of Health shall inform all registrars after born beyond the limits and jurisdiction of the United States of America whose fathers were or may be at the time of their birth citizens of the United States of America and which children are declared by act of Congress to be citizens of the United States of America Said birth certificate shall be completed in the regular manner and certified to by the American Consul nearest said place of birth Certified copies of such certificates shall be issued upon receipt of the regular fee The Department of Health shall upon receipt of a properly certified copy of an adoption decree attach same to the original birth certificate filed for said adopted child and add to such certificate the new name of the child as contained in the decree of adoption together with the names of the adopting parents their color ages and occupations Such added data shall thereupon be a part of the original birth certificate The Department of Health shall inform all registrars what diseases are to be considered as infectious contagious or communicable and dangerous to the public health as provided by law and by the regulations of the [State] Department of Health in order that when deaths occur from such diseases proper precautions may be taken to prevent the spreading of dangerous diseases [It shall also be the duty of the State Registrar to] The Department of Health shall also collect preserve and tabulate records of all marriages performed within the State and [to] tabulate and compile statistics of morbidity reports received by the Department of Health [after such necessary methods and forms as shall be from time to time directed by the Commissioner of Health]

Section 6 That section nineteen of said act is hereby amended to read as follows

Section 19 [That it] It shall be the duty of the local registrar to supply blank forms of certificates to such persons as require them and he shall carefully examine each certificate of birth or death when presented for record to see that it has been made out in accordance with the provisions of this act and the instructions of the [State Registrar] Department of Health and if any certificates of death are incomplete or unsatisfactory it shall be his duty to call attention to defects in the return and to withhold issuing the burial or removal permits until they are corrected If the certificate of death is properly executed and complete he shall then issue a burial or removal permit to the undertaker Provided That in case the death occurs from some disease that is held by the [State] Department of Health to be infectious contagious or communicable and dangerous to the public health no permit for the removal or other disposition of the body shall be granted by the registrar except under such conditions as may be prescribed by the [State] Department of Health If a certificate of birth is incomplete he shall immediately notify the informant and require him to supply the missing items if they can be obtained He shall then number consecutively the certificates of birth and of death in two separate series beginning with "number one" for the first birth and the first death in each calendar year and sign his name as registrar in attest of the date of filing in his office He shall also make a complete and accurate copy of each birth and death certificate registered by him upon a form identical with the original certificate to be filed and permanently preserved in his office as the local record of such death in such manner as directed by the [State Registrar] Department of Health and he shall on the fifth day of each month transmit to the [State Registrar] Department of Health all original certificates of death registered by him during the preceding month and he shall on the tenth day of each month transmit to the [State Registrar] Department of Health all original certificates of birth registered by him during the preceding month and if no deaths or births occur in any month he shall on the fifth and tenth days of the following month report that fact to the [State Registrar] Department of Health on a card provided for this purpose For the proper conduct of health affairs within their respective districts local health authorities shall have free access at all times to the records received and permanently filed by local registrars The Department of Health shall have discretionary power to issue certified copies of the records or any part thereof on file in the offices of the local registrars in cities of the first class

Section 7 That section twenty-one of said act as amended by section one of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-three (Pamphlet Laws 96) and as also amended by section one of the act approved the twenty-fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 979) is hereby further amended to read as follows

Section 21 [That the] The Department of Health shall upon request and the payment of the fee as hereinafter provided furnish any applicant a certified copy of the record of any birth death or marriage registered under provisions of this act Provided however That no certified copy of an illegitimate birth record nor any information relative thereto except as herein otherwise provided shall be furnished to any person other than the illegitimate child or the mother of the child or upon an order of a court of competent jurisdiction When a certified copy is furnished of a birth certificate which was not filed within ten days from the birth there shall be furnished with such copy a true copy of any affidavit or affidavits or other papers filed with such birth certificate [Provided That when] When a request is made for a birth certificate of any persons who has been adopted by any other person pursuant to the provisions of any law and there is filed with such request a certified copy of the decree of the court in such adoption proceedings the [State Registrar] Department shall upon special request therefor issue in lieu of a certified copy of the original record a certificate showing only (a) the name of the adopted person as changed by the decree of adoption if changed (b) the date and place of birth (c) the name of the adopting parent or parents and (d) the permanent file number of the original birth certificate Such special certificate shall be accepted by all school authorities as evidence of the child's age for all purposes connected with employment or school attendance For the making and certification of each certified copy of the record of any birth death or marriage or of any special birth certificate the [State Registrar] department shall be entitled to a fee of [fifty cents] one dollar to be paid by the applicant and any such copy of the record of a birth or death or marriage when properly certified by the Department of Health to be a true copy thereof shall be prima facie

evidence in all courts and places of the facts therein stated Provided That certified copies of the record of any birth death or marriage shall be furnished to honorably discharged soldiers sailors marines war nurses and their dependents without the payment of any fee For any [such] search of the files and records when no certified copy is made the Department of Health shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search to be paid by the applicant And the Department of Health shall keep a true and correct account of all fees by it received under these provisions and pay the same into the State Treasury through the Department of Revenue

Section 8 That section twenty-two of said act as amended by the act approved the twenty-seventh day of March one thousand nine hundred and twenty-nine (Pamphlet Laws 81) is hereby further amended to read as follows

Section 22 [That any] Any physician who under the provisions of this act is responsible for the medical certificate of death shall neglect or refuse to make out and deliver to the undertaker sexton or other person in charge of the interment removal or other disposition of the body upon request the said medical certificate of cause of death hereinbefore provided for [or] and any physician or midwife in attendance upon a case of confinement or any other person charged with responsibility for reporting births in the order named in section thirteen of this act who shall neglect or refuse to file a proper certificate of birth with the local registrar within the time required by this act [or] and any undertaker sexton or other person acting as undertaker who shall inter remove or otherwise dispose of a body of any deceased person without having received a burial or removal permit as herein provided [or] and any registrar deputy registrar or sub-registrar who shall neglect or fail to enforce the provisions of this act in his district or shall neglect or refuse to perform any of the duties imposed upon him by this act or by the instructions and directions of the [State registrar or any person who shall wilfully alter any certificate of birth or death or the copy of any certificate of birth or death on file in the office of the local registrar or] Department of Health and any other person or persons who shall violate any of the provisions of this act or shall wilfully neglect or refuse to perform any duties imposed upon them by the provisions of this act [or shall furnish false information to a physician undertaker midwife or informant for the purposes of making incorrect certification of births or deaths shall be deemed guilty of a violation of this act

And] and any transportation company or common carrier transporting or carrying or accepting through its agents or employes for transportation or carriage the body of any deceased person without an accompanying permit issued in accordance with the provisions of this act [shall be deemed guilty of a violation of this act Provided That in case the death occurred outside of the State and the body is accompanied by a certificate of death burial or removal or transit permit issued in accordance with the law or board of health regulations in force where the death occurred such death certificate burial or removal or transit permit may be held to authorize the transportation or carriage of the body into or through the State

Any person violating any of the provisions of this act] shall upon summary conviction before a magistrate alderman or justice of the peace be sentenced to pay a fine of not less than five nor more than fifty dollars and the cost of prosecution and in default of the payment of said fine and costs to undergo imprisonment for not more than thirty days Provided That in case the death occurred outside of the State and the body is accompanied by a certificate of death burial or removal or transit permit issued in accordance with the law or board of health regulations in force where the death occurred such death certificate burial or removal or transit permit may be held to authorize the transportation or carriage of the body into or through the State

Any person who shall wilfully alter any certificate of birth or death or the copy of any certificate of birth or death on file in the office of the local registrar and any person who shall wilfully furnish false information to a physician undertaker midwife or informant for the purpose of making incorrect certification of births or deaths and any person who shall wilfully make a false affidavit to establish a false birth record shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars or to undergo an imprisonment of not more than sixty days or both

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follow, viz:

YEAS—205

Achterman,	Ganser,	McKinney,	Simon,
Alexander,	Gerard,	McShane,	Simpson,
Allmond,	Gillette,	Melchiorre,	Skale,
Arnold,	Gorski,	Mellott,	Sloan,
Atkins,	Habbyshaw,	Merrell,	Smith, James A.,
Aukerman,	Haberlen,	Mihm,	Smith, John A.,
Baine,	Hagerty,	Moomaw,	Snyder,
Baker, F. T.,	Hall,	Mooney,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Spengler,
Balthaser,	Hamilton, R. S.,	Moul,	Sproul,
Bierly,	Harkins,	Muir,	Stackpole,
Blank,	Harmuth,	Munley,	Stank,
Bohn,	Hays,	Murrin,	Stewart,
Boles,	Hering,	Nagel,	Stockham,
Boltz,	Hess,	O'Brien,	Strode,
Boyer,	Hetrick,	O'Connor,	Terry,
Bradley,	Hindman,	O'Keefe,	Thomas,
Brancato,	Hirsch,	Ominsky,	Thompson,
Brigerman,	Holland,	O'Neill,	Toole,
Broad,	Holmes,	Ostroff,	Tronzo,
Brown,	Holstrom,	Patterson, S.,	Trout,
Brownfield,	Horting,	Patterson, W.,	Tumelty,
Burrows,	Huntley,	Peale,	Turner,
Cadwalader,	Imbrie,	Pearson,	Valibus,
Caesar,	Jirolanio,	Perry,	VanAllsburg,
Caputo,	Kane,	Pershing,	VanSickle,
Chervenak,	Keenan,	Piole,	Vogt,
Coakley,	Kelso,	Powers,	Wagner,
Cohen, H. B.,	Kilroy,	Preston,	Wall,
Cohen, R. E.,	Kline,	Readinger,	Walsh,
Coleman,	Kroll,	Reese,	Wampole,
Coolahan,	LaRue,	Reising,	Watkins,
Corrigan,	Leisey,	Richter,	Webster,
Costanzo,	Levy,	Robinson,	Weidemann,
Davies,	Lewis,	Rothenberger,	Weiss, D. H.,
Decker,	Long,	Royer,	Weiss, S. A.,
DeNote,	Longaker,	Ruffennach,	Welliver,
Dickinson,	Lopresti,	Rush,	Welsh,
Donohoe,	Lovett,	Sarraf,	Westrick,
Dougherty,	Lyons,	Scanlon,	Whalen,
Downey,	Mallen,	Schor,	Whitenight,
Dubbs,	Marino,	Schrock,	Wilson,
Dyson,	Matthews, H. T.,	Schrope,	Winner,
Eckels,	Matthews, J. F.,	Schumacher,	Wood,
Elpern,	McArdle,	Serrill,	Woodside,
Falkenstein,	McCullough,	Shaw,	Wright,
Finnerty,	McDermott,	Shea,	Yanoshat,
Fiss,	McDevitt,	Shepard,	Yeakel,
Fitch,	McElroy,	Shoemaker,	Yourishin,
Flanagan,	McFall,	Shugarts,	Zappala,
Flannery,	McGee,	Siegel,	Furman,
Flinchbaugh,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agrreably to order,

The House proceeded to the third reading and consideration of House Bill No. 569, entitled:

An Act to amend sections three and nine of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 650), entitled "An act

requiring persons, associations, partnerships, and corporations, and their agents, herein defined as dealers and brokers, engaging in the business of buying, receiving, selling, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer of certain domestic animals, to be licensed by the Department of Agriculture; providing for the revocation of such licenses; imposing certain duties on such dealers and brokers, and their agents; conferring powers on said department; and providing penalties," by providing for the payment of license fees for dealers and brokers and their agents.

An said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Ganser,	McKinney,	Simon,
Alexander,	Gerard,	McShane,	Simpson,
Allmond,	Gillette,	Melchiorre,	Skale,
Arnold,	Gorski,	Mellott,	Sloan,
Atkins,	Habbyshaw,	Merrell,	Smith, James A.,
Aukerman,	Haberlen,	Mihm,	Smith, John A.,
Baine,	Hagerty,	Moomaw,	Snyder,
Baker, F. T.,	Hall,	Mooney,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Spengler,
Balthaser,	Hamilton, R. S.,	Moul,	Sproul,
Bierly,	Harkins,	Muir,	Stackpole,
Blank,	Harmuth,	Munley,	Stank,
Bohn,	Hays,	Murrin,	Stewart,
Boies,	Hering,	Nagel,	Stockham,
Boltz,	Hess,	O'Brien,	Strode,
Boyer,	Hetrick,	O'Connor,	Terry,
Bradley,	Hindman,	O'Keefe,	Thomas,
Brancato,	Hirsch,	Ominsky,	Thompson,
Brigerman,	Holland,	O'Neill,	Toole,
Broad,	Holmes,	Ostroff,	Tronzo,
Brown,	Holstrom,	Patterson, S.,	Trout,
Brownfield,	Horting,	Patterson, W.,	Tumelty,
Burrows,	Huntley,	Peale,	Turner,
Cadwalader,	Imbrie,	Pearson,	Valibus,
Caesar,	Jirolanio,	Perry,	VanAllsburg,
Caputo,	Kane,	Pershing,	VanSickle,
Chervenak,	Keenan,	Piole,	Vogt,
Coakley,	Kelso,	Powers,	Wagner,
Cohen, H. B.,	Kilroy,	Preston,	Wall,
Cohen, R. E.,	Kline,	Readinger,	Walsh,
Coleman,	Kroll,	Reese,	Wampole,
Coolahan,	LaRue,	Reising,	Watkins,
Corrigan,	Leisey,	Richter,	Webster,
Costanzo,	Levy,	Robinson,	Weidemann,
Davies,	Lewis,	Rothenberger,	Weiss, D. H.,
Decker,	Long,	Royer,	Weiss, S. A.,
DeNote,	Longaker,	Ruffennach,	Welliver,
Dickinson,	Lopresti,	Rush,	Welsh,
Donohoe,	Lovett,	Sarraf,	Westrick,
Dougherty,	Lyons,	Scanlon,	Whalen,
Downey,	Mallen,	Schor,	Whitenight,
Dubbs,	Marino,	Schrock,	Wilson,
Dyson,	Matthews, H. T.,	Schrope,	Winner,
Eckels,	Matthews, J. F.,	Schumacher,	Wood,
Elpern,	McArdle,	Serrill,	Woodside,
Falkenstein,	McCullough,	Shaw,	Wright,
Finnerty,	McDermott,	Shea,	Yanoshat,
Fiss,	McDevitt,	Shepard,	Yeakel,
Fitch,	McElroy,	Shoemaker,	Yourishin,
Flanagan,	McFall,	Shugarts,	Zappala,
Flannery,	McGee,	Siegel,	Furman,
Flinchbaugh,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 850 as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative department boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain adminstrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and creating as successors to such commission the Pennsylvania Public Utility Commission defining in part the powers and duties of the Pennsylvania Public Utility Commission and transferring to such commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred one of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of the State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as re-enacted without change by the act approved the first day of June one thousand nine hundred thirty-one (Pamphlet Laws three hundred fifty) is hereby amended to read as follows

Section 201 Executive Officers Administrative Departments and Independent Administrative Boards and Commissions The executive and administrative work of this Commonwealth shall be performed by the Executive Department consisting of the Governor Lieutenant Gov-

ernor Secretary of the Commonwealth Attorney General Auditor General State Treasurer Secretary of Internal Affairs and Superintendent of Public Instruction by the Executive Board and the Pennsylvania State Police by the following administrative departments Department of State Department of Justice Department of the Auditor General Treasury Department Department of Internal Affairs Department of Public Instruction Department of Military Affairs Insurance Department Department of Banking Department of Agriculture Department of Forests and Waters Department of Mines Department of Highways Department of Health Department of Labor and Industry Department of Welfare Department of Property and Supplies and Department of Revenue and by the following independent administrative boards and commissions Board of Game Commissioners Board of Fish Commissioners and [The Public Service Commission of the Commonwealth of Pennsylvania] the Pennsylvania Public Utility Commission

All of the provisions of this act which apply generally to administrative departments or generally except to the Department of the Auditor General and the Treasury Department of the Auditor General and the Treasury Department shall apply to the Executive Board and to the Pennsylvania State Police

The second, third and fourth sections were separately read and agreed to as follows:

Section 2 That section two hundred ten of the said act is hereby amended to read as follows

Section 210 Compensation of Members of Administrative Boards and Commissions (a) Annual salaries shall be payable in equal semi-monthly installments as follows

To the Commissioner of Fisheries six thousand dollars

To the Chairman of [The Public Service Commission of the Commonwealth of Pennsylvania] the Pennsylvania Public Utility Commission ten thousand five hundred dollars

To the members of the [Public Service Commission of the Commonwealth of Pennsylvania] the Pennsylvania Public Utility Commission other than the chairman each ten thousand dollars

(b) The members of the Board of Game Commissioners and of the Board of Fish Commissioners other than the Commissioner of Fisheries shall not receive any compensation

(c) Except as in this act otherwise provided the members of departmental administrative boards and commissions and of advisory boards and commissions shall serve without compensation

Section 3 That section three hundred three of the said act is hereby amended to read as follows

Section 303 [The Public Service Commission of the Commonwealth of Pennsylvania The Public Service Commission of the Commonwealth of Pennsylvania shall consist of seven members who shall have the qualifications and be appointed as now provided by law

A member designated by the Governor as now provided by law shall be the chairman of the commission during such member's term of office When present the chairman shall preside at all meetings but in his absence the member who has served on the Commission for the longest period of time shall preside and shall exercise for the time being all of the powers of the chairman In addition to the authority now conferred by law the chairman shall have power as often as he may deem the work of the commission requires (a) to designate the time and place for the conducting of investigations inquiries and hearings (b) to assign cases to a commissioner or commissioners for hearing investigation inquiry study of other similar purpose (c) to assign cases to special agents or examiners for the taking and receiving of evidence and (d) to direct and designate officers and employes of the commission to make investigations inspections inquiries studies and other like assignments for report to the commission

The commission may appoint a secretary to hold office at its pleasure Such secretary if appointed shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe and shall receive such compensation as the commission with the approval of the Governor shall determine He shall have power and authority to designate from time to time one of the clerks appointed by the commission to perform the duties of the secretary during his absence and the clerk so appointed shall possess for the time so designated the power of the secretary of the commission

The terms of the members of the commission shall be ten years

The offices of counsel of marshal and of investigator of accidents as they exist under The Public Service Company Law are hereby retained appointments thereto to be made as now provided by law The compensation of counsel marshal and investigator of accidents shall be fixed by the commission with the approval of the Governor]

Pennsylvania Public Utility Commission (a) The Pennsylvania Public Utility Commission shall consist of five members who shall be appointed by the Governor by and with the advice and consent of the Senate Each commissioner at the time of his appointment and qualification shall be a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector therein for a period shall also be not less than thirty years of age

(b) The commissioners first appointed under this act shall continue in office for terms of six seven eight nine and ten years respectively from the fifteenth day of March one thousand nine hundred thirty-seven and until their respective successors shall be duly appointed and shall have qualified but their successors shall each be appointed for a term of ten years

(c) A member designated by the Governor shall be the chairman of the commission during such member's term of office When present the chairman shall preside at all meetings but in his absence the member who has served on the commission for the longest period of time shall preside and shall exercise for the time being all of the powers of the chairman

(d) Three members of the commission shall constitute a quorum who for all purposes including the making of any order or the ratification on any act done or order made by one or more of the commissioners must act unanimously No vacancy in the commission shall impair the right of a quorum of the commissioners to exercise all the rights and preform all the duties of the commission

(e) The commission may appoint a secretary to hold office at its pleasure Such secretary if appointed shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe with the approval of the Governor shall determine The commission shall have power and authority to designate from time to time one of its clerks to preform the duties of the secretary during his absence and the clerk so designated shall possess for the time so designated the powers of the secretary of the commission

(f) No person shall be appointed a member of the commission or hold any place position or office under it who occupies any official relation to any public service company or public utility doing business in this Commonwealth or who holds any other appointive or elective office of the Commonwealth or any municipality thereof No commissioner and no employe appointee or official engaged in the service of or in any manner connected with the commission shall hold any office or position or be engaged in any business employment or vocation the duties of which are incompatible with the duties of his office or employment as commissioner or in the service or in connection with work of the commission No commissioner shall participate in any hearing or preceeding in which he has any direct or indirect pecuniary interest Every commissioner and every individual or official employed or appointed to office under in the service of or in connection with the work of the commission is hereby forbidden to solicit suggest request or recommend directly or indirectly to any public service company or public utility or to any officer attorney agent or employe thereof the appointment of any individual to any office place or position in or the employment of any individual in any capacity by such public service company or public utility If any person employed or appointed in the service of

the commission shall violate any provision of this paragraph the commission shall forthwith remove him from the office or employment held by him

(g) The Governor by and with the consent of the Senate may remove any commissioner for inefficiency neglect of duty or misconduct in office giving him a copy of the charges against him and affording him an opportunity to be publicly heard in person or by counsel in his own defense upon not less than ten days' notice If such commissioner shall be removed the Governor shall file with the Department of State a complete statement of all charges made against such commissioner and his finding thereon thogether with a complete record of the proceedings

(h) Any investigation inquiry or hearing which the commission has power to undertake or hold may be undertaken or held by or before one or more of the commissioners All investigations inquiries or hearings before or by any such commissioner or commissioners shall be and be deemed to be the investigations inquiries and hearings of the commission Any determination or order of a commissioner or commissioners upon any such investigation inquiry or hearing undertaken or held by him or them shall not become and be effective until approved and confirmed by at least a quorum of the commission Upon such confirmation such determination or order shall be the determination or order of the commission In any investigation inquiry or hearing which may hereafter be instituted the commission is hereby authorized to designate a special agent or examiner who shall have the power to administer oaths and examine witness and receive evidence in any locality which the commission having regard to the public convenience and proper discharge of its functions and duties may designate The testimony and evidence so taken or received shall have the same force and effect as if taken or received by the commission or any one or more of the commissioners as above provided

(i) The chairman of the commission shall have power as often as he may deem the work of the commission requires (1) to designate the time and place for the conducting of investigations inquiries and hearings (2) to assign cases to a commissioner or commissioners for hearing investigation inquiry study or other similar purposes (3) to assign cases to special agents or examiners for the taking and receiving of evidence and (4) to direct and designate officers and employes of the commission to make investigations inspections inquiries studies and other like assignments for report to the commission

Section 4 That section four hundred thirty-one of the said act is hereby amended to read as follows

Section 431 Water and Power Resources Board The Water and Power Resources Board shall consist of five members four of whom shall be the Secretary of Forests and Waters the Secretary of Health the Commissioner of Fisheries and a member of [The Public Service Commission of the Commonwealth of Pennsylvania] the Pennsylvania Public Utility Commission to be designated by the Governor The fifth member shall be an engineer and shall receive compensation for his services at such rate per diem as shall be fixed by the other members of the board but such compensation shall not exceed three thousand dollars per annum

The Secretary of Forests and Waters shall be chairman of the board

Section 5 That section nine hundred six of the said act is hereby amended to read as follows

Section 906 Deputy Attorneys General In addition to such deputy attorneys general as may be appointed to assist in the conduct of the regular work of the department the Attorney General with the approval of the Governor shall have power

(a) To appoint and fix the compensation of such special deputy attorneys general as may be required to represent and advise the Workmen's Compensation Board and any other departments boards and commissions which may require the services of counsel to such an extent as to render it reasonably necessary to assign deputy attorneys general exclusively to their work Provided That the office of counsel to the [Public Service Commission of the Commonwealth of Pennsylvania shall be retained] Pennsylvania Public Utility Commission is hereby created such counsel to be appointed by the Attorney General The Attorney General may also from time to time with the approval of the Governor appoint such assistant counsel to the [Public Service Commission] Pennsylvania Public Utility Commission as may be required for the proper conduct of its work The compensation of the counsel and assistant counsel of the [Public Service Commission] Pennsylvania Public Utility Commission shall be fixed by the commission with the approval of the Governor

(b) From time to time to appoint and fix the compensation of special deputy attorneys general and special attorneys to represent the Commonwealth or any department board or commission thereof in special work or in particular cases

(c) To appoint and fix the compensation of deputy attorneys general to represent the Commonwealth and the several departments boards and commissions thereof in all legal matters arising in any city or county other than the State capital except as otherwise provided in this act Provided That the same deputy attorney general may be assigned to two or more cities or counties in the discretion of the Attorney General

Section 6 That paragraph (d) of section two thousand one hundred ten of the said act is hereby amended to read as follows

(d) To investigate hold hearings upon and determine any question of fact regarding the purity of water supplied to the public by any public service company or public utility over which the [Public Service Commission of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission has jurisdiction whenever said commission shall certify such question to the board

The findings of the board upon any such questions shall be incorporated in and made a part of the determination or decision by said commission of the controversy or other proceding in connection with which the question arose and shall be binding upon the parties to such controversy or other proceeding unless either party shall take an appeal from the commission's determination or decision as may now or hereafter be provided by law

Section 7 That article twenty-eight of the said act is hereby amended to read as follows

ARTICLE XXVIII

POWERS AND DUTIES OF THE [PUBLIC SERVICE COMMISSION OF THE COMMONWEALTH OF PENNSYLVANIA] PENNSYLVANIA PUBLIC UTILITY COMMISSION

Section 2801 Powers and Duties in General The [Public Service Commission of the Commonwealth of Pennsylvania] Pennsylvania Puplic Utility Commission shall subject to [any inconsistent] the provisions [in] of this act [contained continue to] exercise the powers and perform the duties [by law] exercised and performed prior to the fifteenth day of March one thousand nine hundred thirty-seven by The Public Service Commission of the Commonwealth of Pennsylvania and any powers and duties subsequently vested in and imposed upon the [said commission] Pennsylvania Public Utility Commission by law

Section 2802 Public Service Company Law The [Public Service Commission of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission shall have the power and its duties shall be

(a) To administer and enforce the act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) designated as "The Public Service Company Law" as amended and supplemented or any law hereafter enacted for the regulation of public utilities [entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining

the powers and duties of such commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the commission of the expense and damage resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is hereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determination by the courts of the common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled ' An act to promote the safety of travelers and employes on railroads by compelling common carrier by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled ' An act to enforce the provisions of the seventeenth Article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloading within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved the twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled ' An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" as amended and supplemented]

(b) To certify to the Sanitary Water Board any question of fact regarding the purity of water supplied to the public by any public service company or public utility over which it has jurisdiction when any such question arises in any controversy or other proceeding before it and upon the determination of such question by the Sanitary Water Board to incorporate the findings of the board thereon in its decision upon the controversy or other proceeding out of which the question arose

Section 2803 Elevated and Underground Railways The [Public Service Commission of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission shall have the power and its duty shall be to exercise the powers and perform the duties heretofore by law vested in and imposed upon the board consisting of the Governor the Secretary of the Commonwealth and the Attorney General by the act approved the twentieth day of June one thousand nine hundred and one (Pamphlet Laws five hundred and seventy-seven) entitled "An act providing that no company hereafter formed for the purpose of construction and operation of a passenger railway either elevated or underground or partly elevated or partly underground with incidental surface rights shall be incorporated except where the same shall be located upon streets in thickly populated regions and until the necessity for such railways shall have been passed upon by a board consisting of the Governor the Secretary of the Commonwealth and the Attorney General after notice" which reads as follows

"Section 1 Be it enacted et cetera That hereafter no letters patent shall be issued to any company nor shall any corporation be otherwise created for the construction of an elevated or underground or partly elevated and partly underground passenger railway except the same shall be located upon over under across through or along a street road or highway in a thickly populated locality where the surface travel is congested nor unless and until the necessity for the construction and operation of said railway shall have been passed on and approved by a board consisting of the Governor the Secretary of the Commonwealth and the Attorney General after thirty days' public notice published as shall be prescribed by said board"

Section 8 (a) The Public Service Commission of the Commonwealth of Pennsylvania is hereby abolished as of the fifteenth day of March one thousand nine hundred thirty-seven and the terms of the members of such commission now holding office shall expire and terminate upon that date

(b) All books papers maps charts plans records and all other equipment in the possession of the The Public Service Commission of the Commonwealth of Pennsylvania upon the effective date of this act or of any commissioner of said commission or any officer or employe of said commission shall be delivered or turned over to the Pennsylvania Public Utility Commission

(c) All employes of The Public Service Commission of the Commonwealth of Pennsylvania on the effective date of this act shall become employes of the Pennsylvania Public Utility Commission and shall continue to perform their usual duties upon the same terms and conditions as theretofore until removed or appointed to other positions by the commission Persons who upon the effective date of this act are employes of The Public Service Commission of the Commonwealth of Pennsylvania shall retain all retirement rights that shall have accrued or would thereafter accrue to them and their services shall be deemed to have been continuous as if The Public Service Commission had not been abolished

(d) All petitions hearings and other proceedings pending before The Public Service Commission of the Commonwealth of Pennsylvania and all investigations begun by such commission or any member or officer thereof and not completed upon the effective date of this act shall continue and remain in full force and effect as if The Public Service Commission of the Commonwealth of Pennsylvania had not been abolished and may be completed before or by the Pennsylvania Utility Commission

(e) All pending litigation or proceedings before any State or Federal court or regulatory body instituted by or against The Public Service Commission of the Commonwealth of Pennsylvania or in which such commission is a party upon the effective date of this act shall not be deemed to be affected or terminated by this act but the Pennsylvania Public Utility Commission shall have the right to apply to any such court or regulatory body to have its name substituted in such litigation or proceedings as a party in lieu of The Public Service Commission of the Commonwealth of Pennsylvania and thereupon such pending litigation or proceedings may be prosecuted defended or completed by the Pennsylvania Public Utility Commission

(f) All certificates of public convenience orders and rules and regulations made or issued by The Public Service Commission of the Commonwealth of Pennsylvania prior to and in force and effect upon the effective date of this act shall remain in full force and effect until revoked or modified by the Pennsylvania Public Utility Commission

(g) All existing contracts and obligations of The Public Service Commission of the Commonwealth of Pennsylvania Service Commission of the Commonwealth of Pennsylvania shall remain in full force and effect and shall be

performed by the Pennsylvania Public Utility Commission

(h) Whenever the term "The Public Service Commission of the Commonwealth of Pennsylvania " occures in any law contract or document or whenever in any law contract or document reference is made to such commission such term or reference shall be deemed to refer to and include the Pennsylvania Public Utility Commission created by this act so far as such law contract or document pertains to matters which are within the jurisdiction of such commission

(i) The unexpended balance existing on the effective date of this act in any appropriation whatsoever made to The Public Service Commission of the Commonwealth of Pennsylvania is hereby transferred and appropriated to the Pennsylvania Public Utility Commission for the same purposes as expressed in any act making such an appropriation and any such unexpended balance also is hereby appropriated to the Pennsylvania Public Utility Commission for the payment of any bills or encumbrances incurred by The Public Service Commission of the Commonwealth of Pennsylvania prior to and remaining unpaid on the effective date of this act

Section 9 This act shall become effective on the fifteenth day of March one thousand nine hundred thirty-seven except that the Governor shall have power to appoint the members of the Pennsylvania Public Utility Commission as herein provided at any time after the final enactment of this act to the extent necessary for such purposes this act shall become effective immediately upon its final enactment

On the question

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. KANE. Mr. Speaker and members of the House, in view of the fact that the members of the House are very tired and have had a long, hard afternoon's work I am going to make my remarks very brief.

Mr. Speaker, when I first became interested in politics I did so as a follower—as did the rest of my county—of that great liberal Gifford Pinchot who was elected Governor of this Commonwealth on two occasions.

Mr. Speaker, those who differ with me may do so but I am still proud of having supported him, and I offer no apologies. He carried my county which showed that the people of my county thought as I did in the matter.

When he was elected Governor the last time he appointed to the Public Service Commission of Pennsylvania a number of men who are now serving on that Commission. Some of them I do not know; some of them it has been my privilege to know and to know fairly well. Among those were Jay Goodnough who was on two occasions Speaker of the House of Representatives in which we are now seated. He is a man of distinction, a man of attainments, a man of unquestioned integrity, and able, faithful, loyal, and conscientious public servant. He is the Chairman of this Commission who is being ripped out of office by this bill. Let me call the attention of the members of this House to the fact that no one at any time or place has ever laid a specific charge against Jay Goodnough in any way affecting the performance of his duty to the public.

Let me call the attention of the House to the fact that when Mr. Stahlnecker and Mr. Goldberg were appointed to the Commission that many of the utility kings then said and I quote them, "This Commission is going to be no bed of roses for the utilities of Pennsylvania." I want to say to you, Mr. Speaker, and members of the House, that I know these men to be capable, honest and conscientious public servants. I am not going to take the time of this House to read into the record a list of their attainments, but I shall ask the Speaker of the House in view of the fact that these men have had no specific charges leveled against them to add to my remarks this written statement, instead of my reading it.

The SPEAKER. If there are no obections the supplemental remarks of the gentleman from McKean will be added to his remarks.

The Chair hears none and the remarks of the gentleman will be extended on the record.

Remarks of Mr. KANE extended on record.

Twenty million dollars are being saved annually by customers of Pennsylvania utilities because of rate reductions made during 1933, 1934, 1935 and 1936, the years during which a majority of the present members of the Public Service Commission have served. This is a new mark for rate cutting in the state over a like period.

Of the total savings approximately $17,412,000 resulted from the Commission's informal conference method with utilities, the remainder being made by utilities on their own initiative, or resulted from formal rate cases.

Customers of electric utilities profited most; 39 electric companies making annual reductions approximating $14,879,600. Other savings were: 24 gas companies $1,306,300, 25 water companies $987,200, eight steam heat companies $158,700, and two toll bridge companies $55,000.

Five telephone companies made reductions amounting to $2,740,400. This figure does not include the large savings accruing to subscribers resulting from the Commission's order of February 21, 1933, directing the Bell Telephone of Pennsylvania to discontinue the extra monthly charge on hand-set instruments to subscribers using them 24 months.

As of March 1, 1935, two years following the date of the hand-set order, 173,047 subscribers of the Bell Company had been relieved of the extra charge, this resulting in a saving to those subscribers of approximately $520,000 for the year ending March 1, 1936. Since then other telephone companies in the state have followed the Commission's order as to hand-sets.

In the depression years reductions approximating $3,363,000 were made in 1933, $931,000 in 1934, and $9,161,300 in 1935, a total of $13,455,300. In 1936, with the country emerging from the depression, reductions approximated $6.672,800.

In 1937, hte Commission has secured an additional three million dollars in annual reductions.

The Commission on April 2, 1934, by formal resolution declared that 6 per cent (instead of the 7 per cent allowed previously) constituted a reasonable return upon the fair value of property used in rendering public service, in effect expressing the opinion that publis service companies should reduce their charges in keeping with the lessened incomes of their customers.

Supplementing this, the Commission in October 1934, sent letters to some 50 utilities requesting rate reductions. These letters were followed by similar letters to other companies in December of that year and the companies were then called to Harrisburg for informal conferences.

In 1935 and again in 1936, as fast as analyses of company records could be made by its limited staff, all those utilities who appeared to be earning over 6 per cent were called in for conference, and the reductions followed.

The Commission's 6 per cent resolution of April 1934, plus its rate reduction letters of that fall, were the power behind the great bulk of these reductions. The Commission points out that without the reduction in rate of return from 7 per cent to 6 percent made early in 1934, a large part of the reductions made in 1935 and 1936 could not have been secured.

The Commission in a precedent shattering decision on

January 7, 1936, authorized the Borough of Myerstown, Lebanon County, to build and operate its own municipal light and power plant. The Commission thereby for the first time gave a municipality the right to enter into active competition with an existing utility, departing from a policy enunciated by its predecessors in 1916, of non-competition with an existing utility. The borough is served by the Metropolitan Edison Company, which appealed the Commission's decision to the State Superior Court.

Among other high lights of the Commission's work in the four-years period are:

1. Beginning in 1933 provided protection for the public by requiring adequate insurance coverage be carried by truck, bus and taxi operators, operating under its jurisdiction.

2. Smashed the hold that the three big corporate taxicab companies in Philadelphia had on the city and gave taxicab riders better service at lower rates.

3. Disposed of complaints of the City of Pittsburgh against the Pittsburgh Motor Coach Company, as well as the investigation instituted by the Commission on its own motion into the company's rates, resulting in bus fares in Pittsburgh being cut from 25 cents cash to 20 tickets for $2, the equivalent of 10 cent fare. Permitted for the first time competitive bus service in Pittsburgh.

4. Ordered the Pennsylvania Power and Light Company of Allentown to make a substantial reduction in rates for natural gas in Williamsport and vicinity, which order has been appealed by the company to the Superior Court.

5. Ordered the Scranton-Spring Brook Water Service Company to reduce rates in its Spring Brook Division approximately $500,000. The company has appealed the order to the Superior Court.

6. Has been fighting steadily since 1933 for lower freight rates for bituminous coal from Pennsylvania soft coal fields.

7. Suspended on its own initiative tariffs filed by five gas companies fixing rates for natural gas service in Dauphin, Cumberland, York, Chester, Lehigh, Berks Bucks, Northampton, and Lebanon Counties pending hearing on tariffs and application of Pennsylvania Gas Transmission Company to transport the gas.

These major investigations of interest to rate payers were started by the present Commission and are continuing:

1. A general inquiry to determine if the law or Commission regulations have been violated by certain Pennsylvania operating utilities in dealing with their parent, the Associated Gas Electric System. This inquiry concerns rate-payers in 31 counties.

2. Inventory and appraisal of the Philadelphia Rapid Transit Company in connection with the proposed reorganization of the company under Section 77B of the Federal Bankruptcy.

3. Inventory and appraisal of the Pennsylvania Power and Light Company, one of the largest utilities of its kind in the State, to ascertain if the company should not make rate reduction in addition to that of $1,500,000 obtained by the Commission in August 1935. The Commission again through informal conferences secured a reduction of $700,000 from the same company in December 1936. The company operates in 28 counties.

4. Investigation instituted by the Commission on its own motion into the rates and practices of the Edison Light and Power Company, of York, which case is now in process of hearing.

5. In November 1936 started formal rate proceedings on its own motion against the Smethport Natural Gas Company, of Smethport, the United Natural Gas Company, of Oil City, and the Manufacturers Gas Company, of Pittsburgh. Natural gas consumers in McKean, Clearfield, Venango, Crawford, Mercer, Jefferson, Butler, Clarion, Elk, and Warren Counties are affected.

Mr. TURNER. Mr. Speaker and members of the House, I, too, am mindful of the fact that the hour is late and the fact that we are going to have one public hearing at seven o'clock and another one at eight o'clock. but the responsibility is not mine, but that of gentlemen who insisted that this bill should be brought to a vote today.

I came into this House in 1925 and in 1931 the Governor, whom by colleague from McKean has just mentioned, Gifford Pinchot, attempted to rip out the Public Service Commission. Governor Pinchot, as we all know, waged a very vigorous battle against the utilities in the State of Pennsylvania. I was a member of the committee to investigate utilities in 1931, and I opposed Governor Pinchot and his program because he demanded the right to hire and fire the members of the Commission, and I felt that it was improper to place in the hands of the Executive of Pennsylvania that additional power. I feel today the same way about it. I am opposed to House bill 850 because it is clearly an attempt to pack the Public Service Commission by the Executive in order that he may enforce his own peculiar or particular ideas of the way the Public Service Company law should be administered in Pennsylvania. I do not want the Public Service Commission to administer the law according to the dictates of any one. That is a part of the province of the Commission as a quasi judicial body, to determine the questions before them under the law as they find it. I agree with the gentleman that it is a tragedy there is so little heard over the Commonwealth of Pennsylvania on the action of the Democratic party in its attempt to rip out the Public Service Commission without preferring any charges against the Public Service Commission other than what I heard on the floor of this House last night, when the gentleman who is now in the Speaker's Chair said that the Commission had not served ehe public. I served in this House when Jay Goodnough was Speaker. I was on the other side politically from the Speaker, but I know that he is fair and impartial. In the times it has been my duty as a practicing attorney to appear before the Public Service Commission or to contact the Chairman of that Commission, I know the fair and impartial way in which he approached a problem. I have known quite intimately almost every other member of that Commission during the time that I have been here on the "Hill". I waged many a battle with Mr. Stahlnecker as Governor Pinchot's Secretary, and many a time tried to drive him off the floor of this House. I know Mr. Goldberg when he was a Deputy Attorney General. I know his ability and his knowledge of the law. He was highly respected by every one who came in contact with the Attorney General's department. The only complaint I have ever heard against Mr. Goldberg in the course of the last few years, since he has been on the Commission, has been that he was inclined to view the law too strictly in his interpretation of the Public Service Company law.

I might go on down the line if I had time and recite instance after instnace of the things I know about the men on the Public Service Commission, but I think it is an outrage that men of this calibre and this character, against whom there has been no complaint filed, and who have been performing their duties in accordance with the law as laid down,—that these men should be ripped out of office in a thirty day period, as this bill provides for their going out of office on the 15th of March. I said to you in the first place I was opposed to this bill because it is an attempt to do that which I felt Mr. Pinchot was doing in 1931, that is, to control the Public Service Commission and give him the right to hire those

Commissioners that possibly would do his own bidding. The Public Service Commission is not an agency of the Executive; it is an agency of the legislative branch of the government, and when you allow the Executive to usurp the legislative powers you will break down down that which our constitution, not only in this State but in our nation has attempted to set up. The second reason I am opposed to this bill is that it is a flagrant attempt on the part of a party to seize the offices which are now held by men who have not been enrolled as members of their party. In other words, it is a plain attempt to rip out of office Republicans and give the appointments to Democrats.

Mr. OMINSKY. Mr. Speaker and members of the House, I accept the apology of the speakers on the other side. In view of the fact that it is late and having made their brief statement, I wish to ask the members of this House to support House Bill 850 because I feel, and I know the members here feel, that it is in line and in keeping with the general policy of the new administration to stop the shadow-boxing which has been going on the part of the Commissioners heretofore. It is not a usurpation on the part of the Executive in an endeavor to capture any other branch of the givernment, because the appointments, which will of necessity have to be made by the Chief Executive of this State, must be ratified by the Senate, which is a branch of this Legislature.

This bill is not necessarily a reflection on the personalities of the members of the Public Service Commission, but it is a reflection on the work and the nonfeasance on their part to give the people of Pennsylvania what they should have had for years. If we were to keep them in office, we would not heed the mandate of the people of Pennsylvania in putting into force the regulatory measure which we have before us at tonight's hearing on House bill 851. We must have men who are in line and in keeping with the times; we must have people in office on the Public Service Commission or the Public Utilities Commission, which will take its place, we must have people of the kind who will take the interests of the people of the Commonwealth of Pennsylvania into consideration, and if any member of the present Public Service Commission has heretofore done his job properly, there is no reason in the world why the Chief Executive may not re-appoint him. I say this in all fairness, that this is in keeping with the general policy of the new administration of Pennsylvania. We feel that there ought to be a change. I say that we must wipe the slate clean. This Bill 850 has been proposed and I feel it is in line with the companion measure, House bill 851.

I ask the members of the House to support this bill.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Ominsky.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated.

Mr. OMINSKY. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Philadelphia whether I understood him right when he said "we are going to wipe the slate clean."

Mr. OMINSKY. Mr. Speaker, the gentleman is correct, I did so state.

Mr. TURNER. Mr. Speaker, does the gentleman mean to infer that there might be just a slight Democratic smear left on the slate?

Mr. OMINSKY. Mr. Speaker, in answer to the gentleman from Delaware, I feel in wiping any slate clean we must have the slate blank and start writing over again on that slate.

Mr. TURNER. Mr. Speaker, I thank the gentleman very much. It was my understanding that one of the Commissioners at least was to be retained.

Mr. HUNTLEY. Mr. Speaker and members of the House. I am opposed to this bill because my old friend and neighbor, Hon. C. J. Goodnough is being tried by drum head procedure and thrown into the dungeon without cause. Mr. Goodnough has served in this House for nearly 20 years and during two administrations was its Speaker, a position he filled with satisfaction and ability. In the Public Service Commission his leadership has been efficient and fair and has won for him the respect and confidence of the people. It has been intimated on the floor of this House that while this is true the justification for his sentence is: He has been guilty of death bed repentence. This is a wrong assumption. Mr. Goodnough has held public office for over 30 years and never in that time has he been other than a clean courageous servant of the people. He has an honorable record. I therefore protest against his political assasination.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—149

Achterman,	Elpern,	McCullough,	Scanlon,
Alexander,	Falkenstein,	McDermott,	Schor,
Allmond,	Finnerty,	McElroy,	Schrope,
Arnold,	Fitch,	McFall,	Shaw,
Aukerman,	Flanagan,	McGee,	Shea,
Baine,	Flannery,	McShane,	Shepard,
Baker, J. J.,	Flinchbaugh,	Melchiorre,	Shoemaker,
Balthaser,	Gerard,	Mellott,	Shugarts,
Bierly,	Gorski,	Mihm,	Siegel,
Blank,	Haberlen,	Moomaw,	Simon,
Bohn,	Hagerty,	Mooney,	Skale,
Boies,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boltz,	Harkins,	Moul,	Smith, John A.,
Bradley,	Harmuth,	Munley,	Spengler,
Brancato,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hetrick,	O'Connor,	Toole,
Brownfield,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Valibus,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, S.,	Vogt,
Coakley,	Horting,	Patterson, W.,	Wagner,
Cohen, H. B.,	Jirolanio,	Pearson,	Walsh,
Cohen, R. E.,	Keenan,	Pershing,	Weiss, D. H.,
Coleman,	Kelso,	Piole,	Weiss, S. A.,
Coolahan,	Kilroy,	Powers,	Welliver,
Corrigan,	Kroll,	Preston,	Welsh,
Costanzo,	LaRue,	Readinger,	Westrick,
Decker,	Levy,	Reese,	Whalen,
DeNote,	Lewis,	Reising,	Whitenight,
Dickinson,	Long,	Richter,	Wright,
Donohoe,	Lopresti,	Robinson,	Yanoshat,
Dougherty,	Lovett,	Rothenberger,	Yourishin,
Downey,	Marino,	Rush,	Zappala,
Dubbs,	Matthews, H. T.,	Sarraf,	Furman,
Dyson,	McArdle,		

NAYS—49

Atkins,	Kline,	Schumacher,	Trout,
Boyer,	Leisey,	Serrill,	Turner,
Cadwalader,	Longaker,	Simpson,	Wall,
Davies,	Matthews, J. F.,	Sloan,	Wampole,
Eckels,	McDevitt,	Snyder,	Watkins,
Fiss,	McKinney,	Sollenberger,	Webster,

Gillette,	Merrell,	Sproul,	Weidemann,
Habbyshaw,	Muir,	Stackpole,	Wilson,
Hall,	Peale,	Stewart,	Winner,
Hamilton, R. S.,	Perry,	Stockham,	Wood,
Huntley,	Royer,	Strode,	Woodside,
Imbrie,	Schrock,	Terry,	Yeakel,
Kane,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

MOTION TO ADJOURN

Mr. TURNER. Mr. Speaker, I move that this House do now adjourn until tomorrow at 10:00 a. m.

The motion was not agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the thir dreading and consideration of House Bill No. 1160, entitled:

A Supplement to act No. 31-A, approved the twelfth day of July, one thousand nine hundred thorty-five (One thousand Nine Hundred Thirty-five Appropriations Acts, page twenty-five), entitled "An act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for Mothers' Assistance, Pensions for the Blind, and Old Age Assistance."

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Ganser,	McKinney,	Simon,
Alexander,	Gerard,	McShane,	Simpson,
Allmond,	Gillette,	Melchiorre,	Skale,
Arnold,	Gorski,	Mellott,	Sloan,
Atkins,	Habbyshaw,	Merrell,	Smith, James A.,
Aukerman,	Haberlen,	Mihm,	Smith, John A.,
Baine,	Hagerty,	Moomaw,	Snyder,
Baker, F. T.,	Hall,	Mooney,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Spengler,
Balthaser,	Hamilton, R. S.,	Moul,	Sproul,
Bierly,	Harkins,	Muir,	Stackpole,
Blank,	Harmuth,	Munley,	Stank,
Bohn,	Hays,	Murrin,	Stewart,
Boies,	Hering,	Nagel,	Stockham,
Boltz,	Hess,	O'Brien,	Strode,
Boyer,	Hetrick,	O'Connor,	Terry,
Bradley,	Hindman,	O'Keefe,	Thomas,
Brancato,	Hirsch,	Ominsky,	Thompson,
Brigerman,	Holland,	O'Neill,	Toole,
Broad,	Holmes,	Ostroff,	Tronzo,
Brown,	Holstrom,	Patterson, S.,	Trout,
Brownfield,	Horting,	Patterson, W.,	Tumelty,
Burrows,	Huntley,	Peale,	Turner,
Cadwalader,	Imbrie,	Pearson,	Valibus,
Caesar,	Jirolanio,	Perry,	VanAllsburg,
Caputo,	Kane,	Pershing,	VanSickle,
Chervenak,	Keenan,	Piole,	Vogt,
Coakley,	Kelso,	Powers,	Wagner,
Cohen, H. B.,	Kilroy,	Preston,	Wall,
Cohen, R. E.,	Kline,	Readinger,	Walsh,
Coleman,	Kroll,	Reese,	Wampole,
Coolahan,	LaRue,	Reising,	Watkins,
Corrigan,	Leisey,	Richter,	Webster,
Costanzo,	Levy,	Robinson,	Weidemann,
Davies,	Lewis,	Rothenberger,	Weiss, D. H.,
Decker,	Long,	Royer,	Weiss, S. A.,
DeNote,	Longaker,	Ruffennach,	Welliver,
Dickinson,	Lopresti,	Rush,	Welsh,
Donohoe,	Lovett,	Sarraf,	Westrick,
Dougherty,	Lyons,	Scanlon,	Whalen,
Downey,	Mallen,	Schor,	Whitenight,
Dubbs,	Marino,	Schrock,	Wilson,
Dyson,	Matthews, H. T.,	Schrope,	Winner,
Eckels,	Matthews, J. F.,	Schumacher,	Wood,
Elpern,	McArdle,	Serrill,	Woodside,
Falkenstein,	McCullough,	Shaw,	Wright,
Finnerty,	McDermott,	Shea,	Yanoshat,
Fiss,	McDevitt,	Shepard,	Yeakel,
Fitch,	McElroy,	Shoemaker,	Yourishin,
Flanagan,	McFall,	Shugarts,	Zappala,
Flannery,	McGee,	Siegel,	Furman,
Flinchbaugh,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 557 as follows:

An Act making an appropriation to the Water and Power Resources Board for payment into the Flood Control Fund for flood control purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eight million dollars ($8,000,000) or so much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Water and Power Resources Board for payment into the Flood Control Fund in the State Treasury for the purpose of making the same available for the purposes for which such Flood Control Fund is appropriated by law Provided however That not less than four million dollars ($4,000,000) of the sum appropriated by this act and paid into the Flood Control Fund shall be used and expended only for flood control work and improvements on and along the Susquehanna River and it tributaries

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. STOCKHAM. Mr. Speaker and members of the House, Mr. Weiss and I have stood shoulder to shoulder in matters of flood control and bills relating to our rivers and our river basins through both sessions, he from Allegheny County and myself from Bucks, he representing the western end of the State and I the eastern. I want to bring to your attention just a few facts that relate themselves very materially to this whole program, and I ask your indulgence for just a minute.

This subject of flood control is a stupendous one and it is one that requires very careful consideration and so I would ask you to consider certain facts in relation to this subject matter as a whole and it relates to this appropriation. You remember last night that the bill for five million dollars—four millions for the Susquehanna and four millions for the western end of the state and the amendment, I believe, was agreed to. I have not since read the bill but I believe that that statement is correct. Am I right, Mr. Weiss?

Very well, I here no denial of that. Now there are before the United States Senate certain bills that have to do with flood control. I believe there are eight divisions of these United States in flood control districts. One of those

bills has to do entirely with the Atlantic seaboard as one unit. This bill has been introduced by Senator Barkley of Kentucky and Senator Buckley of Ohio. These two gentlemen are Democratic Senators. Their bill takes in the whole Atlantic seaboard on flood control. I would like, further, to call your attention to the fact that there is also the Wagner bill, which sets forth that flood control damages practically north of Mason and Dixon's line were to be assumed by the Commonwealths and the States. I would like, also, to direct your attention to the fact that south of that line the United States Government has practically stood all of that expense. So, we have this bill which is now before the United States Senate, together with these facts as I have stated them. I would remind you, further, that these three great States of New Jersey, New York and Pennsylvania are involved in the development of rivers that are in Pennsylvania or on the boundary of Pennsylvania, particularly the Susquehanna and the Delaware valleys, and will involve ultimately an expenditure for New Jersey, New York and Pennsylvania of something like four hundred million dollars. Now in these three States there are twenty-six million people and their contribution to the Federal Treasury last year was one billion three hundred million dollars, thirty-four percent of the total income of the Federal Government, and we re asked today for land damages in these States for these improvements.

In the TVA, involving seven States, there are ten millions of people and their contribution was forty-nine million dollars to the Federal Treasury last year and yet they are receiving all the money necessary for land damages, and so it is true in the Mississippi and so it is true in the west, and so it is true in all plans for the building of dams. I want to again direct your attention to the fact that we are now here appropriating eight million dollars, whereas it is the purpose of the Executives of, I think, five, six or seven States to go to the Federal Government and ask the Federal Government that we be relieved here in the north of this unfair burden and that we put upon the same basis as the southern and the western States. So I ask if we cannot hold back this appropriation until such time as an effort can be made by our Governor to accomplish something along the same lines.

I believe that the Governor of this Commonwealth with the pleas that he has made in other affairs and with his approach to the Federal Government and the White House is perfectly capable and can, if he is so directed, bring this whole subject to the attention of the Federal authorities. I have in committee a resolution to that end. I look upon this subject as a stupendous one, ane that involves the expenditure of many millions of dollars, and that expenditure should be approached in its biggest and broadest way, and with that approach I believe that this problem can be solved in a very liberal manner. I believe, also, that a partial solution of the present labor problem will be reached, and I believe that the ultimate development will solve the particular problem that is ours, that relates to the hard coal industry and our difficulties in that area.

Now without further indulging upon the members of the House I ask that we do not move too rapidly or too fast in the appropriation of this money but that we hold it back in the hope that we may save at least eight million dollars and that Federal money may take its place and that this whole work may be consummated as it should be, as a whole and not piecemeal. We have one of the biggest developments that is to be had and for four hundred million dollars it will be complete, while the expenditure in the TVA is one-third complete and yet they have spent one hundred and sixty-eight millions today. So with a particular, practical approach to the Federal Government I ask that our Governor through my resolution, invite the Governors of the adjoining States to join with him, to seek a rightful and equitable adjustment of this whole thing, so that this flood control may be brought to its proper, its ultimate, and its speedy finish.

Mr. WILSON. Mr. Speaker and members of the House, there are other aspects of this bill that do not appear on the surface and only those who were in attendance at the committee meetings would understand them. I wish to call your attention to those aspects, they are local. Now this bill on the face of it is merely an appropriation of eight million dollars; the proviso that was put in last night by amendment was that four million dollars of that would be expended on the Susquehanna watershed and the other four million of course on the western watershed. Originally it was proposed to put five million on the western watershed. That is all I want to touch upon. Plans were shown to the committee and they embraced five or six large catch-basins on the western watershed. The Susquehanna watershed was to be taken up later. Your attention is called to the fact that nothing was placed upon those maps to show what damage would be done locally to those five or six counties. It so happens that nearly all of these projects are personally known to me and I would be doing my full duty if I didn't call attention to the facts of what it would do to those counties. The mere spending of the eight million dollars is but the start of a campaign that will run into hundreds of millions of dollars, perhaps; it only going part way. If you put that into the headwaters of the western watershed, you go into the counties of Jefferson, Clarion, Indiana, Warren and other counties, and you must take into consideration how it is going to affect those counties. The Army engineers have presented their facts and figures so far as daming is concerned but nothing was said about improvements. There are two places that will cause damage to Jefferson County and partly to Clarion. A dam is to be erected on Red Bank Creek as a part of the program and this is what is going to happen. It will back water up for twenty miles from Mayport and Brookville to a depth of about three feet of water under the Brookville Bridge. It will destroy a one million dollar brick plant, it will destroy the Pennsylvania Railroad for ten or twenty miles, that is, the low grade division, it will destroy many miles of improved State highway and other highways and will result in a lessening of the valuation of property for taxation purposes in Jefferson County by one-fifth. In other words, there would be about a million dollars less valuation once they are through in Jefferson County. It will take two million dollars of those five million dollars to pay for land to build this dam nad in so doing it will work a hardship on Jefferson County. I ask you to consider any of you who are not going to be affected in your home county by this undertaking if they are going to take one-fifth of your valuation away from you,—I will try to make this brief. I want to read to this House a resolution that

was passed by the County Commissioners of Jefferson County which reads as follows:

Whereas, The Federal Government in connection with the State government is contemplating the erection and construction of dams on several of the tributaries of the Allegheny River in connection with the Floor Control Program, and

Whereas, It is contemplated to construct and erect a dam on Red Bank Creek above Mayport to a height which will cause slack water in the Borough of Brookville to a depth of three feet, which is more than twenty miles from the breast of the dam, and

Whereas, The construction of said dam as contemplated will inundate the Borough of Summerville, portions of Union and Silver and Clover townships, in Jefferson County, and

Whereas, The assessed valuation of the land which will be inundated will total approximately one million dollars, which is approximately five per cent of the total assessed valuation of Jefferson County, and

Whereas, Said inundation will cause the loss of manufacturing plants employing over two hundred persons, and

Whereas, The Commissioners of Jefferson County are not objecting to the principles of flood control, but are for plans and ways and means of flood control with the least property damage, and

Whereas, The Honorable Henry I. Wilson, Representative in the General Assembly from Jefferson County, has suggested the building of a greater number of smaller dams on Red Bank Creek in order that less damage will be caused to the real estate in Jefferson County by inundation and otherwise:

Now, therefore, be it Resolved, by the Commissioners of Jefferson County, in regular session assembled this 23rd day of February 1937, in their offices in the Court House at Brookville, Jefferson County, Pennsylvania, that they request Federal engineers and the Committee on Forestry in the House of Representatives and other officials directing the Flood Control Program of Pennsylvania to devise ways and means of controlling the flood waters on Red Bank Creek, a tributary of the Allegheny River, by providing for the construction of a greater number of smaller dams in order that less damage will be done to real estate in Jefferson County.

(Signed)
M. C. SUTTER
G. O. SCHUCKERS
S. EMORY KUNTZ
Commissioners.

Attest: MARGARET E. LEACH,
Commissioners' Clerk.

I do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the County Commissioners of Jefferson County at a regular meeting held on the 23rd day of February 1937, in their offices in the Court House at Brookville, Jefferson County, Pennsylvania.

[SEAL] MARGARET E. LEECH.
Commissioners' Clerk.

I want to call your attention to the fact that the improvement on the dam at the Mahoning stream will do the same thing. It goes into Indiana County and into Jefferson and possibly a part of Clarion County. The neighborhood will suffer greatly and we believe that these plans are not the best plans that could be adopted. The only reason that I am speaking at this time is that it has been announced that those are the plans that are to be carried through and no reference was made to the damage that would be done. Four million dollars on the western watershed will only pay for two of these dams, to get the right of way, and will result in that much less assessed valuation, as I have already stated.

I place this matter before the House and ask you to consider it, nad understand that I vote against this bill against my own opinion, because of the fact that I am for flood control, but this particular manner of handling it, if it is to be handled, is not such as I care to endorse.

Mr. STOCKMAN. Mr. Speaker and members of the House, I want to make perfectly clear in concluding, a matter that I did not take up in my remarks, that I am for this bill, its necessity of passage. However, I feel that we should hold the passage and the appropriation of this money until we have had some contact with the Federal authority in an endeavor to save this expenditure, if possible. That is my appeal. I am not criticizing any of the plans of the army engineers or the Department of Forests and Waters engineers. That is a matter for them to decide, but I do think that it might be well for us to hold up on this until we can make some proper contact to save what we can.

On the question, recurring.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201.

Achterman,	Ganser,	McGee,	Siegel,
Alexander,	Gerard,	McKinney,	Simon,
Allmond,	Gillette,	McShane,	Simpson,
Arnold,	Gorski,	Melchiorre,	Skale,
Aukerman,	Habbyshaw,	Mellott,	Sloan,
Baine,	Haberlen,	Merrell,	Smith, James A.,
Baker, J. J.,	Hagerty,	Mihm,	Smith, John A.,
Balthaser	Hall,	Moomaw,	Snyder,
Bierly,	Hamilton, F. P.,	Mooney,	Sollenberger,
Blank,	Hamilton, R. S.,	Moran,	Spengler,
Bohn,	Harkins,	Moul,	Stackpole,
Boies,	Harmuth,	Munley,	Stank,
Boltz,	Hays,	Murrin,	Stewart,
Boyer,	Hering,	Nagel,	Stockham,
Bradley,	Hess,	O'Brien,	Strode,
Brancato,	Hetrick,	O'Connor,	Terry,
Brigerman,	Hindman,	O'Keefe,	Thomas,
Broad,	Hirsch,	Ominsky,	Thompson,
Brown,	Holland,	O'Neill,	Toole,
Brownfield,	Holmes,	Ostroff,	Tronzo,
Burrows,	Holstrom,	Patterson, C. S.,	Trout,
Cadwalader,	Horting,	Patterson, J. W.,	Tumelty,
Caesar,	Huntley,	Peale,	Valibus,
Caputo,	Imbrie,	Pearson,	VanAllsburg,
Chervenak,	Jirolanio,	Perry,	VanSickle,
Coakley,	Kane,	Pershing,	Vogt,
Cohen, H. B.,	Keenan,	Piole,	Wagner,
Cohen, R. E.,	Kelso,	Powers,	Wall,
Coleman,	Kilroy,	Preston,	Walsh,
Coolahan,	Kline,	Readinger,	Wampole,
Corrigan,	Kroll,	Reese,	Watkins,
Costanzo,	LaRue,	Reising,	Webster,
Davies,	Leisey,	Richter,	Weidemann,
Decker,	Levy,	Robinson,	Weiss, D. H.,
DeNote,	Lewis,	Rothenberger,	Weiss, S. A.,
Dickinson,	Long,	Royer,	Welliver,
Donohoe,	Longaker,	Ruffennach,	Welsh,
Dougherty,	Lopresti,	Rush,	Westrick,
Downey,	Lovett,	Sarraf,	Whalen,
Dubbs,	Lyons,	Scanlon,	Whitenight,
Dyson,	Mallen,	Schor,	Winner,
Eckels,	Marino,	Schrock,	Wood,
Elpern,	Matthews, H. T.,	Schrope,	Woodside,
Falkenstein,	Matthews, J. F.,	Schumacher,	Wright,
Finnerty,	McArdle,	Serrill,	Yanoshat,

Fiss,	McCullough,	Shaw,	Yeakel,
Fitch,	McDermott,	Shea,	Yourishin,
Flanagan,	McDevitt,	Shepard,	Zappala,
Flannery,	McElroy,	Shoemaker,	Furman,
Flinchbaugh,	McFall,	Shugarts,	

NAYS—4.

Muir,	Sproul,	Turner,	Wilson,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1059 (Senate Bill No. 276), entitled

An Act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number 102 approved thirteenth one thousand nine hundred thirty-seven

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

MOTION TO POSTPONE BILL

Mr. TURNER. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. OMINSKY. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware, Mr. Turner, permit himself to be interrogated.

Mr. TURNER. I will, Mr. Speaker.

Mr. OMINSKY. Mr. Speaker, may I ask the gentleman from Delaware, Mr. Turner, the purpose for which he has requested this bill to be put on the postponed calendar?

Mr. TURNER. Mr. Speaker, I am very glad that the gentleman from Philadelphia, has asked me that question.

I have heard a great deal of comment on both sides of this House as to the amount of this appropriation $25,000 for this committee. I understand in the original resolution there was no provision for the expenditure of any money. We are now asked to appropriate $25,000 which is far beyond any investigating committee that I have known at any time in the history of my experience in this House. Therefore, I thought I was being kind to the Speaker in asking a few moments ago if he would not desist in following the proceedings and stop me from making a speech, and therefore, I would like to ask that this be placed on the postponed calendar because we can talk it over a bit.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the noes appeared to have it.

Whereupon a division was called for.

MOTION WITHDRAWN

Mr. TURNER. Mr. Speaker, at the request of the very amicable gentleman from Philadelphia, Mr. Ominsky, I withdraw my motion to place this bill on the postponed calendar, as the gentleman says he will let it go over in its order.

BILL PASSED OVER IN ORDER

Mr. OMINSKY asked and obtained permission for House Bill No. 1059, Senate Bill No. 276, Printer's No. 63, to be passed over in its order.

The SPEAKER asked and obtained permission for House Bill No. 115, Printer's No. 255 to be passed over in its order.

The SPEAKER (Roy E. Furman) in the Chair.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 111, entitled:

An Act to amend section four hundred six of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the re-settlement of accounts and appeals to the courts, refunds, of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth", by making further provision for the appointment of mercantile appraisers.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 228, entitled:

An Act imposing an annual license tax for the privilege of operating, maintaining or controlling within this Commonwealth a store or stores as herein defined; prescribing the method and manner of collecting such tax and its disposition; and providing penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1128, entitled:

An Act requiring unemployment relief orders to be presented for payment within a certain period, otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation for unemployment relief purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 602, entitled:

An Act to amend section one thousand one hundred and two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one, (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," empowering directors of departments to appoint persons employed in their departments; and assigning the fire department to the department of public safety.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 917, entitled:

An Act providing for the licensing of all persons engaged as blasters, except in anthracite or bituminous coal mines or on farms; requiring examination for such license; providing for the payment of a fee for examination and for the issuance and renewal of licenses; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS INTRODUCED AND REFERRED

By Mr. HERBERT B. COHEN. HOUSE BILL No. 1320.

An Act to amend section five hundred twenty, section five hundred thirty as amended and sections seven hundred three and two thousand twelve of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto," providing for the election of auditors, for vacancies in office of commissioners, for compensation to township commissioners, and fixing the width of public roads, streets, lanes and alleys.

Referred to the Committee on Townships.

By Mr. HERBERT B. COHEN. HOUSE BILL No. 1321.

An Act to amend section one thousand eight hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," as amended, by abolishing the right of taxpayers to prevent the letting of certain contracts.

Referred to the Committee on Townships.

By Mr. HERBERT B. COHEN. HOUSE BILL No. 1322.

An Act to repeal sections two thousand ninety, two thousand ninety one, two thousand nintey-two, two thousand nintey-three, two thousand nintey-four, two thousand ninety-five, and two thousand ninety-six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," by abolishing the right of taxpayers to furnish all the materials and labor necessary for opening, making, amending and repairing the public highways and bridges of townships by petition and contract.

Referred to the Committee on Townships.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 545.

An Act to repeal section two of the act, approved the thirteenth day of June one thousand nine hundred and seven (P. L. 560), entitled "An act designating the offical flag of the Commonwealth of Pennsylvania and describing the same providing for the carrying of such flag by the regiments of the National Guard of Pennsylvania authorizing the Secretary of the Commonwealth to provide and have deposited in the office of the Secretary of the Commonwealth a model of said flag and making an appropriation therefor"

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 94.

A Joint Resolution proposing an amendment to section one Article eighteen of the Constitution of the Commonwealth of Pennsylvania.

HOUSE BILL No. 541.

An Act directing the Department of Military Affairs to select procure furnish and award certain decorations medals and badges.

HOUSE BILL No. 542.

An Act to amend the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and inposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," as amended, by further defining the rights, powers, duties, liabilities, and immunities of building and loan associations, and of their officers, directors, shareholders, solicitors, and other employes; and by further regulating the merger and consolidation of building and loan associations and the creation of building and loan associations by merger, consolidation or conversion; and by providing for the reorganization of building and loan associations; and by providing for the conversion of building and loan associations into Federal savings and loan associations.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Banking will meet tomorrow at 12:00 o'clock noon in Room 325.

The Committee on Corporations will meet tomorrow at 12:00 p. m. in Room 245.

The Committee on Counties will meet tomorrow at 10:00 a. m. in Room 324.

The Committee on Education will meet tomorrow at 10:00 a. m. in the House Caucus Room.

The Committee on Elections will meet tomorrow at 11:00 a. m. in Room 301.

The Committee on Highways will meet tomorrow at 11:00 a. m. in Room 323.

The Committee on Insurance will meet tomorrow at 12:00 o'clock in Room 324.

The Committee on Judiciary General will meet tomorrow at 11:00 a. m. in Room 325.

The Committee on Labor will not meet tomorrow.

The Committee on Mines and Mining will meet immediately after this session.

The Committee on Motor Vehicles will meet tomorrow at 10:00 a. m. in Room 323.

The Committee on Public Health and Sanitation will meet tomorrow at 12:30 p. m. in Room 544.

The scheduled meeting for the Committee on Public Utilities has been cancelled.

The Committee on State Government will meet tomorrow at 11:00 a. m. in Room 521.

The Committee on Townships will meet tomorrow at 11:45 a. m. in Room 324.

The Committee on Welfare will meet tomorrow at 12:00 o'clock in Room 301.

The sub-committee of the Committee on Agriculture on milk control will meet at 8:00 p. m. in Room 521.

Tickets for the biennial dinner of the Legislative Sons of St. Patrick to be held at the Penn-Harris Hotel, March 16, are now available. They can be obtained in the House from Mr. O'Neill, Mr. Finnerty or Mr. McDevitt, co-chairmen of the committee. It is advisable that early reservations be made.

Harrisburg Lodge No. 12, B. P. O. E. kindly invites all members of the House to a fish dinner between the hours of six and eight o'clock this evening at their temple.

The hearing on the Moomaw-Moran Bill No. 500 has been postponed until Tuesday, March 23, 1937 at 8:00 p. m. in the Hall of the House.

There will be a hearing tonight at 7:00 p. m. on House Bill No. 64 before the Committee on Counties in the House Caucus Room.

There will be a hearing tonight at 8:00 p. m. on House Bill No. 851 before the Committee on Public Utilities in the Hall of the House.

Therewill be a demonstation by moving pictures on the electric roll call machines before the Committee on State Government on Wednesday, March 10, at 11:00 a. m. in the House Caucus Room.

ADJOURNMENT

Mr. HOLMES. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 6:29 p. m.) the House adjourned until Wednesday, March 10, 1937, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., WEDNESDAY, MARCH 10, 1937. No. 28.

SENATE

WEDNESDAY, March 10, 1937

The Senate met at 12 o'clock a. m.

The PRESIDENT PRO-TEMPORE (Mr. Harvey Huffman) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, LL. D., offered the following prayer.

Our Father, as a privilege, rather than a duty, we come to Thee in thanksgiving and prayer.

Often, with the manna of Thy grace about us, our lives are scant and lean. We have not, because we ask not; and even though we ask, we receive not, because we ask amiss, for we would not consume Thy bounty upon our own desires.

In the name of the Great Unselfish One, may we envision Thy purpose in the challenge of the Cross.

Help us to glorify the Royal Law, "Thou shalt love thy neighbor as thyself." Into the laws of all lands, and the life of Thy world, may we write Thy love in letters of living light. In His Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. DiSILVESTRO, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

OPPOSING PASSAGE OF HOUSE BILL 215

The Chair cleared the table and laid before the Senate the following:

Resolution of the Council of the Borough of Vandergrift opposing passage of House Bill 215, or any other legislation designed to bring about the constitutional or statutory over-all tax limitation.

URGING APPROVAL OF THE MERIT SYSTEM

Comunications from the Pennsylvania State Nurses Association, Alumni of the Hahnemann Hospital, The Wilkes-Barre General Hospital Association, the Alumni of the Westside Hospital, Scranton; Nesbit Alumni Association of Nurses, Kingston, Pa.; Scranton State Hospital Nurses Association, The Alumni Association of the Moses Taylor Hospital, Scranton, Pa., urging approval of the merit system in the "Federation Report."

REQUESTING AMENDMENT TO THE "FINANCIAL RESPONSIBILITY ACT OF MAY 15, 1933

Communications and resolutions from the following organizations urging that the Legislature amend the act of May 15, 1933, known as the "Financial Responsibility Act":

Local No. 470 Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of Philadelphia, Pa.

The Laundry Drivers Local 187 of Philadelphia, Pa.

The Taxi Cab Drivers Union Local 156 of Philadelphia, Pa.

OPPOSING PASSAGE OF SENATE BILL 213

Communication from the Federation of Trades Council opposing the passage of Senate Bill No. 213, which would amend Act 589, July 2, 1935, in reference to the milk industry.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILL No. 203

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 9, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 203, Printer's No. 61, entitled, "A Joint Resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer general jail delivery and quarter sessions of the peace in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia with special reference to the prosecution trial and disposition of all criminal cases and the probation and parole of persons guilty of crime conferring upon the commission full power to issue subpoenas requiring the commission if possible to make a report of its findings to the present session of the General Assembly together with its recommendations as to such legislation as may be necessary or desirable otherwise to make such report and recommendations to the Governor authorizing the commission to employ counsel and employes and making an appropriation."

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

TRUSTEES MOTHER ASSISTANCE FUND CRAWFORD COUNTY

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 10, 1937

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of the Mother's Assistance Fund of Crawford County:

(Mrs.) Effie Leberman, of Meadville, until June 1, 1937, and until her successor is duly appointed and qualified, vice Mrs. Bertha E. Elston, of Spartansburg.

(Mrs.) Marian Courtney, of Meadville, until June 1, 1939, and until her successor is duly appointed and qualified vice Mrs. Clara M. Allison, of Cochranton.

GEORGE H. EARLE

NOTARIES PUBLIC

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 10, 1937

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

ELK COUNTY

Alfred Straub, St. Marys March 13, 1937.

PHILADELPHIA COUNTY

Claus J Anderson, 1616 Walnut St., Philadelphia, March 14, 1937.

Miss Adelaide S. Coulter, 5000 Baltimore Ave., Philadelphia, March 14, 1937.

CLARION COUNTY

Foster M. Mohney, Clarion, March 15, 1937.

ALLEGHENY COUNTY

Frederick P. Fuller, 6101 Penn Ave., Pittsburgh, March 16, 1937.

LANCASTER COUNTY

Walter A. Herr, Lancaster, March 16, 1937.

ALLEGHENY COUNTY

Samuel Papernick, Glassport, April 4, 1937.

PHILADELPHIA COUNTY

Howard T. Long, Packard Bldg., Philadelphia, April 4, 1937

WESTMORELAND COUNTY

W R Stephens, Monessen, April 5, 1937

ERIE COUNTY

Mrs. Angelene Eagan, Erie, April 11, 1937.

WASHINGTON COUNTY

Mrs. Alma Wagner, Cecil Twp., Cecil, April 11, 1937.

GEORGE H. EARLE

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 10, 1937

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

George M. Brenlove, City-County Bldg., Pittsburgh.
John E. Dunn, 846 Jancey St., Pittsburgh.
Mrs. Eleanor Johnson, 5538 Jackson St., Pittsburgh.
Miss Dorothea C. Larimer, 1921 Brownsville Rd., Pittsburgh.
Miss Clara E. Weigand, 5607 Baum Blvd., Pittsburgh.
Mrs. Kathryn M. Paxton, Wilkinsburg.

CAMBRIA COUNTY

Miss Anne Koscho, Blacklick Twp., Twin Rocks.

LACKAWANNA COUNTY

Miss Dorothy E. Judge, Carbondale.

LUZERNE COUNTY

Miss Lorraine E. Meiss, Wilkes-Barre.

PHILADELPHIA COUNTY

Robert W. Atkinson, Lafayette Bldg., Philadelphia.
Albert F. Brown, Real Estate Trust Bldg., Philadelphia.
Samuel Cohn, Bankers Securities Bldg., Philadelphia.
Rubin L. Comer, 811 W. Moyamensing Ave., Philadelphia.
Charles B. Ester, Drexel Bldg., Philadelphia.
J. Raymond Kelly, 2017 N. 63rd St., Philadelphia.
Charles H. Moore, 683 Drexel Bldg., Philadelphia.
Robert Pritsker, 530 South St., Philadelphia.

WESTMORELAND COUNTY

M. H. Claster, New Kensington.

YORK COUNTY

J. Harold Trattner, York.

GEORGE H. EARLE

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House of Representatives as follows:

House Bill No. 99, (Senate Bill No. 488), entitled:

An Act to reenact and amend the title and the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736), entitled "Workmen's Compensation Act of 1915," by making the present schedule of compensation compulsory upon all employes; changing, adding to and increasing the schedules of compensation; prescribing and changing certain presumptions and rules of evidence; increasing the requirements to be met by employers desiring to be self-insurers; conferring certain powers and duties upon the Department of Labor and Industry; imposing additional duties and liabilities upon employers and insurance carriers, including the cost of administering the workmen's compensation system including the rehabilitation of employes; providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes, and for the payment of re-opened cases after a certain lapse of time, by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents;

mposing new and changing certain existing penalties; nd generally amending, clarifying and changing the pro- isions of said act.

Which was committed to the Committee on Labor and ndustry.

House Bill No. 177, (Senate Bill No. 489), entitled:

An Act to amend section two of the act approved the wenty-second day of June, one thousand nine hundred nd thirty-one (P. L. 682), entitled as amended "An act elating to domestic animals, and providing for their ap- raisement when condemned to prevent the spread of isease; and regulating payments by the Commonwealth n such cases, and the payment of salvage by butchers," s amended, by changing the amount of compensation in ertain cases.

Which was committed to the Committee on Agriculture.

House Bill No. 257, (Senate Bill No. 490), entitled:

An Act to amend clause (b) of section four, article two f the act, approved the twenty-fifth day of June, one housand nine hundred and nineteen (P. L. 581), entitled First Class City Charter Law" as amended, changing the rder in which officers of such cities shall act as mayor in ase of a vacancy or disability of the mayor to act.

Which was committed to the Committee on City Govern- nent.

House Bill No. 359, (Senate Bill No. 491), entitled:

An Act to amend section three of the act, approved the ourth day of April, one thousand nine hundred and wenty-five (P. L. 127), entitled "An act relating to adop- ion," by changing the requirements as to appearance and xamination under oath in the case of certain children.

Which was committed to the Committee on Judiciary General.

House Bill No. 390, (Senate Bill No. 492), entitled:

An Act relating to the performance of industrial work n homes; regulating, and, in certain cases, prohibiting in- lustrial homework; imposing duties, restrictions and lia- ilities on industrial home-workers and on persons, part- nerships, associations and corporations, directly or in- irectly, furnishing materials and articles to home- workers for manufacture or work thereon; requiring per- mits and home-workers' certificates and prescribing the ees therefor; imposing an excise tax, and providing for he collection thereof; conferring powers and imposing uties on the Department of Revenue; and prescribing enalties.

Which was committed to the Committee on Finance.

House Bill No. 507, (Senate Bill No. 493), entitled:

An Act prohibiting in cities of the first class, the further se of structures for human habitation after they have een condemned for such use; and providing penalties.

Which was committed to the Committee on City Gov- rnment.

House Bill No. 557, (Senate Bill No. 494), entitled:

An Act making an appropriation to the Water and Power Resources Board for payment into the Flood Control Fund or flood control purposes.

Which was committed to the Committee on Appropria- ions.

House Bill No. 569, (Senate Bill No. 495), entitled:

An Act to amend sections three and nine of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 650), entitled "An act requiring persons, associations, partnerships, and corporations, and their agents, herein defined as dealers and brokers, engaging in the business of buying, receiving, selling, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer of certain domestic animals, to be licensed by the Department of Agriculture; providing for the revocation of such licensees; imposing certain duties on such dealers and brokers and their agents, conferring powers on said department; and providing penalties;" by providing for the payment of license fees for dealers and brokers and their agents.

Which was committed to the Committee on Agriculture.

House Bill No. 587, (Senate Bill No. 496), entitled:

An Act to re-enact and amend the title and the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three, (P. L. 906) entitled "An act making it unlawful to unnecessarily crop or cut off the ear or ears of dogs, or to show or exhibit such dogs, and providing for the registration of dogs so cut or cropped before this act becomes effective with the county treasurer;" authorizing the cropping of the ears of dogs by duly licensed veterinarians; and requiring the possession of certificates to show that dogs ears were lawfully cropped.

Which was committed to the Committee on Agriculture.

House Bill No. 617, (Senate Bill No. 497), entitled:

An Act to amend section nine of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," regulating physical examination of applicants.

Which was committed to the Committee on Municipal Government.

House Bill No. 690, (Senate Bill No. 498), entitled:

An Act to amend section twelve of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "Divorce Law," as amended, providing for the annulment of certain voidable marriages.

Which was committed to the Committee on Judiciary General.

House Bill No. 853, (Senate Bill No. 499), entitled:

An Act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by counties, cities, boroughs, towns, townships, school districts, poor districts and other incorporated districts of this Commonwealth, for public works projects.

Which was committed to the Committee on Municipal Government.

House Bill No. 854, (Senate Bill No. 500), entitled:

An Act simplifying the procedure for the construction and financing of public works projects by municipalities; enabling municipalities to make and perform contracts with Federal agencies, relating to the construction and financing of such projects; and conferring additional powers upon municipalities.

Which was committed to the Committee on Municipal Government.

House Bill No. 856, (Senate Bill No. 501), entitled:

An Act to authorize cities, other than those of the first class, to construct or acquire waterworks, subways, underground railways or street railways, and the appurtances thereof, and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenues thereof, secured solely by liens upon the respective properties, and imposing no municipal liability; providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof, and the nature and extent of such lien; and providing for the payment of such bonds and the rights of the holders thereof.

Which was committed to the Committee on Municipal Government.

House Bill No. 868, (Senate Bill No. 502), entitled:

An Act to prohibit the wilful and malicious breaking or destruction of milk bottles or other dairy product containers; and prescribing fines or penalties therefor.

Which was committed to the Committee on Judiciary General.

House Bill No. 914, (Senate Bill No. 503), entitled:

An Act requiring the Department of Public Instruction to collect past due fees and penalties before issuing renewal license or registration certificates to persons engaged in professions, trades or occupations requiring such renewals.

Which was committed to the Committee on State Boards.

House Bill No. 915, (Senate Bill No. 504), entitled:

An Act authorizing the Department of Public Instruction to fix the annual expiration date for licenses and registration certificates for professions, trades and occupations.

Which was committed to the Committee on State Boards.

House Bill No. 925, (Senate Bill No. 505), entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to accept and place in the corridor of the Capitol a plaque commemorating the services of Dr. Joseph Kalbfuss.

Which was committed to the Committee on Game and Fisheries.

House Bill No. 1051, (Senate Bill No. 506), entitled:

An Act to amend section one, section two, and section five of an act approved the twenty-fifth day of June one thousand nine hundred and thirteen (P. L. 555) entitled "An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of this Commonwealth; resting certain powers to the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof" defining water obstructions and enlarging the powers of the Water and Power Resources Board.

Which was committed to the Committee on Forests and Waters.

House Bill No. 1054, (Senate Bill No. 507), entitled:

An Act to amend section seven as amended, sections nine and thirteen, section fourteen and eighteen as amended, section nineteen, and sections twenty-one and twenty-two as amended, of the act, approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900), entitled "Vital Statistics Law," by further regulating the contents and registration of birth certificates and death certificates, and the giving of certified copies thereof; providing for the registration of birth certificates of children of citizens born beyond the limits of the United States and of special certificates for adopted children, and fixing fees for certified copies thereof; imposing additional duties upon the local registrars and providing compensation therefor, payable by the Commonwealth; authorizing the Department of Health to issue certified copies of the records of local registrars in cities of the first class; and increasing existing penalties and imposing new penalties.

Which was committed to the Committee on Public Health.

House Bill No. 1160, (Senate Bill No. 508), entitled:

An Act prohibiting the employment of miners, a miner being any underground worker, in bituminous coal mines, unless certificated by a miner's examining board. Providing for the appointment of such boards and defining their powers and duties and providing penalties.

Which was committed to the Committee on Appropriations.

REPORT FROM COMMITTEE

Mr. LAW, from the Committee on Military Affairs, reported as committed, Senate Bill No. 451, (House Bill No. 548), entitled:

An Act providing for the organization government discipline maintenance and regulation of an additional land force to be known as the Pennsylvania Reserve Militia for the defense of the Commonwealth during any war in which the United States may be engaged.

HOUSE CONCURS IN SENATE BILL No. 54

He also returned to the Senate, Senate Bill No. 54, entitled:

An Act to amend section one of the act, approved the tenth day of April one thousand nine hundred thirty-one (P. L. 23), entitled as amended "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute, located on the left bank of Oil Creek, in Oil Creek Township or Cherry Tree Township, or both, Venango County, to establish the Drake Well Memorial Park, under the control and supervision of the Department of Forests and Waters; empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth; and making an appropriation," as amended; by increasing the area of said park.

with the information that the House has passed the same without amendment.

BILLS INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 509 entitled:

A Joint Resolution proposing an amendment to Section four, Article nine of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

Mr. MALLERY read in his place and presented to the Chair Senate Bill No. 510 entitled:

An Act making an appropriation to the J. C. Blair Memorial Hospital, Huntingdon, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 511 entitled:

An Act making an appropriation to the Berks County Tuberculosis Sanatorium, Reading, Berks County, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair Senate Bill No. 512 entitled:

An Act making an appropriation to the Department of Public Instruction for the purpose of purchasing demonstrating fire apparatus and equipment, and for expenses in connection with the use and operation thereof.

Which was committed to the Committee on Appropriations.

Mr. SONES read in his place and presented to the Chair Senate Bill No. 513 entitled:

An Act making an appropriation to the Florence Crittenton Mission, Williamsport, Pennsylvania.

Which was committed to the Committee on Appropriations.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 29, as follows:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number six and providing for the election and appointment of judges for said court

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there shall be and hereby is established in the County of Philadelphia a distinct and separate court of common pleas to be designated court of common pleas number six of Philadelphia County composed of three judges learned in the law who shall hold office for the same term and with like powers duties authority and compensation and with like and equal constitution and coordinate jurisdiction with courts of common pleas numbers one two three four and five of said county and the judges thereof respectively

Section 2 Three judges of the said court of common pleas number six of Philadelphia County learned in the law shall be elected by the duly qualified electors of said county at the next municipal election in November one thousand nine hundred thirty-seven and the three candidates who then receive the highest vote shall be declared elected one of said judges to be designated as required by the Constitution of the Commonwealth shall be president judge of said court Said judges shall be duly commissioned as judges aforesaid and shall enter upon the discharge of their duties respectively on the first Monday of January next following their election The successors of said judges respectively shall be elected or appointed as required by law

Section 3 The Governor is hereby authorized to appoint three competent persons learned in the law as judges of said court until the first Monday of January succeeding the next municipal election one of whom shall be designated as president judge for said period

Section 4 All acts or parts of acts inconsistent herewith are hereby repealed

Section 5 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, this is the bill creating an additional Common Pleas Court in Philadelphia County. I opposed this bill at the time of its passage in the Senate, and it has come back here—perhaps on the principle of chickens coming home to roost. Speaking of that reminds me—I often think of the General Assembly as a hen sitting, or setting, on a nest, hatching out executive eggs; and some of these eggs are good and some are rotten, and many of them are nest eggs. Now, we are unscrambling courts, and this is the other way around, this is scrambling a court.

We have in Philadelphia Mr. John B. Kelly, who is our Peerless Leader, and who, himself, has adopted the epithet of Jack the Ripper. When he is not at the Executive Mansion I see Mr. Kelly breakfasting with Governor Earle at the Bellevue-Stratford, and deciding what eggs are to be hatched out by the General Assembly; but you remember that phrase—that proverb, "Do not count your chickens before they are hatched." The other morning I read in the daily press that the Governor and Mr. Kelly—

The PRESIDENT. The Chair reminds the Senator that the question before the Senate is as to whether the Senate shall pass finally the bill as amended in the House.

Mr. WOODWARD. Yes, Mr. President, I will speak on the bill in a moment. I am against the amendment, and I am against the whole bill, which includes the amendment, because I think it certainly must be unconstitutional to appoint judges to courts that are not in existence. The Governor selected eleven judges for three courts, of which this is one; three in the Family Relations Court, five in the Court of Small Claims, and three in this No. 6 Court of Common Pleas. They are all selected, whereas the Assembly has not yet created these courts.

The PRESIDENT. The Chair again reminds the Senator that the only question before the Senate is this bill, not the Family Relations Court or the Court of Small Claims The Senator is not talking on the bill.

Mr. WOODWARD. Mr. President, the amendment is to make this bill immediately operative, is it not?

The PRESIDENT. It is.

Mr. WOODWARD. Well, Mr. President, I am speaking against that. I do not want it immediately or eventually. I have only a few more words, Mr. President. I do not want to oppose—I do not want to oppose any measure which would enable my colleague, the Senator from Philadelphia, Mr. Shapiro, to be a judge in the Common Pleas Court, or my friend Mr. Ladner; and, in fact, the Governor has appointed as President Judge of this court Mr. Goodrich, who is my tenant, and if the President Judge gets $14,000, or $15,000, of course I will get my rent; so I am really going against my own interest.

That is destructive criticism. Now the constructive criticism is, if you set up one Common Pleas Court throughout the State in 1939, you need not set up an additional, a No. 6, Common Pleas Court in Philadelphia at this time. The Governor, in his budget message, said that it will take $535,000,000 to run this government, and we spend $5,000,000 additional for the courts, and each of these additional judges would get $15,000, and I think that can be saved.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Cavalcante,	Huffman,	McCreesh,	Rodgers,
Dando,	Jacobs,	McGinnis,	Rupp,
Dent,	Jaspan,	Mundy,	Ruth,
DiSilvestro,	Kahle,	Pytko,	Shapiro,
Eroe,	Kilgallen,	Rankin,	Sones,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Law,	Rice,	Thompson,
Henney,	Mallery,	Roberts,	Wolfenden,
Heyburn,			

NAYS—7

Buckman,	Ealy,	Homsher,	Woodward,
Deitrick,	Gelder,	Owlett,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 77, as follows:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" empowering counties of the second class to employ police officers at the expense of such counties and defining their powers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding thereto the following new section to read as follows

(q) Police in counties of the Second Class

Section 330 Employment of police in Counties of the Second Class The county commissioners of counties of the second class shall have power to employ such number of police at such annual compensation as may be allowed and fixed by the salary board of the county The compensation of such police officers shall be paid by the county Such police officers shall have jurisdiction any where within the county by which employed and shall have and possess all the following powers

(a) To make arrests without warrant for all violations of the laws which they may witness and to serve and execute warrants issued by the proper authorities Provided however That in cases of offenses for violation of any of the provisions of the Vehicle Code the power to make arrests without warrant shall be limited to cases where the offense is designated a felony or a misdemeanor or in cases causing or contributing to an accident resulting in injury or death to any person

(b) To have all the powers and prerogatives conferred by law upon members of the police force of cities of the first class

(c) To have all the powers and prerogatives conferred by law upon constables of the Commonwealth

(d) To serve subpoenas issued for any examination investigation or trial had pursuant to any law of the Commonwealth

Section 2 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Buckman,	Gilson,	Law,	Rupp,
Cavalcante,	Haluska,	Mallery,	Ruth,
Dando,	Henney,	McCreesh,	Shapiro,
Deitrick,	Heyburn,	McGinnis,	Sones,
Dent,	Homsher,	Mundy,	Stiefel,
DiSilvestro,	Jacobs,	Owlett,	Thompson,
Ealy,	Jaspan,	Pytko,	Wolfenden,
Eroe,	Kahle,	Rankin,	Woodward,
Frey,	Kilgallen,	Rice,	Huffman,
Gelder,	Kunkel,	Rodgers,	

NAYS—1

Reed,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 177, as follows:

An Act prohibiting persons and officers from hiring requesting and inducing minors to purchase spirituous vinous or brewed and malt liquors.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person or officer to hire or request or induce any minor to purchase or offer to purchase spirituous vinous or brewed and malt liquors from a duly licensed dealer for any purpose whatsoever Any person violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of five hundred dolars ($500) or to suffer imprisonment not exceeding one year or both at the discretion of the court

Section 2 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Buckman,	Henney,	Mallery,	Rodgers,
Cavalcante	Heyburn,	McCreesh,	Rupp,
Dando,	Homsher,	McGinnis,	Ruth,
Deitrick,	Howell,	Mundy,	Salus,
Dent,	Jacobs,	Owlett,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Woodward,
Gilson,	Law,	Roberts,	Huffman,
Haluska,			

NAYS—2

Wolfenden, Gelder,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 197, as follows:

An Act to amend section one of the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1379) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such board regulating the assessment of persons property and occupations for county borough town township school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuations for taxation is concerned and providing for the acceptance of this act by cities" providing for the appointment of the members of the boards for the assessment and revision of taxes by the Auditor General of the Commonwealth terminating the terms of the existing members of such boards and fixing the membership of the county salary boards for certain purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1379) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such boards regulating the assessment of persons property and occupations for county borough town township school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuations for taxation is concerned and providing for the acceptance of this act by cities" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all counties of the third class in this Commonwealth there is hereby created a board to be known as the Board for the Assessment and Revision of Taxes which shall be composed of three members residents of the county for which appointed one of whom shall be of the minor political party The members of said board shall be appointed by the [county commissioners of such counties] Auditor General of the Commonwealth to serve for terms of four years each Vacancies happening in said office shall be filled by appointment by the [county commissioners] Auditor General for the unexpired terms The salary of the members of said board shall be fixed by the salary board of the county Whenever the salary board shall be convened for the purpose of fixing salaries under this act or the act to which this is an amendment the members of the board for the assessment and revision of taxes shall become members of the salary board of the county with the same power as now conferred by law on the other members of the salary board of the county

[The terms of office of persons any now acting as members of any such board for the assessment and revision of taxes in any such county of the third class shall cease and terminate and the duties and terms of the borough ward and township assessors in such counties so far as assessments for taxation are concerned shall cease and terminate upon the passage and approval of this act by the Governor]

Section 2 Upon the effective date of this act the terms of the members of the board of revision of taxes in counties of the third class shall cease and terminate and the members appointed by the Auditor General shall take office for the term for which appointed They shall be entitled to the compensation theretofore fixed by the salary board for members of the board of revision of taxes until changed or altered under the provisions of this act All other appointees and employes of such boards shall continue to hold their respective positions and be entitled to receive the same compensation as now fixed by the salary board subject to removal by the board of revision provided for by this act and the fixing of their compensation by the salary board as provided in this act

Section 3 This act shall become effective on the first day of June one thousand nine hundred and thirty-seven except that the Auditor General shall have power to appoint the members of the board for the assessment and revision of taxes at any time prior to said date

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Cavalcante,	Henney,	McCreesh,	Rodgers,
Dando,	Heyburn,	McGinnis,	Rupp,
Dent,	Jacobs,	Mundy,	Ruth,
DiSilvestro,	Jaspan,	Pycko,	Shapiro,
Erce,	Kable,	Rankin,	Sones,
Frey,	Kilgallen,	Reed,	Stiefel,
Gilson,	Kunkel,	Rice,	Thompson,
Haluska,	Law,	Roberts,	Huffman,

NAYS—10

Buckman,	Gelder,	Owlett,	Wolfenden,
Deitrick,	Homsher,	Salus,	Woodward,
Ealy,	Mallery,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. RANKIN. Mr. President, I ask unanimous consent that Senate Bill No. 304, on third reading, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine, (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by adding thereto new sections, providing for the issuance of certificates of indebtedness or special revenue bills in counties of the second class; and providing that they shall not be subject to taxation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Agreeably to order.

The Senate resumed the consideration of Senate Bill No. 391 (House Bill No. 333), as follows:

An Act to repeal the act approved the twenty-second day of June one thousand eight hundred and ninety-seven (P. L. 178) entitled "An act taxing certain stocks of building and loan associations for State purposes" and presribing the effect of such repeal

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the Same That the act approved the twenty-

second day of June one thousand eight hundred and ninety-seven (P. L. 178) entitled "An act taxing certain stocks of building and loan associations for State purposes" is hereby repealed

Section 2 The repeal of said act shall not relieve any building and loan association from the payment of any taxes payable under the provisions of such repealed law for the tax year one thousand nine hundred and thirty-six on reports filed during the year one thousand nine hundred and thirty-seven nor for any previous tax year nor prevent or stop the collection of such taxes in accordance with existing laws in force at the date when this act becomes effective

Section 3 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as folows, viz:

YEAS—42

Buckman,	Haluska,	McCreesh,	Rupp,
Cavalcante,	Henney,	McGinnis,	Ruth,
Dando,	Heyburn,	Mundy,	Salus,
Deitrick,	Homsher,	Owlett,	Shapiro,
Dent,	Jacobs,	Pytko,	Sones,
DiSilvestro,	Jaspan,	Rankin,	Stiefel,
Ealy,	Kahle,	Reed,	Thompson,
Eroe,	Kilgallen,	Rice,	Wolfenden,
Frey,	Kunkel,	Roberts,	Woodward,
Gelder,	Law,	Rodgers,	Huffman,
Gilson,	Mallery,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments to which the concurrence of the House is requested.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 286, entitled:

An Act to amend the title and sections one, three, six, fifteen, sixteen and eighteen, and to repeal section nineteen of the act, approved the twenty-sixth day of June, one thousand nine hundred and thirty-one (P. L. 1379), entitled "An act creating in counties of the third class a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commissioners; providing for their salaries, payable by the county; abolishing existing boards; defining the powers and duties of such board; regulating the assessment of persons, property, and occupations for county, borough, town, township, school, and poor purposes; authorizing the appointment of subordinate assessors, a solicitor, engineers, and clerks; providing for their compensation payable by such counties, abolishing the office of ward, borough, and township assessors, so far as the making of assessments and valuation for taxation is concerned; and providing for the acceptance of this act by cities," making the provisions of said act mandatory in cities located in such counties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Buckman,	Henney,	McCreesh,	Rupp,
Cavalcante,	Heyburn,	McGinnis,	Ruth,
Dando,	Homsher,	Mundy,	Salus,
Dent,	Howell,	Owlett,	Shapiro,
DiSilvestro,	Jacobs,	Pytko,	Sones,
Ealy,	Jaspan,	Rankin,	Stiefel,
Eroe,	Kahle,	Reed,	Thompson,
Frey,	Kilgallen,	Rice,	Wolfenden,
Gelder,	Kunkel,	Roberts,	Woodward,
Gilson,	Law,	Rodgers,	Huffman,
Haluska,	Mallery,		

NAYS—1

Deitrick,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 316, entitled:

An Act providing a method through payroll deductions for the payment of delinquent taxes, penalties and interest and costs due to political subdivisions by public officers and employes paid from moneys in the treasury thereof; and conferring powers and imposing duties on the city controller, city treasurer, receiver of taxes and bonded paymasters.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. CAVALCANTE. Mr. President, I desire to interrogate the sponsor of this bill, the Senator from Indiana, Mr. Wolfenden.

The PRESIDENT. Will the Senator from Indiana, Mr. Wolfenden, permit himself to be interrogated?

Mr. WOLFENDEN. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, does this bill make it mandatory on the corporate authorities to deduct delinquent taxes from salaries of the employes, or does the Act merely make it discretionary?

Mr. WOLFENDEN. Mr. President, it makes it mandatory.

Mr. CAVALCANTE. Mr. President, notwithstanding the answer of the sponsor of the bill, a very careful reading of it indicates that the provisions are discretionary, and not mandatory. The bill gives to the corporate authorities levying the tax the power to collect, or to deduct from the salaries of employes that are paid out of the public fund, the delinquent taxes that may be due from those employes; but it does fix the limit of deduction that can be made, and fixes the limit at twenty per centum of the salary; and it invests the corporate authority, or the taxing power, with the right to say whether it shall deduct five per cent., ten per cent., fifteen or twenty.

Now, that particular feature of the bill opens up the door to the temptation of selecting the employees, and from the favored ones they will deduct five per cent., and from those that are not so favored they will deduct ten per cent. In other words, this bill, making it discretionary with the corporate authorities as to the percentage of delinquent taxes that may be deducted, will open the door to what we call, in our popular language a "racket," where it will permit the corporate authorities to favor those from whom they do not want to collect the delinquent taxes, and persecute those that might not be favored by them. That feature of the bill is very bad; it is indefensible.

The second objection to this bill is that it changes the mode of collection of the debt-collection of taxes. The bill is mistitled. This bill is, in fact, an attachment bill, permitting the municipalities, or the corporate authorities, to attach the wages of employes—something that has not been known heretofore.

The third very serious objection that we find to this bill is this, that it states the tax collector shall certify to the corporate authorities, or the taxing powers, the names of those who are delinquent in their taxes and who receive their salaries out of the township treasury; and then it makes the corporate authority the collector of the taxes. Illustrating that principal: here, we might say, is a school teacher who owes the township taxes. The duplicate is originally sent to the tax collector, and when he does not collect the taxes from the school teacher he merely certifies the fact to the School Board, and then the School Board becomes the tax collector in place of him who is the duly elected tax collector; and the School Board will take money out of the one pocket out of the school treasury, money they already have, and pay it over to the tax collector. The only thing that remains for him to do is to endorse the check over to the School Board and collect two per cent. commission on that money—money that the School Board already has in the school treasury. Yet this Act will require the School Board to make a warrant to the tax collector of that same money, and all the tax collector will do is endorse that check back to the School Board and collect his two per cent. commission for the collection of tax money,—on money that is already in the school treasury. And the same thing is true as to the Road Boards; this Act permits the same thing.

Another serious objection to this law is this: that it is not a general law but is a special law covering only a particular class of delinquent taxpayers. There would be no objection to a general law, but this Act merely applies to delinquent taxpayers who happen at the same time to be public employes; and that particular feature of the Act makes it contrary to the provisions of the Constitution; it is special legislation and class legislation.

Earlier in this session there was a similiar Act of Assembly introduced, and passed, applicable to the City of Philadelphia alone; and at that time I took occassion to say that it would not be very long until we would be flooded with further legislation along that line, covering other municipalities; and when we have passed this law—when we have passed this law giving the tax collector the right to attach the wages of these public employes, there is no logical, sensible reason why, then, we should oppose the demand of the groceryman, of the butcher, or of the milkman, who furnishes those essentials of living that keeps the delinquent taxpayer alive, keeps life, keeps warmth in his body, keeps him alive so he can pay taxes. If the municipality can attach wages for taxes, how can we deny the grocerman, the butcher, the milkman and the coalman from demanding the right to attach the wages of these employes, and other employes, so that they may get what is due them for furnishing to these employes, or the employes of others, the very necessities of life, that keep the delinquent taxpayers alive and able to work so that they can earn money to pay taxes? .

Mr. PRESIDENT, this bill, as well as the previous one covering the City of Philadelphia, I doubt very seriously whether we have given sufficient thought as to the future reactions and what these bills will lead us to. I have pointed out just merely the few objectional features. The one that is most noxious is the one that makes the corporate authorities the tax collectors for the tax collector, by merely writing for him a warrant on money that is already on the public till, so that the tax collector may just endorse that warrant, and keep out his two per cent, and return the warrant to the corporate authorities. And the second very noxious feature is that this Act violates the Constitution, and should not be passed.

Mr. WOLFENDEN. Mr. President, I desire to interrogate the Senator from Fayette, Mr. Cavalcante.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I will.

Mr. WOLFENDEN. Mr. President, does the Senator from Fayette not believe that the tax eater should pay for what he eats?

Mr. CAVALCANTE. Mr. President, the tax eater the Senator from Indiana is talking about is not fed by the person for whom he works, but it is the groceryman, the milkman and the man that furnishes the necessities of life that keeps him alive.

Mr. WOLFENDEN. Mr. President, is he not paying the same tax form which he receives his pay?

Mr. CAVALCANTE. Mr. President, that is true, but the man that pays that tax into the municipality is that groceryman, that butcher, that milkman and every other inhabitant of the township or the school district.

Mr. WOLFENDEN. Mr. President, interrogating further, if the Senator from Fayette had an employe who had obtained goods from him, or had borrowed money from him, would he not, if he had an equitable right, deduct that, or, at least, twenty per cent of that from his pay check, if the Senator, as his employer, were paying him?

Mr. CAVALCANTE. Mr. President, that right we have now in this Commonwealth; and in my own opinion the corporate authorities of the Commonwealth have the same right to deduct from the salaries of their employes any debt or claim they have against the employes—without the passage of this law.

Mr. WOLFENDEN. Mr. President, do I understand, from the Senator from Fayette, that this merely simplifies existing rights of a municipal subdivision?

Mr. CAVALCANTE. Mr. President, it may be declaratory of a right which they now have but which they do not exericse.

Mr. WOLFENDEN. Mr. Prseident, despite what the Senator from Fayette says I still maintain the Act is mandatory. It was so made, to eliminate the possibility of political preference, which he states might be possible. It was deliberately made mandatory. It says "shall", as you will read in the Act. That is the possibility of this type of legislation. In a garnishee proceding I do not think the point well taken. In the garnishee proceeding you have three parties—the employer, the employe and the person who makes the garnishment. Here you have simply the employer, which is the political subdivision of the State, and the employe; and we are simply asking the employer to make deduction from the wages of the employe of a percentage of the wages, in order that the debt of the employe to the fund from which he receives his wages may be paid. I do not see how this Act would have anything to do with the garnishee law.

I think the point is far fetched; and that this Act has nothing whatsoever to do with the garnishee law.

Mr. MALLERY. Mr. President, I feel impelled to say a word on this measure. As an attorney, I think I have yet the time to advise anyone who came into may office against paying an honest debt. We are levying taxes here, and I believe in everybody's paying his taxes; but as to those who derive their livelihood at the expense of the taxpayers, I certainly do believe that they should pay their own taxes.

Now, I know of several persons—I was surprised to have it brought to my attention—in my own county, and these employes are Republicans, and I do not intend to defend anyone, whether he be a Republican or a Democrat, if he is receiving his salary at the expense of the taxpayers, I believe he should pay his taxes; if he does not want to pay his taxes I think he should give up his employment; and if this bill makes him pay, I believe we should pass it.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Buckman,	Henney,	McCreesh,	Rupp,
Dando,	Heyburn,	McGinnis,	Ruth,
Deitrick,	Homsher,	Mundy,	Salus,
Dent,	Howell,	Owlett,	Shapiro,
DiSilvestro,	Jacobs,	Pytko,	Sones,
Ealy,	Jaspan,	Rankin,	Stiefel,
Eroe,	Kahle,	Reed,	Thompson,
Frey,	Kilgallen,	Rice,	Wolfenden,
Gelder,	Kunkel,	Roberts,	Woodward,
Gilson,	Law,	Rodgers,	Huffman,
Haluska,	Mallery,		

NAYS—1

Cavalcante,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 369, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by designating who shall be known as professional employees in the several school districts, and making provisions for their election and dismissal.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Cavalcante,	Henney,	McCreesh,	Rupp,
Dando,	Heyburn,	McGinnis,	Ruth,
Deitrick,	Howell,	Mundy,	Salus,
Dent,	Jacobs,	Owlett,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,
Gelder,	Kunkel,	Rice,	Wolfenden,
Gilson,	Law,	Roberts,	Woodward,
Haluska,	Mallery,	Rodgers,	Huffman,

NAYS—2

Buckman, Homsher,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 370, entitled:

An Act authorizing cities of the first class to set-off delinquent taxes and interest penalties and costs due thereon against claims and accounts due by such cities and prescribing the powers and duties of the city controller in such cases

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Buckman,	Henney,	McCreesh,	Rupp,
Dando,	Heyburn,	McGinnis,	Ruth,
Deitrick,	Homsher,	Mundy,	Salus,
Dent,	Howell,	Owlett,	Shapiro,
DiSilvestro,	Jacobs,	Pytko,	Sones,
Ealy,	Jaspan,	Rankin,	Stiefel,
Eroe,	Kahle,	Reed,	Thompson,
Frey,	Kilgallen,	Rice,	Wolfenden,
Gelder,	Kunkel,	Roberts,	Woodward,
Gilson,	Law,	Rodgers,	Huffman,
Haluska,	Mallery,		

NAYS—1

Cavalcante,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 455 (House Bill No. 808), entitled:

An Act to amend section three thousand five hundred and one as amended, and sections three thousand five hundred and forty and three thousand five hundred and eighty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," vesting the legal title of waterworks in cities heretofore owning the equitable title to such waterworks; providing for the management, operation and maintenance of such waterworks; and repealing inconsistent general, local and special laws.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Buckman,	Haluska,	Mallery,	Rodgers,
Cavalcante,	Henney,	McCreesh	Rupp,
Dando,	Heyburn,	McGinnis,	Ruth,
Deitrick,	Homsher,	Mundy,	Salus,
Dent,	Howell,	Owlett,	Shapiro,
DiSilvestro,	Jacobs,	Pyiko,	Sones,
Ealy,	Jaspan,	Rankin,	Stiefel,
Eroe,	Kahle,	Reed,	Thompson,
Frey,	Kilgallen,	Rice,	Wolfenden,
Gelder,	Kunkel,	Roberts,	Huffman,
Gilson	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 242, (House Bill No. 441), entitled:

An Act licensing and regulating the business of pawnbrokers providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations limiting the interest and charges on loans and prescribing penalties for the violation of this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. SONES. Mr. President. I move that Senate Bill No. 242, (House Bill No. 441), the bill just read, be recommitted to the Committee on Banking for a hearing.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 265, as follows:

A Joint Resolution proposing an amendment to section one Article nine of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section one article nine of the Constitution of Pennsylvania is hereby amended to read as follows

Section 1 All property taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws but the General Assembly may by general laws exempt from taxation public property used for public purposes actual places of religious worship places of burial not used or held for private or corporate profit institutions of purely public charity and real and personal property owned occupied and used by any branch post or camp of honorable discharged soldiers sailors and marines

Income and other excise taxes shall be levied and collected under general laws but such laws grant exemptions and may impose graded or graduated rates

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 287, as follows:

An Act to amend section two of the act approved the seventeenth day of June one thousand nine hundred and fifteen (P. L. 1012) entitled "An act regulating the buisness of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" as amended reducing the interest rate on small loans

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the seventeenth day of June one thousand nine hundred and fifteen (P. L. 1012) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" as amended by the act approved the fourth day of June one thousand nine hundred and nineteen (P. L. 375) is hereby further amended to read as follows

Section 2 Any person persons copartnership association or corporation who shall obtain a license in accordance with the provisions of section one of this act shall be entitled to loan money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities at his their or the place of business for which said license is issued and to charge the borrowers thereof for its use or loan interest at a rate not to exceed [three and one half (3½)] two (2) per centum per month No fees fines or other charges either in addition to or as a part of the above specified interest shall be charged or collected under any pretext whatsoever

Interest shall not be payable in advance or compounded and shall be computed only on unpaid balances for the time that has elapsed at date of payment If interest in excess of that hereinbefore prescribed shall be received by any licensee the said licensee shall thereupon lose all his right to collect or receive the interest allowed under this act and shall be entitled to recover from the borrower only the amount actually loaned together with interest at the rate of six per centum per annum upon unpaid balances less any and all amounts already paid by the borrower on account of said loan either as principal or interest Any person borrowing money from any licensee under this act who shall be charged and pay any interest in excess of that prescribed and allowed by the provisions of this act shall be entitled to recover back from the lender by action at law begun at any time within two years from the date of the last payment any and all sums of money so charged and paid in excess of the amount of the original loan together with interest at the rate of six per centum per annum upon unpaid balances up to the date of final payment of said loan and in addition fifty ($50) dollars as a penalty to be paid to the borrower

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered to Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 326, (House Bill No. 554), entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. SONES. Mr. President, I move that Senate Bill No. 326, (House Bill No. 554), the bill just read, be recommitted to the Committee on Banking.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 379 as follows:

An Act to amend section one of the act approved the nineteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1122) entitled "An act providing that every advertisement and notice required by authority of law or rules of court to be published in any county in the Commonwealth or in any city coincident to the boundaries of a county may in addition to the publication of such advertisements or notices required to be made in newspapers published and printed in the English language be also published by the public officer body or court directed by law or rules of court to publish such advertisement or notice in newspapers printed in the English language in one or more daily or weekly newspapers printed in a foreign language or languages such newspapers printed in a foreign language or languages to be printed in and have general circulation in the county or the ctiy coincident to the boundaries of said county for at least three years continuously before the publication of such advertisement or notices and further priviging for the prices to be charged for publishing such advertisements or notices in any such foreign newspapers how often the same shall be published and the stipulation and regulations under which the same shall be published" as amended by requiring that certain newspapers shall be printed in certain counties.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the nineteenth day of July one thousand nine hundred and seventeen (P. L. 1122) entitled "An act providing that every adverstisement and notice required by authority of law or rules of court to be published in any county in the Commonwealth or in any city coincident to the boundaries of a county may in addition to the publication of such advertisements or notices required to be made in newspapers published and printed in the English language be also published by the public officer body or court directed by law or rules of court to publish such advertisement or notice in newspapers printed in the English language in one or more daily or weekly newspapers printed in a foreign language or languages such newspapers printed in a foreign language or languages to be printed in and have general circulation in the county or the city coincident to the boundaries of said county for at least three years continously before the publication of such advertisement or notices and further providing for the prices to be charged for publishing such advertisements or notices in any such foreign newspaper how often the same shall be published and the stipulation and regulations under which the same shall be published" as amended by the act approved the sixth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws 11) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter every advertisement and notice required by authority of law or by rules of court to be published in any county of the Commonwealth or in any city thereof whose boundaries are coincident with a county may in addition to the publication thereof required to be made in newspapers printed in the English language be also published by the public officer body or court directed by law or rules of court to publish such advertisements or notices in newspapers printed in the English language in one or more daily or weekly newspapers printed in a foreign language or languages Such newspaper or newspapers printed in such foreign language or languages to be such as are [published] printed in and of general circulation in such county or a city whose boundaries are coincident thereto

That the prices to be charged for such publication of such advertisements or notices in such newspapers published in a foreign language or languages shall not exceed the rates charged for such publication in newspapers printed in the English language for the same services When publication is made in such newspaper or newspapers printed in a foreign language or languages it shall be made as often as that made in newspaper or newspapers printed in the English language and shall be subject to the same stipulations and regulations as those imposed for like services in such newspapers printed in the English language

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consid-

eration of Senate Bill No. 386 (House Bill No. 742), entitled:

A Supplement to the act, approved the twentieth day of July, one thousand nine hundred thirty-five (Appropriation Acts, page seventy-one), entitled "An act to provide for the ordinary expenses of the Executive, Legislative; and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-five; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five," providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first, one thousand nine hundred and thirty-seven.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 404, as follows:

An Act to amend section one of the act approved the eleventh day of June one thousand nine hundred and thirty-five (P. L. 336) entitled "An act authorizing courts to stay legal proceedings except in certain cases against banks bank and trust companies and trust companies where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Statute of Limitations and inconsistent acts of Assembly" extending said act a further period of two years.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the eleventh day of June one thousand nine hundred and thirty-five (P. L. 336) entitled "An act authorizing courts to stay legal proceedings except in certain cases against banks bank and trust companies and trust companies where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Stature of Limitations and inconsistent acts of Assembly" is hereby amended to read as follows:

Section 1 In all cases where any bank bank and trust company or trust company has guaranteed or otherwise obligated itslef to pay in cash the amount or value of trust or other funds deposited or placed with it for investment and such trust funds have been in good faith invested by such bank bank and trust company or trust company in mortgages on real estate participations in mortgages or in pools or funds of mortgages on real estate any court in this Commonwealth in which any suit or proceeding is now pending or may be hereafter brought affecting such trust or other funds including exceptions filed to accounts of fiduciaries may upon such terms and conditions as to it seem necessary and proper under the circumstances of each case grant proper stays of proceedings in accordance with provisions of this act including stays of execution where any suit or proceeding has been reduced to judgment Providing however That no stay so granted shall extend beyond March thirty-first nineteen [thirty-seven] thirty-nine

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 421, as follows:

An Act to validate indebtedness incurred by cities of the third class for the extension enlargement and improvement of the waterworks of such city

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any city of the third class with the assent of the electors thereof has heretofore authorized issued and sold bonds or other obligations on the faith and credit of the city for the purpose of extending enlarging and improving the water-works of such city and such extensions enlargements and improvements have been fully completed and are being used for the benefit of such city and the inhabitants thereof then such bonds or other obligations are hereby ratified confirmed and validated notwithstanding that at the time such bonds were authorized issued and sold no power was vested in such city to incur or increase its indebtedness for water-works purposes other than for the original erection and completion thereof and such bonds or other obligations are hereby made valid and binding obligations of such city to the same extent as if full power had been vested by law in such city to incur or increase its indebtedness for the extension enlargement and improvement of such water-works

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 454 (House Bill No. 748), entitled:

A Supplement to the act, approved the nineteenth day of July, one thousand nine hundred thirty-five (Nineteen hundred and thirty-five Appropriation Acts, page forty-one), entitled "An act making an appropriation to the Department of Welfare for Pensions for the Blind."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 456 (House Bill No. 738), entitled:

A Supplement to the act approved the twelfth day of July one thousand nine hundred and thirty-five (1935 Appropriation Acts page 23) entitled "An act making appropriations to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 29, entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia; establishing therein a distinct and separate court of common pleas designated court of common pleas number six; and providing for the election and appointment of judges for said court.

Senate Bill No. 54, entitled:

An Act to amend section one of the act, approved the tenth day of April, one thousand nine hundred and thirty-one (P. L. 23), entitled as amended "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute, located on the left bank of Oil Creek, in Oil Creek Township or Cherry Tree Township, or both, Venango County, to establish the Drake Well Memorial Park, under the control and supervision of the Department of Forests and Waters; empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth; and making an appropriation," as amended; by increasing the area of said park.

House Bill No. 545, entitled:

Act Act to repeal section two of the act, approved the thirteenth day of June, one thousand nine hundred and seven (P. L. 560), entitled "An act designating the official flag of the Commonwealth of Pennsylvania, and describing the same providing for the carrying of such flag by the regiments of the National Guard of Pennsylvania, authorizing the Secretary of the Commonwealth to provide, and have deposited in the office of Secretary of the Commonwealth, a model of said flag, and making an appropriation therefor."

Whereupon,

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the presence of the Senate signed the same.

REPORT FROM COMMITTEE

Mr. FREY, from the Committee on Executive Nominations reported with a favorable nomination the following nominations, made by His Excellency, the Governor of the Commonwealth:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 10, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

ELK COUNTY

Alfred Straub, St. Marys, March 13, 1937.

PHILADELPHIA COUNTY

Claus J. Anderson, 1616 Walnut St., Philadelphia, March 14, 1937.

Miss Adelaide S. Coulter, 5000 Baltimore Ave., Philadelphia, March 14, 1937.

CLARION COUNTY

Foster M. Mohney, Clarion, March 15, 1937.

ALLEGHENY COUNTY

Frederick P. Fuller, 6101 Penn Ave., Pittsburgh, March 16, 1937.

LANCASTER COUNTY

Walter A. Herr, Lancaster, March 16, 1937.

ALLEGHENY COUNTY

Samuel Papernick, Glassport, April 4, 1937.

PHILADELPHIA COUNTY

Howard T. Long, Packard Bldg., Philadelphia, April 4, 1937.

WESTMORELAND COUNTY

W. R. Stephens, Monessen, April 5, 1937.

ERIE COUNTY

Mrs. Angelene Eagan, Erie, April 11, 1937.

WASHINGTON COUNTY

Mrs. Alma Wagner, Cecil Twp., Cecil, April 11, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 10, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

George M. Brenlove, Pittsburgh, City-County Bldg.
John E. Dunn, Pittsburgh, 846 Jancey St.
Mrs. Eleanor Johnson, Pittsburgh, 5538 Jackson St.
Miss Dorothea C. Larimer, Pittsburgh, 1921 Brownsville Rd.
Mrs. Kathryn M. Paxton, Pittsburgh, Wilkinsburg.
Miss Clara E. Weigand, Pittsburgh, 5607 Baum Blvd.

CAMBRIA COUNTY

Miss Anne Koscho, Blacknick Twp., Twin Rocks.

LACKAWANNA COUNTY

Miss Dorothy E. Judge, Carbondale.

LUZERNE COUNTY

Miss Lorraine E. Meiss, Wilkes-Barre.

PHILADELPHIA COUNTY

Robert W. Atkinson, Phila., Lafayette Bldg.
Albert F. Brown, Phila., Real Estate Trust Bldg.
Samuel Cohn, Phila., Bankers Securities Bldg.
Rubin L. Comer, Phila., 811 W. Moyamensing Ave.
Charles B. Ester, Phila., Drexel Bldg.
J. Raymond Kelly, Phila., 2017 N. 63d St.
Charles H. Moore, Phila., 683 Drexel Bldg.
Robert Pritsker, Phila., 530 South St.

WESTMORELAND COUNTY

M. H. Claster, New Kensington.

YORK COUNTY

J. Harold Trattner, York.

GEORGE H. EARLE.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at today's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Cavalcante,	Henney,	McCreesh,	Rupp,
Dando,	Heyburn,	McGinnis,	Ruth,
Deitrick,	Homsher,	Mundy,	Salus,
Dent,	Howell,	Owlett,	Shapiro,
DiSilvestro,	Jacobs,	Pytko,	Sones,
Ealy,	Jaspan,	Rankin,	Stiefel,
Eroe,	Kahle,	Reed,	Thompson,
Frey,	Kilgallen,	Rice,	Wolfenden,
Gelder,	Kunkel,	Roberts,	Woodward,
Gilson,	Law,	Rodgers,	Huffman,
Haluska,	Mallery,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

BILLS INTRODUCED

Mr. SALUS read in his place and presented to the Chair Senate Bill No. 514, entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. KAHLE read in his place and presented to the Chair Senate Bill No. 515, entitled:

An Act authorizing county commissioners in counties of the seventh and eighth classes to transfer surplus county moneys to the poor district; and providing for the expenditures of the moneys so transferred for poor district purposes.

Which was committed to the Committee on County Government.

Mr. KAHLE read in his place and presented to the Chair Senate Bill No. 516, entitled:

An Act making an appropriation to the Department of Health for the purchase and distribution of vitamin products.

Which was committed to the Committee on Public Health.

ANNOUNCEMENTS BY THE SECRETARY

Committee on Judiciary General will meet on Monday, March 15, at 2:00 p. m., in Room 302, for the purpose of considering Senate Bill Number 36, (Civil Service Bill) and other bills.

The Committee on Constitutional Changes will meet immediately upon call for recess in Room 265, to act on Senate Bill 264.

Immediately following the meeting of the Committee on Constitutional Changes there will be a meeting in Room 265, of the Committee on Public Utilities.

The Committee on State Government will meet today in Room 402, at 4:00 p. m.

RECESS

Mr. ROBERTS. Mr. President, I move that the Senate do now take recess until 4:30 o'clock p. m.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House of Representatives as follows:

House Bill No. 115, (Senate Bill No. 517), entitled:

An Act to amend section two thousand one of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," by fixing minimum salaries for patrolmen in such cities.

Which was committed to the Committee on Municipal Government.

House Bill No. 302, (Senate Bill No. 518), entitled:

An Act to amend the title and section one of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred seventy-seven) entitled "An act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities (except of the second class A) boroughs towns and townships who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period" clarifying the provision of said act as to payments to disabled policemen and firemen

Which was committed to the Committee on Municipal Government.

House Bill No. 501, (Senate Bill No. 519), entitled.

An Act to amend section two hundred and one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1005), entitled "Tractor Code" as amended; by exempting farm wagons attached to tractors from registration in certain cases.

Which was committed to the Committee on Highways.

House Bill No. 555, (Senate Bill No. 520), entitled:

An Act to amend sections two, four, five, eight, thirteen, sixteen, seventeen and twenty-three of the act approved the twenty-sixth day of May, one thousand nine hundred and thirty-threee, (P. L. 1076), entitled "Credit Union Law," changing certain requirements for incorporation; enlarging the scope of membership; permitting com-

pensation to directors and committee members; clarifying the basis for the collection of interest and fines; providing for refunds of interest on abligations paid before maturity and permitting officers a limited right of borrowing; further regulating the maintenance of reserve funds and the determination and payment of dividends; and providing for further tax exemptions.

Which was committed to the Committee on Banking.

House Bill No. 723, (Senate Bill No. 521), entitled:

An Act to amend section five hundred and eigthy of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," as amended; extending the powers of the county commissioners in the construction and maintenance of comfort stations.

Which was committed to the Committee on County Government.

House Bill No. 743, (Senate Bill No. 522), entitled:

An Act to provide for the leasing of land within the beds of streams, lakes and other bodies of water, wholly or partly within, or forming part of the boundary of, this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth; and prescribing penalties.

Which was committed to the Committee on Forests and Waters.

House Bill No. 857, (Senate Bill No. 523), entitled:

An Act to further amend Article twenty-four of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, five hundred nineteen), entitled "General Borough Act," by authorizing and empowering boroughs to construct or acquire waterworks, and the appurtenances thereof, and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenues thereof, secured solely by liens thereon, and imposing no municipal liability; providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof, and the nature and extent of such liens; providing for the payment of such bonds and the rights of the holders thereof; and repealing acts and parts of acts in conflict therewith.

Which was committed to the Committee on Public Utility.

House Bill No. 858, (Senate Bill No. 524), entitled:

An Act authorizing counties, cities, boroughs, towns, and townships to acquire, construct, reconstruct, improve, better and extend revenue-producing undertakings; to maintain and operate the same, and to prescribe, revise, and collect rates, fees, tolls, and charges for the services, facilities, and commodities furnished thereby, and, in anticipation of the collection of the revenues thereof, to issue certificates payable solely from such revenues; regulating the issuance of such certificates; and providing for their payment and for the rights of the holders thereof.

Which was committed to the Committee on Municipal Government.

House Bill No. 935, (Senate Bill No. 525), entitled:

An Act requiring counties of the third class to repay moneys heretofore recovered on forfeited recognizances in certain cases and providing for the recapture of such moneys from future fines and forfeited recognizances payable to law and library associations.

Which was committed to the Committee on County Government.

House Bill No. 1027, (Senate Bill No. 526), entitled:

An Act regulating the recordation of assignments of mortgages in counties of the second class; fixing the fees therefor; and imposing certain powers and duties on the recorders of deeds of such counties.

Which was committed to the Committee on County Govrenment.

House Bill No. 1041, (Senate Bill No. 527), entitled:

An Act to re-enact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (Pamphlet Laws, two hundred eight), entitled "Corporate Net Income Tax Act" as amended, by extending the provisions of the act for a further period of time; reducing the rate of tax; further defining net income; making further provision for filing reports on a fiscal year basis and for the filing of consolidated reports; providing for the settlement and resettlement of taxes and review and appeal therefrom; imposing duties and conferring powers on the Auditor General; and making further provision for the retention of records by corporations and for interest penalties.

Which was committed to the Committee on Finance.

House Bill No. 1046, (Senate Bill No. 528), entitled:

An Act to reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six, Pamphlet Laws thirteen) entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," by extending the provisions thereof for a further period of time.

Which was committed to the Committee on Finance:

House Bill No. 1047, (Senate Bill No. 529), entitled:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (Pamphlet Laws six hundred forty) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereof for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-four and of the supplements therto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by increasing the rate of tax and by imposing the tax on certain corporations heretofor exempt

Which was committed to the Committee on Finance.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 333

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 333, entitled:

An Act to repeal the act, approved the twenty-second day of June, one thousand eight hundred and ninety-seven, (P. L. 178), entitled "An act taxing certain stocks of building and loan associations for State purposes"

HOUSE CONCURS IN SENATE BILL No. 276

He also returned to the Senate, Senate Bill No. 276, entitled:

An Act to amend section one thousand one hundred and four of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," by prohibiting the operation of certain commercial motor vehicles, truck tractors, trailers and semi-trailers on public highways between certain hours on Sundays and holidays except on routes designated by the Department of Revenue with the approval of the Department of Highways; and prescribing a penalty.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 52.

He also returned to the Senate, Senate Bill No. 52, entitled:

An Act relating to interstate cooperation; creating the Pennsylvania Commission on Interstate Cooperation, as well as committees on interstate cooperation of the Senate and of the House of Representatives; defining the powers and duties of said commission and of said committees; and imposing duties on the Governor and the Secretary of the Commonwealth.

with the information that the House has passed the same without amendment.

BILLS SIGNED

The PRESIDENT PRO-TEMPORE, (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 333, entitled:

An Act to repeal the act, approved the twenty-second day of June, one thousand eight hundred and ninety-seven, (P. L. 178), entitled "An act taxing certain stocks of building and loan associations for State purposes."

House Bill No. 808, entitled:

An Act to amend section three thousand five hundred and one as amended, and sections three thousand five hundred and forty and three thousand five hundred and eighty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," vesting the legal title of waterworks in cities heretofore owning the equitable title to such waterworks; providing for the management, operation and maintenance of such waterworks; and repealing inconsistent general, local and special laws.

Senate Bill No. 52, entitled:

An Act relating to interstate cooperation; creating the Pennsylvania Commission on Interstate Cooperation, as well as committees on interstate cooperation of the Senate and of the House of Representatives; defining the powers and duties of said commission and of said committees; and imposing duties on the Governor and the Secretary of the Commonwealth.

Senate Bill No. 276, entitled:

An Act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution, Serial No. 102, approved January thirteenth, one thousand nine hundred thirty-seven.

Whereupon,

The PRESIDENT PRO-TEMPORE, (Mr. Harvey Huffman) in the presence of the Senate signed the same.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 10, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment:

Fred L. Dearborn, of New Milford, Susquehanna County, for appointment as Justice of the Peace in the Township of New Milford, Susquehanna County, (to fill a vacancy), until the first Monday in January, 1938.

ALDERMAN

John H. Jacobsen, of Lebanon, Lebanon County, for appointment as Alderman in the ninth Ward of the City of Lebanon, Lebanon County, (to fill a vacancy), until the first Monday in January, 1938.

GEORGE H. EARLE.

TRUSTEE OF SHAMOKIN STATE HOSPITAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 10, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Jacob Ralph Brobst, of Bloomsburg, Columbia County, as a member of the Board of Trustees of Shamokin State Hospital, vice J. Paul Garrett, of Herndon, resigned, for the term of four years, and until his successor is qualified.

GEORGE H. EARLE.

RECONSIDERATION OF SENATE BILL NO. 68, RECALLED FROM THE GOVERNOR

Mr. SHAPIRO. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 68, Printer's No. 31, recalled from the Governor for the purpose of amendment.

Mr. DiSILVESTRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, in connection with this bill I should like to state to the members of the Senate

that in the body of the bill reference is made to two Acts of Assembly dealing with deficiency judgments, the Act of 1934 and the Act of 1935. Those Acts were declared unconstitutional by reason of a decision of the Supreme Court. This bill deals with judgments which were entered by default under provisions of those Acts, and makes it mandatory on persons desiring to open those judgments to do so within a period of three months from the date of the passage of this bill.

The Senate passed this bill, and the House approved it, but we have found that in its title it refers to the Act of 1935 only, and has no reference to the Act of 1934. In order to correct this error, I made the following motion:

On the question,

Will the Senate agree to the motion?

It was agreed to.

Mr. SHAPIRO. Mr. President, I move to reconsider the vote by which Senate Bill No. 68 passed finally.

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President, I voted "aye".

Mr. DiSILVESTRO. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. DiSILVESTRO. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President. I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President, I voted "aye".

Mr. DiSILVESTRO. Mr. Prseident, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. DiSILVESTRO. Mr. President, I voted "aye."

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. SHAPIRO. Mr. President, I ask unanimous consent to amend page 1, line 4 of the title, by inserting after the word "act" and before the word "approved" the following: "approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred and forty-three) entitled "An act to protect the owner of mortgaged property during the present emergency by limiting the amount of deficiency judgments during a certain period" and the act"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended"

It was agreed to

Ordered, That the bill as amended be printed for the use of the Senate

RECALL OF NOMINATION BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

RECALLING NOMINATION OF TRUSTEE OF SHAMOKIN STATE HOSPITAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 10, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination of March 8, 1937, for the appointment of Jacob Ralph Brobst of Columbia, Lancaster County, as a member of the Board of Trustees of Shamokin State Hospital.

GEORGE H. EARLE.

REPORTS FROM COMMITTEE

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE, from the Committee on Constitutional Changes reported, as amended, Senate Bill No. 264, entitled:

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight.

REPORTS FROM COMMITTEE

Mr. GILSON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GILSON, from the Committee on Public Utilities, reported, as committed, Senate Bill No. 484 (House Bill No. 850), entitled:

An Act to amend the act, approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, board, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by abolishing the Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and creating, as successor to such commission, the Pennsylvania Public Utility Commission; defining, in part, the powers and duties of the Pennsylvania Public Utility Commission, and transferring to such commission the records, employes, property and equipment of the Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in, and complete, all pending proceedings, legal or otherwise, instituted before, by, or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the

Pennsylvania Public Utility Commission; and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania.

Mr. GILSON. Mr. President, this bill is reported out with the understanding that after it has passed two readings it is be recommitted to the the same Committee for the purpose of a Public Hearing.

REPORTS FROM COMMITTEE

Mr. THOMPSON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. THOMPSON, from the Committee on State Government, reported, as committed, Senate Bill No. 315, entitled:

An Act authorizing the Department of Forests and Waters to acquire, in the name of the Commonwealth, the farm in Derry Township, Dauphin County, Pennsylvania, under which is located Indian Echo Cave, and to operate and maintain the same as a State park, and make and enforce rules and regulations for the preservation and visitation thereof; requiring the department to charge admissions to the cave; and making an appropriation.

Mr. THOMPSON. Mr. President, I am directed by the Committee to ask that this bill be recommitted to the Committee on Appropriations, in view of the fact that it provides for an appropriation.

BILLS INTRODUCED

Mr. THOMPSON. Mr. President, I ask unanimous consent to read bills in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON, read in place and presented to the Chair Senate Bill No. 530, entitled:

An Act relating to the manufacture, sale, resale, transportation, distribution and traffic in malt or brewed beverages in this Commonwealth; providing for the prevention of unfair methods of competition and unfair or deceptive acts or practices in connection therewith; providing for certain agreements by persons engaged therein; vesting certain powers in, and imposing certain duties upon, the Pennsylvania Liquor Control Board and the several courts of quarter sessions; and providing for the revocation and suspension of licenses in certain cases.

Which was committed to the Committee on State Boards.

Also, read in place and presented to the Chair Senate Bill No. 531, entitled:

An Act making an appropriation to the Department of Forests and Waters for the development of the Black Moshannon State Park.

Which was committed to the Committee on Appropriations.

Also, read in place and presented to the Chair Senate Bill No. 532, entitled:

An Act providing for the construction, reconstruction, maintenance and repair of foot walks along state highways by the Department of Highways; and making an approprition from the Motor License Fund.

Which was committed to the Committee on Highways.

Mr. HEYBURN. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HEYBURN, read in place and presented to the Chair Senate Bill No. 533, entitled:

An Act prescribing a uniform method for the collection of all county, township, town, borough, school, poor and other local taxes in the several boroughs, incorporated towns and townships of this Commonwealth, except county taxes, in counties of the second class and in counties having local laws; providing for the election of the collector of taxes and the filling of vacancies in said office; defining the rights, powers and duties of the collector of taxes; regulating the form and time for delivery of the tax duplicate and warrant, the notice to taxables and tax bills; providing for uniform discounts and penalties; the settlement of accounts, exonerations and compensation of such tax collectors; prescribing the liability of taxables and others for the payment of such taxes, and the right of the collector and the taxing authorities to institute suit therefor; imposing certain duties upon the Department of Internal Affairs; imposing penalties; creating liens and repealing certain existing laws.

Which was committed to the Committee on County Government.

Mr. MUNDY. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MUNDY, read in place and presented to the Chair Senate Bill No. 534, entitled:

An Act to amend section thirteen of the act approved the seventeenth day of May, one thousand nine hundred and seventeen, (P. L. 208), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison'; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity," as amended; naming medicinal agents which may be sold by storekeepers, and removing intestinal enzymes and all liver products from the exception to the provision which prohibits the sale of medicines containing substances of glandular origin except by registered pharmacists and assistant pharmacists.

Which was committed to the Committee on Public Health.

Also, read in place and presented to the Chair Senate Bill No. 535, entitled:

An Act providing for the recovery of damages by persons bitten by a dog or dogs and creating a liability of the owners of such dog or dogs.

Which was committed to the Committee on Agriculture.

Also, read in place and presented to the Chair Senate Bill No. 536, entitled:

An Act to prevent fraud and deception by defining and regulating cemetery memorial dealers and cemetery memorial salesmen; providing for the service of process in certain cases; vesting certain powers and duties in the State Board of Examiners of Cemetery Memorial dealers of the Department of Public Instruction, in the Department of Public Instruction and in the Court of Common Pleas of Dauphin County; and providing penalties.

Which was committed to the Committee on State Boards.

Also, read in place and presented to the Chair Senate Bill No. 537, entitled:

An Act to amend section two hundred two of and to add section four hundred twenty-five and one-tenth to, the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments boards commissions and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by creating and providing for the appointment of the State Board of Examiners of Cemetery Memorial Dealers in the Department of Public Instruction, and prescribing the powers and duties of such board.

Which was committed to the Committee on State Boards.

MOTION TO READ BILLS THE FIRST TIME

Mr. ROBERTS. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 264, entitled:

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 315, entitled:

An Act authorizing the Department of Forests and Waters to acquire, in the name of the Commonwealth, the farm in Derry Township, Dauphin County, Pennsylvania, under which is located Indian Echo Cave, and to operate and maintain the same as a State park, and make and enforce rules and regulations for the preservation and visitation thereof; requiring the department to charge admissions to the cave; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 451 (House Bill No. 558), entitled:

An Act providing for the organization government discipline maintenance and regulation of an additional land force to be known as the Pennsylvania Reserve Militia for the defense of the Commonwealth during any war in which the United States may be engaged.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 484 (House Bill No. 850), entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and creating, as successor to such commission, the Pennsylvania Public Utility Commission; defining, in part, the powers and duties of the Pennsylvania Public Utility Commission, and transferring to such commission the records, employes, property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in, and complete, all pending proceedings, legal or otherwise, instituted before, by, or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission; and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

GRANTING USE OF SENATE CHAMBER FOR PUBLIC HEARING

Mr. REED. Mr. President I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED, offered the following resolution which was twice read considered and agreed to:

In the Senate, March 10, 1937.

Resolved. That the Committee on Public Utilties of the Senate of Pennsylvania be given the use of the Senate Chamber for a public hearing on House Bill No. 850. Senate Bill No. 484, to be held on March 17, 1937, at 2:30 p. m.

APPOINTMENT OF COMMISSION

The PRESIDENT. The Chair announces the appoint-

ment of the following Senators to act on the commission authorized by Joint Resolution Number 203 of the Senate: the Senator from Berks, Mr .Ruth; the Senator from Washington, Mr. Reed; the Senator from Philadelphia, Mr. Pytko; and the Senator from Blair, Mr. Mallery.

ANNOUNCEMENTS BY THE SECRETARY

The Public Utilities Committee will conduct a public hearing on Senate Bill No. 484, House Bill No. 850 on Wednesday, March 17, 1937 at 2:30 p. m. in the Senate Chamber.

The Elections Committee will meet on Tuesday, March 16 next in Room 400 at 1:45 p. m.

The Legislative Committee on the Attorney General's Conference on Crime will meet Tuesday, March 23, in the Senate Caucus Room at 8:00 p. m.

ADJOURNMENT

Mr. ROBERTS. Mr. President, I move that the Senate do now adjourn.

Mr. THOMPSON. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:37 p. m. until nine o'clock Monday evening, March 15, 1937.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 10, 1937.

The House met at 1:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Rev. OSCAR F. R. TREDER, Pastor St. James Church, Bedford, offered the following prayer:

God, our Father, Preserver and Disposer of all things, to Whom appertaineth Counsel, and Wisdom and Understanding; send down of Thy Wisdom to direct and guide the General Assembly of our Commonwealth. Let us not try to be wiser than Thou; let the spirit of Thy people, their understanding, will and conscience, be preserved blameless, and make them worthy of the heroic ideals and traditions of their forebears. Grant us, O Lord, such boldness that we may set our faces as a flint, and not be ashamed, but, contending valiantly for the truth in social righteousness may out of weakness be made strong, and conquer in Thy might. And mayest Thou, God, Who art the Alpha and the Omega, and Who worketh in us both to will and to do of Thy good pleasure, be Thyself the beginning and end of our work. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. STEWART, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. SHUGARTS. HOUSE BILL No. 1323.

An Act to amend section one thousand and thirty-eight of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet laws, five hundred and nineteen), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended; extending the time within which appeals from auditors' reports may be taken.

Referred to the Committee on Boroughs.

By Mr. NAGEL. HOUSE BILL No. 1324.

An Act authorizing cities of the third class to surernder their charter and be constituted a borough or boroughs; providing the procedure therefor and terminating the terms of the officers of such city when the borough government or governments are organized.

Referred to the Committee on Cities.

By Mr. LONGAKER. HOUSE BILL No. 1325.

An Act to add section 48.1 to the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by providing for the apportionment of estate taxes in certain cases.

Referred to the Committee on Judiciary General.

By Mr. ALLEN. HOUSE BILL No. 1326.

An Act relating to the use and furnishing of stamps, coupons, tickets, certificates, cards, or other similar devices, for or with the sale of goods, ware and merchandise; requiring the securing of licenses from the county treasurer and fixing the license fee therefor; and providing a penalty for violation thereof.

Referred to the Committee on Judiciary Special.

By Mr. IMBRIE. HOUSE BILL No. 1327.

An Act providing for the construction of slack water dams in conjunction with State highway bridge and culvert improvements; defining the powers and duties of the Department of Highways, and the Water and Power Resources Board; authorizing political subdivisions, persons, copartnerships, associations, corporations and the Board of Fish Commissioners to contribute to the cost of the construction, maintenance and repair of any such dam; providing for acceptance by agencies of the Commonwealth of gifts and lease of lands; and making appropriations from the Motor License Fund and the Fish Fund.

Referred to the Committee on Highways.

By Mr. BURROWS. HOUSE BILL No. 1328.

An Act to amend section five of the act, approved the twenty-fourth day of April, one thousand nine hundred and thirty-one (P. L. 52), entitled "An act relating to prostitution; defining and prohibiting pandering; prohibiting the leaving of a wife in a house of prostitution, the receipt or appropriation of money from earnings of a prostitute, the detention of a female in a house of prostitution, and the transportation of a female for the purposes of prostitution; fixing the jurisdiction of the courts in cases involving transportation; providing penalties; and regulating the competency of certain evidence at the trial of persons indicated or violations hereof," prohibiting the transportation of females from one county to another for the purposes of prostitution.

Referred to the Committee on Judiciary Geenral.

By Mr. CORRIGAN. HOUSE BILL No. 1329.

An Act requiring the payment to the Veteran Boxers Association of five (5) percent of all receipts from boxing exhibitions.

Referred to the Committee on Military Affairs.

By Mr. OMINSKY. HOUSE BILL No. 1330.

An Act relating to magistrates and magistrates' courts in the City of Philadelphia; imposing certain duties upon, and prohibiting certain practices by, magistrates; imposing certain duties on the City Controller in regard thereto; authorizing the employment by him of additional clerks and fixing their compensation; regulating the practice in magistrates' courts, the entering of bail, and the issuance of discharges in criminal cases in the County of Philadelphia; conferring certain powers over magistrates and magistrates' courts, and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the County of Philadelphia; providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates; fixing salaries of persons employed by authority of this act; providing penalties for violations of the provisions thereof and repealing certain prior acts.

Referred to the Committee on Judiciary General.

By Mr. CAPUTO. HOUSE BILL No. 1331.

An Act requiring all persons claiming damages from any county, city, borough, town, township or school district, to file within sixty (60) days from the origin of such claim, a written notice with such county, city, borough, town, township or school district.

Referred to the Committee on Judiciary General.

By Mr. CAPUTO. HOUSE BILL No. 1332.

An Act to amend section four as amended, and section seventeen, of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by exempting liquid fuels delivered to political subdivisions of this Commonwealth for governmental purposes.

Referred to the Committee on Ways and Means.

By Mr. CAPUTO. HOUSE BILL No. 1333.

An Act to amend section one of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-nine (P. L. 1804), entitled "An act relative to certain judgments; prescribing duties of prothonotaries; and repealing prior legislation"; requiring a certificate of the address of the defendants on the entry of certain judgments.

Referred to the Committee on Judiciary General.

By Mr. CAPUTO. HOUSE BILL No. 1334.

An Act providing for the recovery of damages by persons bitten by dogs; and creating a liability of the owners of such dogs.

Referred to the Committee on Judiciary General.

By Miss BRANCATO. HOUSE BILL No. 1335.

An Act regulating the employment and hours of employment of the officers and members of the uniformed fire protection forces of the Cities of the first class and repealing existing laws.

Referred to the Committee on Cities.

By Mr. O'NEILL. HOUSE BILL No. 1336.

An Act to provide for a third additional law judge of the several courts of the forty-fifth judicial district.

Referred to the Committee on Judiciary General.

By Mr. HARMUTH. HOUSE BILL No. 1337.

An Act providing for the survey, construction, and maintenance of a State Highway between the borough of Bridgeville, Allegheny County, and the borough of Houston, Washington County, nad making the same a part of the system of State Highways.

Referred to the Committee on Highways.

By Mr. CAESAR. HOUSE BILL No. 1338.

An Act to amend section four hundred and eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three, (P. L. 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffc in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of fees; and imposing penalties," as reenacted and amended, by providing for the sale of light wines and malt or brewed beverages during certain hours on Sundays.

Referred to the Committee on State Boards.

By Messrs. McGEE and BRIGERMAN. HOUSE BILL No. 1339.

An Act to further amend the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty

culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, mangers, and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," by changing the registration fees for the issuance of licenses.

Referred to the Committee on State Boards

By Messrs. McARDLE and PIOLE.

HOUSE BILL No. 1340.

An Act to amend the act, approved the sixth day of July, one thousand nine hundred and seventeen (P. L. 747), entitled "An act requiring all counties, cities, boroughs, townships, school districts, and other municipalities and incorporated districts to sell any bonds or other securities issued by them to the highest responsible bidder after due public notice," by providing for the sale of bonds in small denominations, directly to the public without prior public notice by advertisement.

Referred to the Committee on Municipal Corporations.

By Messrs. McARDLE and PIOLE.

HOUSE BILL No. 1341.

An Act to amend the act, approved the twenty-third day of May, one thousand eight hundred and eighty-seven (P. L. 173), entitled "An act to make the carrying on of the business of detectives without license a misdemeanor, and to regulate the licensing and powers of detectives," by adding a new section thereto, prohibiting detective agencies from engaging in industrial spy acitvities nad labor controversies, nad providing penalties.

Referred to the Committee on Judiciary General.

By Mr. SHEPARD. HOUSE BILL No. 1342.

An Act to amend the title of and section four of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (Pamphlet Laws, four hundred sixty-three) entitled "An act providing, for a limited period of time, for the incorporation, as bodies corporate and politic, of "Authorities" for municipalities; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes" by extending the purposes and powers therein granted to the Authorities and extending the time therein provided for the creation of the Authority and the time within which projects shall be begun.

Referred to the Committee on Municipal Corporations.

By Mr. HINDMAN. HOUSE BILL No. 1343.

An Act to further amend the first paragraph of section nine of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made the nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by permitting the filing of claims in more than one county in certain cases.

Referred to the Committee on Judiciary General.

By Mr. BROWN. HOUSE BILL No. 1344.

An Act to amend sections five hundred and fifty-one, six hundred and seventy-five and six hundred and seventy-six of the act, approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto" by extending authority therein granted to include leasing of real property.

Referred to the Committee on Counties.

By Mr. SCHUMACHER. HOUSE BILL No. 1345.

An Act making an appropriation to the Department of Agriculture for the purpose of paying premiums to incorported agricultural associations.

Referred to the Committee on Appropriations.

By Mr. LOPRESTI. HOUSE BILL No. 1346.

An Act making an appropriation to the Treasury Department for the payment of certain claims against the Commonwealth.

Referred to the Committee on Appropriations.

By Mr. REUBEN E. COHEN. HOUSE BILL No. 1347.

An Act prohibiting persons licensed to practice certain professions from certain advertising in connection with their licensed activities; prescribing penalties; and conferring powers and imposing duties on certain licensing boards.

Referred to the Committee on State Boards.

By Messrs. READINGER, LEWIS and OSTROFF.

HOUSE BILL No. 1348.

An Act requiring State-aided institutions to name certain state senators nad members of the House of Representatives as ex-officio members of their boards of trustees.

Referred to the Committee on Welfare.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE.

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 93. (HOUSE BILL No. 1349),

An Act to amend section fourteen of the act, approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes dening the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and udicial process and providing penalties" as amended ex-

tending the retirement provisions relating to former teachers to those who returned to service only temporarily.

Referred to the Committee on Education.

SENATE BILL No. 222. (HOUSE BILL No. 1350).

An Act to amend sections five hundred and fifty-nine and five hundred and sixty-two of the act, approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the collection of taxes for which collectors have been exonerated and other delinquent taxes and authorizing the appointment of collectors of delinquent taxes therefor.

Referred to the Committee on Education.

SENATE BILL No. 308. (HOUSE BILL No. 1351).

An Act fixing the hours of rest each calendar week and the vacation period of members of the Pennsylvania State Police and the Pennsylvania State Highway Patrol.

Referred to the Committee on State Government.

BILLS INTRODUCED AND REFERRED

By Messrs. JOHN A. SMITH and DYSON.

HOUSE BILL No. 1352.

An Act authorizing and directing the Department of Forests and Waters to investigate the development of immunity to blight, of the chestnut tree, and to carry on experimental work on lands to be acquired and developed under this act for such purposes; and making an appropriation.

Referred to the Committee on Forestry.

By Mr. ALMOND. HOUSE BILL No. 1353.

An Act amending section ten of the Act of July twenty-second, one thousand nine hundred and thirty-six (No. 25) entitled "An Act abating, under certain circumstances, tax penalties and interest on certain city taxes in cities of the first class, school districts of the first class; and prohibiting the sale of real property for the non-payment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof, and for payment of costs in connection therewith," by correcting a mistaken reference made in section ten to another section of said act.

Referred to the Committee on Cities.

By Mr. WALSH. HOUSE BILL No. 1354.

An Act to further amend section two thousand two hundred and twenty-three of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violatoin thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general special, or local or any parts thereof, that are or may be inconsistent therewith" as amended, by regulating the retirement of and providing additional retirement allowances for superintendents of schools and superintendents of buildings in districts of the first class, under certain circumstances, and authorizing such school districts to provide for the payment of such additional allowances.

Referred to the Committee on Education.

By Mr. HAGERTY. HOUSE BILL No. 1355.

An Act to amend paragraphs one, three and five of section one of the act, approved the twelfth day of June, one thousand eight hundred and ninety-three, (P. L. 457), entitled "An act to provide for the erection, maintenance and regulation of public morgues in the several counties of this Commonwealth, for the care and disposal of bodies removed thereto, and providing for the payment of certain expenses of the same by the proper county or district, or by the estate of the deceased person, and providing for the disposal of the personal effects of unclaimed dead," as amended, by transferring certain powers from the county commissioners to the coroner in counties of the first class.

Referred to the Committee on Public Health and Sanitation.

By Mr. BLANK. HOUSE BILL No. 1356.

An Act to promote the accurate reading of water, gas and electric meters, by requiring a notation thereof to be left on the premises served; imposing duties on the Public Service Commission; and prescribing penalties.

Referred to the Committee on Public Utilities.

By Mr. BLANK. HOUSE BILL No. 1357.

An Act limiting the questions to be decided in any new trial granted because of the inadequacy or excessiveness of a verdict.

Referred to the Committee on Judiciary General.

By Mr. LEWIS. HOUSE BILL No. 1358.

An Act abolishing the Municipal Court of Philadelphia, and transferring actions, books, records, documents and papers in the possession of said court to other courts of the County of Philadelphia.

Referred to the Committee on Judiciary General.

By Mr. SHUGARTS. HOUSE BILL No. 1359.

An Act to amend section one thousand and nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, one thousand two hundred and six), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," extending the time within which appeals from auditors' reports may be taken.

Referred to the Committee on Townships.

By Mr. SHUGARTS. HOUSE BILL No. 1360.

An Act to amend sections two thousand six hundred and twenty-two and two thousand six hundred and twenty-six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven, (Pamphlet Laws three hundred and nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" as amended, extending the time within which appeals from auditors' reports may be taken.

Referred to the Committee on Education.

By Mr. SHUGARTS. HOUSE BILL No. 1361.

An Act to amend section five hundred and fifty-three of the act, approved the first day of May, one thousand

nine hundred and thirty-three (Pamphlet Laws, one hundred and three), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," extending the times within which appeals from auditors' reports may be taken.

Referred to the Committee on Townships.

By Messrs. DeNOTE and OSTROFF.
HOUSE BILL No. 1362.

An Act making the insurer in an action in tort involving the operating of a motor vehicle a proper party to the action in certain cases; and providing for the effect of such joinder.

Referred to the Committee on Judiciary General.

By Mr. JAMES A. SMITH. HOUSE BILL No. 1363.

An Act making voidable releases of claims for personal injuries or death; and providing for the avoidance of the same.

Referred to the Committee on Judiciary General.

By Messrs. OSTROFF, LEWIS, DeNOTE and McSHANE. HOUSE BILL No. 1364.

An Act relating to ice hockey and ice skating exhibitions on Sunday; prohibiting ice hockey and ice skating exhibitions on Sunday unless the electors of a municipality or township are in favor of the same, and requiring in certain cases that a license has first been secured from the municipal authorities; providing for referendums to ascertain the will of the electors and for the enactment and repeal of ordinances and resolutions in accordance therewith; providing penalties and repealing inconsistent laws.

Referred to the Committee on Law and Order.

By Messrs. SCHUMACHER and STACKPOLE.
HOUSE BILL No. 1365.

An Act to amend sections four hundred thirteen and seven hundred ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds;" changing the registration year and adjusting registration fees.

Referred to the Committee on Motor Vehicles.

By Mr. SAMUEL A. WEISS. HOUSE BILL No. 1366.

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section four A.

Referred to the Committee on Constitutional Amendments.

By Mr. GANSER. HOUSE BILL No. 1367.

Act Act authorizing and empowering the Valley Forge Park Commission to impose, by condemnation or purchase, certain restrictions on the use of land adjoining and contiguous to the said park, and providing a procedure therefore.

Referred to the Committee on Forestry.

By Mr. GANSER. HOUSE BILL No. 1368.

An Act making an appropriation to the Department of Forests and Waters, for acquisition of lands in connection with Valley Forge Park.

Referred to the Committee on Forestry.

By Messrs. OSTROFF, DeNOTE and LEWIS.
HOUSE BILL No. 1369.

An Act to further amend clause two of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further providing for the minimum salary and increments of teachers and other employes of school district of the first class.

Referred to the Committee on Education.

By Mr. THOMAS. HOUSE BILL No. 1370.

An Act authorizing acquisition of lands adjacent to Pymatuning Reservoir, by purchase, condemnation, or otherwise, and appropriating funds for such acquisition.

Referred to the Committee on Forestry.

By Messrs. SKALE and KROLL.
HOUSE BILL No. 1371.

An Act to amend section ten of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 710), entitled "An act allowing and regulating boxing, sparring and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor, and appropriating moneys received for monument and memorial purposes and prescribing penalties," as amended by prohibiting that the referee alone, shall render decisions.

Referred to the Committee on Judiciary Special.

By Mr. REISING. HOUSE BILL No. 1372.

An Act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals and other charges that may become due on leases and other contracts executed by such Department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings and facilities of the Authority, or for the services rendered by the Authority or its projects.

Referred to the Committee on Appropriations.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. TRONZO. (Concurrent) RESOLUTION No. 47.

In the House of Representatives, March 9, 1937.

Resolved, That the Chief Clerk be directed to have printed 500 additional copies each of House Bill No. 622,

entitled "An act providing for the establishment and administration of a system of health insurance; creating or providing for the erection and prescribing the powers and duties of various state and local agencies; imposing duties on the State Department of Health; imposing duties and liabilities on employers and employes; prescribing penalties; and making an appropriation," and of House Bill No. 1030, entitled "An act to provide a uniform system of administering public assistance throughout the Commonwealth; establishing a State Board of Assistance, district boards of assistance, and a State Director of Assistance, and defining the powers and duties of each; transferring the administration of certain branches of public assistance from present departments and officers to the department herein created; fixing minimum qualifications for eligibility of applicants for public assistance; fixing minimum standards for adequate public assistance; providing a merit system for the employment, promotion and dismissal of employes; providing for appeals in all matters pertaining to this act; requiring appropriations to be made separately for the various categories of assistance; empowering certain officials to enter into agreements with the United States Government or any branch thereof in furtherance of the purposes hereof; imposing the financial responsibility for all forms of public assistance defined in this act upon the Commonwealth; providing penalties for violation," for the use of the House of Representatives.

Referred to the Committee on Public Health and Sanitation.

Messrs. HOLLAND and SCANLON.

RESOLUTION No. 48.

In the House of Representatives, March 9, 1937.

Whereas, Notwithstanding the improvement in economic and unemployment conditions there remain thousands of young men who are unable to secure work, but who are not on relief rolls because supported by other members of the family; and

Whereas, In many cases such families are required to subsist on meager incomes, and should have additional income to maintain an American standard of living; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby memorializes the Congress of the United States to provide for admission of young men to the Civilian Conservation Camps, coming from the low income families not on relief, and that a quota not exceeding thirty per centum enrolled in such camps be selected from such families;

Resolved, That a copy of this resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives by the Chief Clerk of this House.

Referred to the Committee on Federal Relations.

SENATE MESSAGE

RESOLUTION No. 4 FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

SENATE RESOLUTION No. 4.

In the Senate, February 22, 1937.

Whereas The present Legislature is faced with the problem of raising revenues through the enactment of certain tax measures and

Whereas The present legislature as all past Legislatures has had presented to it the general argument that the taxes imposed under the laws of this State were so high that they were responsible for driving many industries out of the State and

Whereas The arguments advanced against certain types of taxation have been presented to the Legislature by persons who were the representatives of individual companies or their associations so that the members of the Legislature could not rely upon the facts and figures presented in substantiation of the arguments advanced and

Whereas The arguments advanced have failed to set up a wide and accurate comparison state by state tax by tax so that the members of the Legislature could not clearly see the soundness of the conclusions reached and

Whereas The members of the Legislature desire to have presented to them facts and figures gathered by persons who have no interest in the conclusion to be reached so that they may know if Pennsylvania has taxed any industry more than any of the adjacent industrial or mining states that enjoy equal economic advantages incident to the costs of the operation of any industry such as nearness to markets raw materials costs of power and available labor and

Whereas The members of the Legislature desire to be presented to them a complete set-up of all the taxes imposed upon industry both by local governments and the State and then to have similar figures compiled for the states enjoying similar economic advantages therefore be it

Resolved (If the House of Representatives concur) That the President Pro Tempore of the Senate shall appoint three members of the Senate and the Speaker of the House of Representatives shall appoint three members of the House of Representatives who together shall constitute a Joint Legislative Committee whose duty it shall be to make a careful thorough and impartial investigation of the total tax burdens placed upon industries in Pennsylvania and other industrial and mining states and be it further

Resolved That the said Joint Legislative Committee shall conduct an investigation to ascertain the number of industrial or mining concerns which have left our State and the reason given therefor and to ascertain the total tax burdens imposed by the States to which the said industrial or mining concerns have moved and be it further

Resolved That the said Joint Legislative Committee shall conduct an investigation to ascertain the number of new industrial and mining concerns which have moved into Pennsylvania and the reasons therefor and to ascertain to what extent the question of taxation was the cause of the transfer of such industry to this State as well as to ascertain the tax burden imposed by the State from which the industry has moved and be it further

Resolved That the said Joint Legislative Committee shall have the power to engage and employ such experts and assistants as the committee shall determine are necessary and such experts and assistants and the incidental expenses in conjunction with this investigation shall be paid out of any appropriation made by the General Assembly for the purposes embodied in this concurrent resolution and be it further

Resolved That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases and be it further

Resolved That said committee shall make a report of its findings and recommendations to the General Assembly at this session as early as possible or if impossible then at the next session of the General Assembly

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Ways and Means.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

LIQUID FUEL TAX

A resolution presented by Mr. Hays from the Clarion County Commissioners opposing taking liquid fuels tax from counties.

Referred to the Committee on Ways and Means.

FULL CREW AND TRAIN LIMIT

A communication presented by Mr. Hays from the Lake Erie Franklin and Clarion Railroad Company protesting passage of Full Crew Bill and urging exemption of short line roads from the provisions of the train limit bill.

Referred to the Committee on Railroads and Railways.

HIGHWAY

A petition addressed to Mr. Wilson from residents of Sykesville urging legislation to establish highways in Jefferson County.

Referred to the Committee on Highways.

TEACHERS TENURE

A communication from the American Federation of Teachers urging passage of a teachers tenure bill.

Referred to the Committee on Education

UNITED STATES HOUSING AUTHORITY

A communication from the Philadelphia Committee on Public Affairs endorsing House Bills Nos. 645, 646, 647 and 753.

Referred to the Committee on Welfare.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 545.

An Act to repeal section two of the act approved the thirteenth day of June one thousand nine hundred and seven (Pamphlet Laws five hundred sixty) entitled "An act designating the official flag of the Commonwealth of Pennsylvania and describing the same providing for the carrying of such flag by the regiments of the National Guard of Pennsylvania authorizing the Secretary of the Commonwealth to provide and have deposited in the office of Secretary of the Commonwealth a model of said flag and making an appropriation therefor."

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE RESOLUTION No. 22.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 9, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Resolution No. 22, Printer's No. 81, reciting that it is the sense of the General Assembly that two appropriations made to the Department of Property and Supplies by the Act of August 7, 1936, (P. L. 126), namely, one of $500,000 to be expended for the elimination of fire and other hazards to safety in State-owned institutions, and one of $500,000 for the erection, construction and repair of State armories, be expended despite the unavailability of Federal funds for such purposes.

GEORGE H. EARLE.

LEAVE OF ABSENCE

Mr. Murrin asked and obtained leave of absence for Mr. LaRUE for today's session.

REPORTS FROM COMMITTEES

Mr. SAMUEL A. WEISS, from the Committee on Elections, reported as amended, House Bill No. 1156, entitled:

An Act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

Mr. HETRICK, from the Committee on Banking, reported as committed, House Bill No. 1159, entitled:

An Act to amend section one thousand six of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties, and repealing certain acts and parts of acts," as amended, by providing further with regard to limitations upon loans to one corporation or person.

Mr. O'CONNOR, from the Committee on Judiciary General, reported as committed, House Bill No. 370, entitled:

An Act relating to the business of selling or leasing furniture and household articles on the installment or deferred payment plan, and prohibiting the joining in one agreement of sale or lease of articles purchased or leased at different times.

Mr. HAYS, from the Committee on Counties, reported as committed, House Bill No. 749, entitled

An Act requiring county commissioners to provide, at the expense of the county, telephone, typewriter and stenographic services for the county superintendent of schools.

Mr. DAVID H. WEISS, from the Committee on Counties, reported as committed, House Bill No. 965, entitled

An Act to further amend the act, approved the sixteenth day of April, one thousand nine hundred and twenty-five (P. L. 244), entitled "An act applying to third class counties only, and regulating the selection, drawing, and summoning of all jurors and talesmen, and defining their qualifications in such counties; creating a jury board and defining its powers and procedure; providing for the appointment of a clerk to the jury board and fixing his maximum salary; providing for the custody of the jury wheel, and the filing and custody of jury lists; providing for the public drawing of jurors and the methods thereof; giving the trial judge the right to excuse jurors; prescribing the time of challenging jurors or the array, and regulating the procedure if array is quashed; repealing all acts or parts of acts inconsistent therewith," by abolishing the jury board and transferring its powers and duties to the jury commissioners.

Mr. SHUGARTS, from the Committee on Mines and Mining, reported as committed, House Bill No. 107, entitled:

An Act to safeguard the lives, health and means of livelihood of employes and the property of owners of mines from accumulations of water or poisonous gases, in partially or temporarily abandoned mines; by requiring the remedying or elimination of such conditions by, or imposing the cost thereof on, the owners, operators or lessees of such mines; conferring powers and imposing duties on the Department of Mines; and prescribing penalties.

Mr. KEENAN, from the Committee on Counties, reported as committed, House Bill No. 1235, entitled:

An Act to amend section four hundred seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by providing the method of designating, and the qualifications of, the depositories selected for the deposit of funds of counties of the second class.

Mr. ROTHENBERGER, from the Committee on Motor Vehicles, reported as committed, House Bill No. 831, entitled:

An Act providing for the degree of care to be exercised by a pedestrian, operator and driver of a motor or other vehicle at the crossing of a highway and a railroad or railway at grade in certain cases; and the proof of negligence and contributory negligence in such cases.

Mr. WHALEN, from the Committee on Counties, reported as committed, House Bill No. 1075, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing the district attorney in counties of the third class to purchase and maintain police radio equipment.

Mr. FLANNERY, from the Committee on Public Health and Sanitation, reported as amended, House Bill No. 931, entitled:

An Act regulating the sale, exchange, removal and installation of certain plumbing fixtures in cities of the first class.

Mr. ZAPPALA, from the Committee on Counties, reported as amended, House Bill No. 1223, entitled:

An Act to amend section one of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three, (P. L. 851), entitled "An act fixing the pay and mileage of jurors and witnesses;" increasing the pay and reducing the mileage of jurors and witnesses.

Mr. BURROWS, from the Committee on Townships, reported as committed, House Bill No. 1085, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," changing the manner of creation of townships of the second class.

Mr. WAMPOLE, from the Committee on Banking, reported as committed, House Bill No. 1192, entitled:

An Act to amend section one of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, seven hundred nintey-six), entitled "An act providing for the preservation of the records of banks and trust companies, trust companies, saving banks, and private banks; and imposing penalties for violations," to permit the preservation of photographs, or the means of making or reproducing photographs of such records in lieu thereof.

Mr. BOHN, from the Committee on Counties, reported ac committed, House Bill No. 1241, entitled:

An Act authorizing the recorder of deeds of any county of the third class to record or re-record, by a photographic or photostatic process or method, all papers required or authorized to be recorded or re-recorded by him; fixing the fees for such recording and re-recording; making such photographic or photostatic record or re-record or any photographic or photostatic exemplification thereof, legal evidence; authorizing the county commissioners to contract, purchase and pay for the necessary apparatus, equipment and supplies; authorizing the employment of skilled employes and assistants to operate the same; and providing for the fixing and limitation of their compensation.

Mr. REUBEN E. COHEN, from the Committee on Cities, reported as committed, House Bill No. 1239, entitled:

An Act relating to counties of the first class and the duties of the prothonotaries of the several courts of common pleas in connection with the collection of certain taxes on writs and on entries and transcripts of judgments payable to the Commonwelth, and making provision for the disposition of the compensation therefor heretofore received by such pronthonotaries.

Mr. LEWIS, from the Committee on Banking, reported as committed, House Bill No. 1170, entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance, and protesting of bills, notes, drafts, checks, and other negotiable paper on such days," by authorizing certain additional bank holidays.

Mr. WEIDEMANN, from the Committee on Counties, reported as committed, House Bill No. 1190, entitled:

An Act to amend section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended, increasing the amount of the contracts for which advertising is required.

Mr. WEIDEMANN, from the Committee on Townships, reported as amended, House Bill No. 918, entitled:

An Act to amend section five hundred forty-seven as amended, and sections eight hundred two and nine hundred two of, and to add section nine hundred two to the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for and regulating the making of the annual budget on a uniform form prepared by representatives of the township supervisors, the Department of Highways, and the Department of Internal Affairs; requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department; and providing penalties.

Mr. TURNER, from the Committee on Banking, reported as committed, House Bill No. 1162, entitled:

An Act to amend section forty-one, (a) 1, (3) of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonus, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators, therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, providing that fiduciaries may invest trust funds in the bonds or other interest bearing obligations of housing authorities.

Mr. SCHROCK, from the Committee on Townships, reported as committed, House Bill No. 653, entitled:

An Act to amend section five hundred thirty as amended, and section five hundred thirty-two, of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto;" fixing the length of the term of certain officers appointed to fill vacancies.

Mr. LONGAKER, from the Committee on State Government, reported as committed, House Bill No. 713, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departmets, boards, and commissions; defining the powers and duties of the Governor and other executive officers, and of the several administrative departments, boards, commissions, and officers, fixing the salariese of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined, defining the powers and duties of the Department of Internal Affairs in respect to the Pennsylvania

Mr. SIMPSON, from the Committee on Motor Vehicles, reported as committed, House Bill No. 1217, entitled:

An Act to amend subsection (a) of section nine hundred three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within this Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; and making an appropriation and providing for refunds," as amended, changing the gross weight permitted for certain vehicles.

Mr. WEBSTER, from the Committee on Education, reported as committed, House Bill No. 1005, entitled:

An Act to amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the incurring or refunding of indebtedness, the issuing of bonds by school districts,, and the retiring of indebtedness; making payroll obligations preferential claims against the district; providing for penalties for failure to comply with any part of the act; and repealing provisions of state laws inconsistent with this act.

Mr. WESTRICK, from the Committee on Townships, reported as committed, House Bill No. 678, entitled:

An Act to amend paragraph I of section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three, (P. L. 103), entitled "An act concerning townships of the second class and amending, revising, consolidating, and changing the law relating thereto;" authorizing township supervisors to and illuminating the streets, highways and other public enter into ten year contracts for the purpose of lighting places.

Mr. FLINCHBAUGH, from the Committee on Counties, reported as committed, House Bill No. 1120, (Senate Bill No. 152), entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as amended, extending the retirement system of counties of the second class to additional employes; declaring certain persons ineligible to receive retirement allowances; and generally clarifying the provisions of the law governing such retirement systems.

Mr. JOHN J. BAKER, from the Committee on Corporations, re-reported as amended, House Bill No. 95, entitled:

An Act requiring certain officers to be paid by the Commonwealth or its political subdivisions; prohibiting certain contracts and agreements for the payment of their compensation or for the repayment or re-imbursement thereof by any person, copartnership, association, or corporation; and fixing penalties.

Mr. OSTROFF, from the Committee on Welfare, re-reported as committed, House Bill No. 645, entitled:

An Act to authorize cities, boroughs, towns, townships, counties and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks, playgrounds, streets, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, boroughs, towns, townships, and counties to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects and the occupants thereof; to authorize certain cities, and counties to make an appropriation for the first year's administrative expenses of housing authorities; and to authorize certain cities, boroughs, towns and counties to pay moneys to housing authorities.

Mr. OSTROFF, from the Committee on Welfare, re-reported as amended, House Bill No. 646, entitled:

An Act to promote the public health, safety, morals and welfare by providing for the creation of corporations to be known as limited dividend housing companies for the purpose of eliminating unsanitary and dangerous housing conditions, and constructing and operating safe and sanitary dwellings and apartments to be let at reasonable rentals, or sold; providing for the acquisition of property by the exercise of the power of eminent domain; providing for the supervision and regulation of the activities of such companies by the State Board of Housing in the Department of Health, and regulating the supervision by the State Board of any such companies aided by the Federal Government or agencies thereof; defining the rights, powers and duties of such companies, and of persons investing in or dealing with such companies; authorizing such companies to lease and operate, or to manage, projects of any housing authority, and borrow money from agencies of the United States Government; exempting all such companies from the payment of any capital stock tax; making certain securities of such corporations legal investments for funds in the hands of municipal officers, insurance companies and associations, savings banks and savings institutions; authorizing certain existing companies to accept the provisions of this act, and repealing inconsistent acts.

Mr. SHEA, from the Committee on Public Health and Sanitation, re-reported as amended, House Bill No. 1053, entitled:

An Act to amend section one as re-enacted, sections two and three as amended, sections four and five, and section six as amended, of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies," by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania; providing further for the distribution and use of unclaimed human bodies; fixing the time for the claiming and distribution of bodies, and the duties of carriers of bodies; requiring those receiving bodies to give bond; and providing penalties.

BILLS RE-REFERRED

Mr. BROAD returned from the Committee on Townships with the recommendation that it be re-referred to the Committee on Municipal Corporations, House Bill No. 1256, entitled:

An Act to add section one thousand seven hundred and twenty to the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," empowering tax collectors to collect delinquent occupation tax from employers.

The SPEAKER. The bill is now re-referred to the Committee on Municipal Corporations.

Mr. BROAD returned from the Committee on Townships with the recommendation that it be re-referred to the Committee on Municipal Corporations, House Bill No. 1260, entitled:

An Act to add section nine hundred and seventeen to the act, approved the first day of May, one thousand nine hundred and thirty-three, (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," empowering tax collectors to collect delinquent occupation tax from employers.

The SPEAKER. The bill is now re-referred to the Committee on Municipal Corporations.

Mr. HOLSTROM returned from the Committee on State Boards with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 1171, entitled:

A Joint Resolution authorizing the appointment of a commission to make an investigation of the ports of the Commonwealth with special reference to the improvement and betterment of such ports and the establishment of foreign trade zones; requiring the commission to make a report or partial reports of its findings to the present Session of the General Assembly, together with its recommendations as to such legislation as may be necessary or desirable; and authorizing the commission to employ assistants; and making an appropriation.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 964, entitled:

An Act to amend section five A of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended by changing the number and method of appointment of the civil service commissioners in said cities

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1204, entitled:

An Act relating to counties of the first class and the duties of the treasurers thereof in connection with the collection of certain taxes fees and license fees payable to the Commonwealth and making provisions for the disposition of the compensation therefor heretofore received by such treasurers

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1203, entitled:

An Act relating to counties of the first class and the duties of the recorders of deeds thereof in connection with the collection of certain fees and taxes payable to the Commonwealth and making provisions for the disposition of the compensation therefor heretofore received by such recorders of deeds

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1095, entitled:

An Act empowering municipalities to refund improvement bonds based solely on assessments for grading street and sewer improvement and imposing no municipal liability by a new issue of bonds

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Huse Bill No. 732, entitled:

An Act providing for and regulating the appointment promotion and reduction in rank and removal of paid members of the Bureau of Police Bureau of Detectives Police Women Bureau of Electricity in connection with police departments Police Telephone Operators and their assistants and Police Radio Operators and their assistants in counties cities boroughs towns and townships creating a county civil service commission in each county the members thereof to receive salaries to be payable by the counties defining the powers and duties of such civil service commissions imposing certain duties and expenses on the counties cities boroughs towns and townships imposing penalties and repealing inconsistent laws

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 744, entitled:

An Act expressing assent of the General Assembly of the Commonwealth of Pennsylvania to the provisions and purposes of the Act of Congress approved the twenty-ninth day of June one thousand nine hundred thirty-five (Public No. 182-74th Congress)

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 921, entitled:

An Act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings used for human habitation and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1119, entitled:

An Act to amend section one and sections two and eleven as amended of and to add section five and one-tenth to the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws twenty-one) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by further regulating the practice of optometry and providing for the licensing of optometric eye specialists having the right to treat the human eye

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1161, as follows:

An Act to amend section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belong to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the re-settlement of accounts and appeals to the courts refunds of moneys erroneous-

ly paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision for the appointment of mercantile appraisers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custory and disbursement or other disposition of funds and securities belong to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the re-settlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" is hereby amended to read as follows

Section 406 Appointment of Mercantile Appraisers and Their Clerks The Auditor General [and the city treasurer] shall [continue to] appoint mercantile appraisers [in cities of the first class and the Auditor General shall continue to appoint them] in all counties [not containing a city of the first class] as [now] provided by law

The Auditor General shall also approve or disapprove all expense account of mercantile appraisers or their clerks or assistants and the number and compensation of clerks or other assistants appointed by mercantile appraisers to assist them in the performance of their duties

The Auditor General shall from time to time certify to the Department of Revenue the names of mercantile appraisers appointed by him [in conjunction with the city treasurer in cities of the first class and by him in other counties] the salaries or rates of salary payable to such appraisers the number names and compensation of clerks or assistants approved by him for appointment by mercantile appraisers and all expense accounts which he has approved

Section 2 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 228, Printer's No. 254 was passed over at the request of Mr. JAMES W. PATTERSON.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1128, as follows:

An Act requiring unemployment relief orders to be presented for payment within a certain period otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation for unemployment relief purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Military Affairs shall as of the first day of January one thousand nine hundred thirty-seven and periodically thereafter take credit on its books and calculate as cash to the credit of the current appropriation to the State Veterans' Commission for unemployment relief purposes all amounts held in the form of cash for the payment of unemployment relief orders issued by said commission which have not been presented for payment within one year from the date of issue The State Veterans' Commission shall cancel all such orders at the time credit is taken on its books and notify the State Treasurer accordingly in order that the full amount thereof shall be credited to the current appropriation to the commission for unemployment relief purposes

All claims against the Commonwealth represented by relief orders issued by the State Veterans' Commission which are not presented for payment prior to the time of concellation shall be considered paid and all sums of money held or appropriated for the payment of such relief orders not presented within said period are hereby escheated to the Commonwealth and shall be credited to the current appropriation to the commission as hereinbefore provided.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 602, as follows:

An Act to amend section one thousand one hundred and two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" empowering directors of departments to appoint persons employed in their departments and assigning the fire department to the department of public safety

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand one hundred and two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 1102 Determination of Powers and Duties of Departments The council shall determine the powers and duties to be performed by and assigned them to the appropriate department but the fire department of the city

shall be assigned to the department of public safety shall prescribe the powers and duties of officers and employes [may assign particular officers and employes to one or perform duties in two or more departments] and may more departments may require an officer or employe to make such [other] rules and regulations as may be deemed necessary or proper for the efficient and economical conduct of the business of the city Provided however That the persons employed in the various departments of the city shall be appointed only by the director of the department but shall be subject to approval by the council

Section 2 This act shall become effective immediately upon final enactment

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 917, entitled:

An Act providing for the licensing of all persons engaged as blasters except in anthracite or bituminous coal mines or on farms requiring examination for such license providing for the payment of a fee for examination and for the issuance and renewal of licenses and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the first day of January one thousand nine hundred and thirty-eight it shall be unlawful for any person to be employed or permitted to engage in the occupation of blaster or shot-firer, except in anthracite or bituminous coal mines or on farms unless he shall first have obtained a license from the Department of Labor and Industry and is a holder of a valid license No license shall be issued until the person to be licensed has first passed an examination as hereinafter provided

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. FLINCHBAUGH. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 302, as follows:

An Act to amend the title and section one of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 477) entitled "An act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities (except of the second class A) boroughs towns and township who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period" clarifying the provision of said act as to payments to disabled policemen and firemen and providing for the payment over of workmen's compensation to the city borough town or township

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and section one of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 477) entitled "An act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities (except of the second class A) boroughs towns and townships who are injured in the performance of their duty and providing that absence period" are hereby amended to read as follows

An Act providing for the payment of the salary medical and hospital expenses of policemen and firemen by cities (except of the second class A) boroughs towns and townships who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period

Section 1 Be it enacted etc That any policeman or fireman of any city (except of the second class A) borough town or township who is injured in the performance of his duties and by reason thereof is temporarily incapacitated from performing his duties shall be paid by the municipality by which he is employed his full rate of salary as fixed by ordinance or resolution until the disability arising therefrom has ceased All medical and hospital bills incurred in connection with any such injury shall be paid by such municipality During the time salary for temporary incapacity shall be paid by city borough town or township any workmen's compensation received or collected by a policeman or fireman for such period shall be turned over to such city borough town or township and paid paid into the treasury thereof and if such payment shall not be so made by the policeman or fireman the amount so due the city borough town or township shall be deducted from any salary then or thereafter becoming due and owing

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flinchbaugh,	McKinney,	Simpson,
Alexander,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boles,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boyer,	Hess,	O'Keefe,	Thomas,
Bradley,	Hetrick,	Ominsky,	Thompson,
Brancato,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Horting,	Pearson,	Valibus,
Cadwalader,	Huntley,	Perry,	VanAllsburg,
Caesar,	Imbrie,	Pershing,	VanSickle,
Caputo,	Jirolanio,	Piole,	Vogt,
Chervenak,	Kane,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Walsh,
Cohen, R. E.,	Kilroy,	Reese,	Wampole,
Coleman,	Kline,	Reising,	Watkins,
Coolahan,	Kroll,	Richter,	Webster,
Corrigan,	Leisey,	Robinson,	Weidemann,
Costanzo,	Levy,	Rothenberger	Weiss, D. H.,
Davies,	Lewis,	Royer,	Weiss, S. A.,
Decker,	Long,	Ruffennach,	Welliver,
DeNote,	Longaker,	Rush,	Welsh,

Dickinson,	Lopresti,	Sarraf,	Westrick,
Donohoe,	Lovett,	Scanlon,	Whalen,
Dougherty,	Lyons,	Schor,	Whitenight,
Downey,	Mallen,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1041, as follows:

An Act to re-enact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. 208) entitled "An act to provide revenue for State purposes by imposing and excise tax for a limited period of time on the net income of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" as amended by extending the provisions of the act for a further period of time reducing the rate of tax further defining net income making further provisions for filing reports on a fiscal year basis and for the filing of consolidated reports providing for the settlement and re-settlement of taxes and review and appeal therefrom imposing duties and conferring powers on the Auditor General and making further provisions for the retention of records by corporations and for interest penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and all the sections of the act approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. 208) entitled "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriations and providing penalties" as amended hereby re-enacted or further amended as the case may be to read as follows

An Act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment [and] collection [of the tax and appeals to courts] settlement and re-settlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Corporate Net Income Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Corporation" A corporation having capital stock joint-stock association or limited partnership either organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency and doing business in this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of itself or any person partnership association limited partnership join-stock association or corporation The word "corporation" shall not include building and loan associations banks bank and trust companies national banks savings institutions trust companies beneficial life and limited life insurance companies mutual fire mutual casualty and mutual life insurance companies and foreign stock companies registered in this Commonwealth and therein engaged in doing business as life fire and casualty insurance companies and surety companies [and trust companies]

"Department" The Department of Revenue of this Commonwealth

"Net income" 1 In case the entire business of the corporation is transacted within this Commonwealth net income for the calendar year or fiscal year as returned to and ascertained by the Federal Government subject however to any correction thereof for fraud evasion or error as finally ascertained by the Federal Government Provided That additional deductions shall be allowed from net income on account of any Federal taxes paid [to the Government of the United States] during such calendar or fiscal year for the preceeding calendar or fiscal year or accured during such calendar or fiscal year for such year as the case may be and on account of any dividends received from any other corporation And provided further That in the case of stock life casualty and indemnity insurance companies doing business on the mutual or participating plan the term "net income" shall not include the dividends paid to policy holders out of net income

2 In case the entire business of any corporation is not transacted within this Commonwealth the tax imposed by this act shall be based upon such portion of the net income of such corporation for the fiscal or calendar year as defined in clause one hereof as may be determined by allocations and apportionments made as follows

(a) Gains realized from the sale of capital assets if such assets consist of real estate or tangible personal property situated in the Commonwealth shall be allocated to this Commonwealth

(b) Gains realized from the sale of capital assets if such consist of real estate or tangible personal property situated outside of the Commonwealth shall not be allocated in any part to this Commonwealth

(c) The remainder of such net income shall be divided into three equal parts

(1) Of one-third such portion shall be attributed to business carried on within this Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the value of the corporation's tangible prop- situated within this Commonwealth and whose denominator is the value of all the corporation's tangible property wherever situated

(2) Of one-third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the expenditure of the corporation for wages salaries commissions and other compensation to its employes and assignable to this Commonwealth as hereinafter provided and whose denominator is the total expenditures of the corporation for wages salaries commissions and other compensation to all its employes

(3) Of the remaining third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the amount of the taxpayer's gross re-

ceipts from business assignable to this Commonwealth as hereinafter provided and whose denominator is the amount of the taxpayer's gross receipts from all its business

In cases where only two of the foregoing three rules are applicable the remainder of the net income of the corporation shall be divided into two equal parts only each of which shall be apportioned in accordance with one of the remaining two rules If only one of the three rules is applicable the part of the net income received from business carried on within the Commonwealth shall be determined solely by that rule

The amount assignable to this Commonwealth of the expenditures of the corporation for wages salaries commissions or other compensation to its employes shall be such expenditures for the taxable year as represent the wages salaries commissions or other compensation of employes not chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the corporation outside the Commonwealth

The amount of the corporation's gross receipts from business assignable to this Commonwealth shall be the amount of its gross receipts for the taxable year from (1) sales fees and commissions except those negotiated or affected in behalf of the corporation by agents or agencies chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the taxpayer outside the Commonwealth [and sales otherwise determined to be attributable to the business conducted on such premises and] (2) rentals or royalties from property situated or from the use of patents within this Commonwealth and (3) dividends and interest except such dividends and interest attributable to the business conducted on premises owned or rented by the taxpayer outside the Commonwealth If a corporation maintains an office warehouse or other place of business in a state other than this Commonwealth for the purpose of reducing its tax under this subsection the department shall in determining the amount of its gross receipts from business assignable to this Commonwealth include therein the gross receipts [from sales] attributed by the corporation to the business conducted at such place of business in another state

A rule shall not be deemed to be inapplicable merely because all the tangible property or the expenditures of a corporation for wages salaries commissions or other compensation or the gross receipts of the corporation are found to be situated incurred or received without the Commonwealth

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to association shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 Imposition of Tax Every corporation shall be subject to and shall pay for the privilege of doing business in this Commonwealth a State excise tax at the rate of six per centum per annum upon each dollar of net income of such corporation received by and accruing to such corporation during the calendar year one thousand nine hundred thirty-five except where a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section four of this act in which case such tax at the rate of six per centum shall be levied collected and paid upon all net income received by and accuring to such corporation during the fiscal year commencing in the calendar year one thousand nine hundred and thirty-five and ending in the calendar year one thousand nine hundred thirty-six [and] a similar tax at the rate of ten per centum per annum upon each dollar of the net income of such corporation received by and accuring to such corporation during the calendar year one thousand nine hundred [and] thirty-six except where a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section four of this act in which case such tax at the rate of ten per centum shall be levied collected and paid upon all net income received by and accruing to such corporation during the fiscal year commencing in the calendar year one thousand nine hundred thirty-six and ending in the calendar year one thousand nine hundred [and] thirty-seven and a similar tax at the rate of seven per centum per annum upon each dollar of the net income of such corporation during the calendar years one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight except when a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to which case such tax at the rate of seven per centum shall the department as required by section four of this act in be levied collected and paid upon all net income received by and accuring to such corporation during the fiscal years one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight

The tax hereby imposed shall be in addition to all taxes now imposed on any corporation under the provisions of existing laws

Section 4 Report and Payment of Tax For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every corporation liable to pay tax under this act on or before the fifteenth day of April one thousand nine hundred [and] thirty-six [and on or before the fifteenth day of April] one thousand nine hundred [and] thirty-seven one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine to transmit to the department upon a form prescribed prepared and furnished by the department a report under oath or affirmation of its president vice president or other principal officer and of its treasurer or assistant treasurer of net income taxable under the provisions of this act Such report shall set forth

(a) A true copy of its return to the Federal Government of the annual net income arising or accuring in the calendar or fiscal year next preceding or such part or portions of said return as the department may designate

(b) If no return was filed with the Federal Government the report made to the department shall show such information as would have been contained in a return to the Federal Government had one been made and

(c) Such other information as the department may require

The failure of any corporation liable to pay tax under this act to procure or receive any report form shall not excuse it from making a report

Every corporation [at the time of making the report required herein] upon the date its report is required herein to be made shall pay to the department not less than one-half of the tax due to the Commonwealth by it for [the] such preceding year and the remaining one-half of such tax shall be paid [on or before the fifteenth day of May] within the thirty days next succeeding and except as otherwise provided by law no extension of time for the filing of any report granted by the department shall extend the date any tax imposed by this act shall be due and payable The amount of all taxes imposed under the provisions of this act not paid on or before the [time] times as above provided shall bear interest at the rate of [twelve] six (6) per centum per annum from the date they are due and payable until sixty (60) days after settlement and after at the rate of twelve (12) per centum per annum until paid except that any taxes found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date such Taxes are due and payable until paid Provided however That any corporation may pay the full amount of such tax or any part thereof together with interest due to the date of payment without prejudice to its right to present and prosecute a petition for re-settlement a petition for review or an appeal to court [if such payment is accompained by a protest that the whole or any part of such payment is not justly or legally due] If it be thereafter determined that such taxes were overpaid the department shall enter a credit to the account of such corporation which may be used by it [or assigned to any other person or corporation for use in the payment of any obligation

to the Commonwealth] in the manner prescribed by law

If the officers of any corporation shall neglect or refuse to make any report as herein required or shall knowingly make any false report an additional ten per centum of the amount of the tax shall be added by the department to the tax determined to be due

If any corporation [shall certify to the department that] closes its fiscal year [does] not [close] upon the thirty-first day of December but upon some other date and [that it] reports to the Federal Government as of such date or [that it] would so report were it to make a return to the Federal Government [then] such corporation shall [be permitted to] certify such fact to the department of Revenue and shall make the report herein required within [sixty (60)] thirty (30) days after the return to the Federal Government is due or would be due were it to be required of such corporation subject in all other respects to the provisions of this act

If the corporation shall claim in its report that the return made to the Federal Government was inaccurate the amount claimed by it to be the net income taxable under this act and the basis of such claim of inaccuracy shall be fully specified

Section 5 Consolidated Reports The Department [shall] may upon application made to it in such form as it shall prescribe permit any corporation owning or controlling directly or indirectly a majority of the voting capital stock of another corporation or of other corporations subject to the provisions of this act to make a consolidated report showing the combined net income Provided That consolidated reports may be made only by corporations making consolidated returns to the Federal Government

Section 6 Extension of Time to File Reports The department may upon application made to it in such form as it shall prescribe on or prior to the last day for filing any report and upon proper cause shown grant to the corporation required to file such report an extension of not more than sixty (60) days within which such report may be filed but the amount of tax due shall in such cases nevertheless be subject to [the payment] interest from the due dates and at the rates fixed by this act [at the rate of six per centum]

Section 7 Changes Made by Federal Government (a) If the amount of the net income as returned by any corporation to the Federal Government is finally changed or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States such corporation within thirty (30) days after the receipt of such final change or correction shall make corrected report under oath or affirmation to the department [of] showing such finally changed or corrected net income upon which the tax is required to be paid to the United States In case a corporation fails to file a report of such correction which results in an increase in net income within the time prescribed there shall be added to the tax a penalty of five dollars ($5.00) for every day during which such corporation is in default but the department may abate any such penalty in whole or in part

(b) If as a result of such final change or correction there should be any deduction made from the amount of the net income of any corporation upon which tax is imposed by this act the Board of Finance and Revenue shall have the power and its duty shall be to hear and determine any petition for the refund of taxes alleged to have been overpaid and upon the allowance of such petition to refund such taxes out of any appropriation made for the purpose or to credit the account of the corporation entitled to such refund All such petitions must be field with the board within two (2) years of the date of such change or correction Any person aggrieved by the action of the Board of Finance and Revenue in the determination of any petition for the refund of taxes alleged to have been overpaid may within sixty days appeal to the court of common pleas of Dauphin County from the decision of the board in the manner provided by law for appeals in the case of tax settlements

Section 8 [Determination and Re-determination of Tax Penalties and Interest Due (a) If within a period of two years after the filing of the report the department is not satisfied with the report and payment of tax made by any corporation under the provisions of this act or if at any time the net income as returned by any corporation to the Federal Government is finally changed or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States with the result that tax in addition to the amount paid is due under this act it is hereby authorized and empowered to make a determination of the tax due by such corporation based upon the facts contained in the report or upon any information within its possession or that shall come into its possession] Settlement and Re-settlement (a) All taxes due under this act shall be settled by the department and such settlement shall be subject to audit and approval by the Department of the Auditor General and shall so far as possible be made so that notice thereof may reach the taxpayer before the end of a year after the tax report was required to be made

(b) Promptly after the date of any such [determination] settlement the department shall send by [registered] mail or otherwise a copy thereof to such corporation [Within thirty (30) days after the date of any such determination such corporation may file with the department a petition for re-determination of such tax Every petition for re-determination shall state specifically the reasons which the petitioner believes entitled him to such re-determination and shall be supported by affidavit of an officer of the corporation that it is not made for the purpose of delay and that the facts therein set forth are true to the best of his knowledge information and belief The department shall within ninety (90) days after the date of any determination dispose of any petition for re-determination Notice of the action taken upon any petition for re-determination shall be given to the petitioner promptly after the date of re-determination by the department] The tax imposed by this act shall be settled re-settled and otherwise imposed and adjusted in the same manner within the same periods of time and right of re-settlement review appeal and except as herein otherwise prescribed refund as provided by law in the case of capital stock and franchise taxes imposed upon corporations

(c) [Within thirty (30) days after notice by the department of the action taken on any petition for re-retermination filed with it the corporation against which such determination was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reason upon which the petitioner relies and shall be in such form as the Board of Finance and Revenue shall prescribe The petition shall be supported by affidavit of an officer of the corporation that it is not made for the purpose of delay and that the facts therein set forth are true to the best of his knowledge information and belief The Board of Finance and Revenue shall dispose of such petitions filed with it within ninety (90) days after they have been received and in the event of the failure of said board to dispose of any such petition within ninety (90) days the action taken by the department upon the petition for re-determination shall be deemed sustained The Board of Finance and Revenue may sustain the action taken on the petition for re-determination or it may re-determine the tax due upon such basis as it shall deem according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the department and to the petitioners] If within a period of two years after the date of any settlement the department is not satisfied with such settlement or if at any time the net income as returned by any corporation to the Federal Government is finally changed or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States with the result that tax in addition to the amount paid is due under this act the department is hereby authorized and empowered to make a re-settlement of the tax due by such corporation based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

Whenever a re-settlement shall have been made here

under the department shall re-settle the account according to law and shall credit or charge as the case may be the amount resulting from such re-settlement upon the current accounts of the corporation with which it is made

The re-settlement shall be subject to audit and approval by the Department of the Auditor General as in the case of original settlement and in case of the failure of the two departments to agree the re-settlement shall be submitted to the Board of Finance and Revenue as in the case of original settlements

(d) [The department or any person aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon his petition for review within ninety (90) days may within sixty (60) days appeal to the court of common pleas of Dauphin County from the decision of the Board of Finance and Revenue or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlements

(e)] If any corporation shall neglect or refuse to make any report and payment of tax required by this act the department shall estimate the tax due by such corporation and [determine] subject to audit and approval by the Department of the Auditor General settle the amount due by it for taxes, penalties and interest thereon as prescribed herein from which [determination] settlement there shall be no right of review or appeal but the department with the approval of the Department of the Auditor General may require a report to be filed and thereupon make a settlement based upon such report and cancel the estimated settlement

Section 9 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations not inconsistent with this act relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act The department is hereby required to have such rules and regulations promulgated and adopted printed and shall distribute the same to any person upon request

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records and to investigate the character of the business of any corporation in order to verify the accuracy of any report made or if no report was made by such corporation to ascertain and [assess] settle the tax imposed by this act Every such corporation is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized Any information gained by the department as a result of any returns investigations or verifications required to be made by this act shall be confidential except for official purposes and any person divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

(c) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

(d) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section 10 Retention of Records by Corporations Penalty Each corporation shall maintain and keep for a period of [two (2)] three (3) years after any report is filed under this act such record or records of its business within this Commonwealth for the period covered by such report and other pertinent papers as may be required by the department

Any persons violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding one thousand dollars ($1000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

Section 11 Penalties (a) Any person who shall wilfully [and corruptly] make a false and fradulent return of net income made taxable by this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law Such penalty shall be in addition to any other penalties imposed by this act

(b) Any person who wilfully fails neglects or refuses to make a report [and] or to pay the tax as herein prescribed or who shall refuse to permit the department to examine the books papers and records of any corporation liable to pay tax under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1000.00) and costs of prosecution or to undergo imprisonment not exceeding six (6) months or both in the discretion of the court Such penalty shall be in addition to any other penalties imposed by this act

Section 12 [All taxes and penalties received and collected under the provisions of this act shall be paid into the State Treasury and those imposed for the calendar year one thousand nine hundred and thirty-five or the fiscal year beginning in the calendar year one thousand nine hundred and thirty-five and collectible in the year one thousand nine hundred and thirty-six or thereafter shall be used only for unemployment relief purposes and for such purposes are hereby appropriated All other taxes and penalties received and collected under the provisions of this act shall be credited to the General Fund

Section 13] Constitutional Construction The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section [14] 13 Effective Date This act shall become effective immediately upon its final enactment and shall remain in force only for the imposition and collection of taxes on net income of corporations for the [two] four calendar years one thousand nine hundred [and] thirty-five [and] one thousand nine hundred [and] thirty-six one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight or for the [two] four fiscal years ending in the calendar years one thousand nine hundred [and] thirty-six [and] one thousand nine hundred [and] thirty-seven one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine

Section 2 This act shall become effective immediately upon its final enactment.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—184

Achterman,	Flannery,	McElroy,	Shugarts,
Alexander,	Flinchbaugh,	McFall,	Siegel,
Allmond,	Ganser,	McGee,	Simon,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Haberlen,	Merrell,	Smith, John A.,
Baker, F. T.,	Hagerty,	Mihm,	Snyder,
Baker, J. J.,	Hall,	Mooney,	Sollenberger,
Balthaser,	Hamilton, F. P.,	Moran,	Spengler,
Bierly,	Hamilton, R. S.,	Moul,	Sproul,
Blank,	Harkins,	Munley,	Stackpole,
Bohn,	Harmuth,	Murrin,	Stank,
Boies,	Hays,	Nagel,	Stewart,
Boltz,	Hering,	O'Brien,	Strode,

Boyer,	Hess,	O'Connor,	Terry,
Bradley,	Hetrick,	O'Keefe,	Thomas,
Brancato,	Hindman,	Ominsky,	Thompson,
Brigerman,	Hirsch,	O'Neill,	Toole,
Broad,	Holland,	Ostroff,	Tronzo,
Brown,	Holmes,	Patterson, S.,	Trout,
Brownfield,	Holstrom,	Patterson, W.,	Tumelty,
Burrows,	Horting,	Peale,	Turner,
Caesar,	Huntley,	Pearson,	Valibus,
Caputo,	Imbrie,	Pershing,	VanAlisburg,
Cherrenak,	Jirolanio,	Piole,	VanSickle,
Coakley,	Kane,	Powers,	Vogt,
Cohen, H. B.,	Keenan,	Preston,	Wagner,
Cohen, R. E.,	Kelso,	Readinger,	Walsh,
Coleman,	Kilroy,	Reese,	Wampole,
Coolahan,	Kline,	Reising,	Watkins,
Corrigan,	Kroll,	Richter,	Webster,
Costanzo,	Leisey,	Robinson,	Weidemann,
Davies,	Levy,	Rothenberger,	Weiss, D. H.,
Decker,	Lewis,	Royer,	Weiss, S. A.,
DeNote,	Long,	Ruffennach,	Welliver,
Dickinson,	Longaker,	Rush,	Welsh,
Donohoe,	Lopresti,	Sarraf,	Westrick,
Dougherty,	Lovett,	Scanlon,	Whalen,
Downey,	Lyons,	Schor,	Whitenight,
Dubbs,	Mallen,	Schrock,	Wilson,
Dyson,	Marino,	Schrope,	Woodside,
Elpern,	Matthews, H. T.,	Schumacher,	Wright,
Falkenstein,	Matthews, J. F.,	Serrill,	Yanoshat,
Finnerty,	McArdle,	Shaw,	Yeakel,
Fiss,	McCullough,	Shea,	Yourishin,
Fitch,	McDermott,	Shepard,	Zappala,
Flanagan,	McDevitt,	Shoemaker,	Furman,

NAYS—9

Cadwalader,	Muir,	Stockham,	Winner,
Habbyshaw,	Perry,	Wall,	Wood,
McKinney,	Simpson,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1046, as follows:

An Act to re-enact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six Pamphlet Laws thirteen) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" by extending the provisions thereof for a further period of time and providing a method of ascertaining the amount of the tax for payment over to the Department of Revenue

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and all the sections of the act approved the ninth day of June thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six Pamphlet Laws thirteen) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" are hereby re-enacted and amended as follows

An Act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it hereby enacted by the authority of the same That the following words terms and phrases used in this act are for the purposes hereof defined as follows

"Liquor" Any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic and all drinks or drinkable liquids preparations or mixtures intended for beverage purposes which contain more than one-half of one per centum of alcohol by volume except alcohol and malt or brewed beverages

"Department" The Department of Revenue of this Commonwealth

"Board" The Pennsylvania Liquor Control Board of this Commonwealth

"Fiscal Month" The monthly period established from time to time by the Pennsylvania Liquor Control Board for the purpose of conducting its business

Section 2 Until the first day of June one thousand nine hundred [thirty-seven] thirty-nine an emergency State tax is hereby imposed and assessed at the rate of ten per centum of the net price of all liquors sold by the board The tax herein imposed shall be collected by the board from the purchasers of the liquor from the board [All taxes] The amount of such ten per centum so collected by the board under the provisions of this act shall be paid into the State Treasury through the department in the manner and within the times herein specified and shall be credited to the General Fund

Section 3 It shall be the duty of the board to transmit to the department on or before the fifteenth day of each calendar month a statement of its receipts from sales of liquor and taxes collected during the preceding fiscal month and such other information as may be necessary to effectuate the provisions of this act at which time it shall also be the duty of the board to pay to the department the tax imposed upon such liquor by the provisions of this act Provided however That the board may in its discretion add the tax imposed by this act to the wholesale and retail price at which liquors are sold and eliminate any accounting of such tax separate from sale prices and in such case the amount of the tax for any calendar month shall be ascertained by dividing the entire gross receipts derived from sales at Pennsylvania liquor stores during such month by eleven and the quotient thus obtained shall be deemed the amount of the tax for such month payable over under this section

Section 4 This act shall become effective immediately upon its final enactment

Section 2 This act shall be come effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allmond,	Ganser,	McShane,	Simpson,
Arnold,	Gerard,	Melchiorre,	Skale,
Atkins,	Gillette,	Mellott,	Sloan,
Aukerman,	Gorski,	Merrell,	Smith, James A.,
Baine,	Haberlen,	Mihm,	Smith, John A.,
Baker, F. T.,	Hagerty,	Mooney,	Snyder,
Baker, J. J.,	Hall,	Moran,	Sollenberger,
Balthaser,	Hamilton, F. P.,	Moul,	Spengler,
Bierly,	Hamilton, R. S.,	Muir,	Sproul,
Blank,	Harkins,	Munley,	Stackpole,
Bohn,	Harmuth,	Murrin,	Stank,
Boies,	Hays,	Nagel,	Stewart,
Boltz,	Hering,	O'Brien,	Stockham,
Boyer,	Hess,	O'Connor,	Strode,
Bradley,	Hetrick,	O'Keefe,	Terry,
Brancato,	Hindman,	Ominsky,	Thomas,
Brigerman,	Hirsch,	O'Neill,	Thompson,
Broad,	Holland,	Ostroff,	Toole,

Brown,	Holmes,	Patterson, S.,	Tronzo,
Brownfield,	Holstrom,	Patterson, W.,	Trout,
Burrows,	Horting,	Peale,	Tumelty,
Cadwalader,	Huntley,	Pearson,	Turner,
Caesar,	Imbrie,	Perry,	Valibus,
Caputo,	Jirolanio,	Pershing,	VanAllsburg,
Chervenak,	Kane,	Piole,	VanSickle,
Coakley,	Keenan,	Powers,	Vogt,
Cohen, H. B.,	Kelso,	Preston,	Wagner,
Cohen, R. E.,	Kilroy,	Readinger,	Wall,
Coleman,	Kline,	Reese,	Walsh,
Coolahan,	Kroll,	Reising,	Wampole,
Corrigan,	Leisey,	Richter,	Watkins,
Costanzo,	Levy,	Robinson,	Webster,
Davies,	Lewis,	Rothenberger,	Weidemann,
Decker,	Long,	Royer,	Weiss, D. H.,
DeNote,	Longaker,	Ruffennach,	Weiss, S. A.,
Dickinson,	Loprestl,	Rush,	Welliver,
Donohoe,	Lovett,	Sarraf,	Welsh,
Dougherty,	Lyons,	Scanlon,	Westrick,
Downey,	Mallen,	Schor,	Whalen,
Dubbs,	Marino,	Schrock,	Whitenight,
Dyson,	Matthews, H. T.,	Schrope,	Wilson,
Eckels,	Matthews, J. F.,	Schumacher,	Wood,
Elpern,	McArdle,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,
Finnerty,	McDermott,	Shea,	Yeakel,
Fiss,	McDevitt,	Shepard,	Yourishin,
Fitch,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Shugarts,	Furman,

NAYS—3

Habbyshaw,	Winner,	Woodside,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1047, as follows:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (Pamphlet Laws six hundred forty) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions or section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by increasing the rate of tax for a limited period of time and by imposing the tax on certain corporations heretofore exempt

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of th same That section one of the act approved the thirteenth day of June one thousand nine hundred seven (Pamphlet Laws six hundred forty) entitled "An act to provide revenue by levying a tax upon the shares of stocks of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled "An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" as last amended by the act approved the twenty-eighth day of July one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six Pamphlet Laws seventy-three) be and the same is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of th same That from and after the passage of this act every company incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth one thousand eight hundred and seventy-four and its supplements or any other act of Assembly heretofore or hereafter approved for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and incumbrances and every company entitled to benefits of and every company having any of the powers of companies entitled to the benefits of an act entitled "An act conferring upon certain fidelity insurance safety deposit trust and savings companies and powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide or the incorporation and regulation of certain corporations' approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto" approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies and every company organized as a bank and trust company or as a trust company under any act of Assembly heretofore or hereafter approved [except any such corporations all of the shares of capital stock of which (other than shares necessary to qualify directors) are owned by a corporation which is liable to pay to the Commonwealth a tax on shares] shall on or before the fifteenth day of February in each and every year make to the Department of Revenue a report in writing setting forth the full number of shares of the capital stock subscribed for or issued by such company and the actual value thereof as of December thirty-first preceding which shall be ascertained as hereinafter provided and thereupon it shall be the duty of the Department of Revenue for the calendar years ending December thirty-first one thousand nine hundred thirty-six December thirty-first one thousand nine hundred thirty-seven and December thirty-first one thousand nine hundred thirty eight to assess such shares for taxation at the rate of eight mills upon each dollar of the actual value thereof and thereafter at the rate of [five] five mills upon each dollar of the actual value thereof the actual value of each share of stock to be ascertained and fixed by adding together the amount of capital stock paid in the surplus and undivided profits and dividing this amount by the number of shares

It shall be the duty of every such company within a period of sixty days after the date of such settlement by the Department of Revenue to collect the amount of said tax form its shareholders and pay the same to the State Treasurer through the Department of Revenue Provided That upon the payment of the tax fixed by this act into the State Treasury through the Department of Revenue the shares and so much of the capital stock

surplus profits and deposits of such company as shall not be invested in real estate shall be exempt from all other taxation under the laws of this Commonwealth The procedure in case the Department of Revenue be not satisfied with the report made by any title insurance or trust company and the penalties for failing to make such report and pay the tax shall be as provided by law

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—191

Achterman,	Flannery,	McFall,	Shugarts,
Alexander,	Flinchbaugh,	McGee,	Siegel,
Allmond,	Ganser,	McShane,	Simon,
Arnold,	Gerard,	Melchiorre,	Skale,
Atkins,	Gorski,	Mellott,	Sloan,
Aukerman,	Habbyshaw,	Merrell,	Smith, James A.,
Baine,	Haberlen,	Mihm,	Smith, John A.,
Baker, J. J.,	Hagerty,	Mooney,	Sollenberger,
Balthaser,	Hall,	Moran,	Spengler,
Bierly,	Hamilton, F. P.,	Moul,	Sproul,
Blank,	Hamilton, R. S.,	Munley,	Stackpole,
Bohn,	Harkins,	Murrin,	Stank,
Boies,	Harmuth,	Nagel,	Stockham,
Boltz,	Hays,	O'Brien,	Strode,
Boyer,	Hering,	O'Connor,	Thomas,
Bradley,	Hess,	O'Keefe,	Thompson,
Brancato,	Hetrick,	Ominsky,	Toole,
Brigerman,	Hindman,	O'Neill,	Tronzo,
Broad,	Hirsch,	Ostroff,	Tumelty,
Brown,	Holland,	Patterson, S.,	Turner,
Brownfield,	Holmes,	Patterson, W.,	Valibus,
Burrows,	Holstrom,	Peale,	VanAllsburg,
Caesar,	Horting,	Pearson,	VanSickle,
Caputo,	Huntley,	Pershing,	Vogt,
Chervenak,	Imbrie,	Piole,	Wagner,
Coakley,	Jirolanio,	Powers,	Walsh,
Cohen, H. B.,	Kane,	Preston,	Wampole,
Cohen, R. E.,	Keenan,	Readinger,	Watkins,
Coleman,	Kelso,	Reese,	Webster,
Coolahan,	Kilroy,	Reising,	Weidemann,
Corrigan,	Kline,	Richter,	Weiss, D. H.,
Costanzo,	Kroll,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Lopresti,	Sarraf,	Whitenight,
Dougherty,	Lovett,	Scanlon,	Wilson,
Downey,	Lyons,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,
Flanagan,	McElroy,		

NAYS—12

Cadwalader,	McKinney,	Simpson,	Terry,
Gillette,	Muir,	Snyder,	Trout,
Longaker,	Perry,	Stewart,	Wall,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 555, as follows:

An Act to amend sections two four five eight thirteen fifteen sixteen seventeen and twenty-three of the act approved the twenty-sixth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1076) entitled An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" changing certain requirements for incorporation enlarging the scope of membership permitting compensation to directors and committee members clarifying the basis for the collection of interest and fines providing for refunds of interest on obligations paid before maturity and permitting officers a limited right of borrowing further regulating the maintenance of reserve funds and the determination and payment of dividends and providing for further tax exemptions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two four five eight thirteen fifteen seventeen and twenty-three of the act approved the twenty-sixth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1076) entitled "An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" are hereby amended to read as follows

Section 2 Method of Incorporation A credit union may be incorporated in the following manner to wit

A The articles of association of an intended credit union must be subscribed to by seven citizens of this Commonwealth and shall set forth

I The name of the proposed credit union which shall contain the words "credit union"

II The class of services to be performed by the credit union which services shall be within the scope of activities of such associations as set forth in this act

III The principal place where its business is to be transacted which shall be within this Commonwealth

IV The term for which it is to exist

V The [amount of its capital stock and the number and] par value of its shares [into which it is divided] which par value shall not exceed ten ($10) dollars for each share the names and post office addresses of the subscribers and the number of shares subscribed by each

VI The number of its directors for the first year not less than five the names and residences of those who are chosen for directors for the first year and the name and residence of the treasurer

VII The common bond of membership whether of occupation association or residence [,] or place of business within a well defined neighborhood community or rural district

VIII Any other provisions not inconsistent with law which the proposed credit union may see fit to adopt governing the regulation and conduct of its affairs

B Notice of the intention to apply for any such charter shall be [inserted in one newspaper of general circulation] advertised one time in a newspaper of general circulation and one time in a legal newspaper as defined by law printed in the county where the principal place of business is situated [for one insertion] setting forth briefly the character and purpose of said corporation and the kind of service to be performed by it such advertisement shall be published at least three days prior to the day fixed in the advertisement for the presentation of the application to the [Governor] Department of Banking

C The articles of association shall be acknowledged by not less than [five] seven of the subscribers thereto before any officer authorized to take acknowledgments and administer oaths and affirmations in the Commonwealth and they shall also make and subscribe an oath or affirma-

tion before said officer that the statements contained therein are true

D Said articles of association accompanied with proof of publication of the notice hereinbefore provided to be given [a copy] two copies of the proposed by-laws for the general governance of the credit union [, and a certificate of approval by the Department of Banking of this Commonwealth to such application and proposed by-laws] shall then be presented to the [Governor of this Commonwealth] Secretary of Banking who shall examine the same and if he finds [it] the application in proper form and within the purpose mentioned in this act he shall indorse his approved thereon and [direct letters patent to] forword the application to the Department of State The Secretary of the Commonwealth shall then issue a certificate of incorporation in form similar to those issued to business corporations [of the second class] in this Commonwealth which [letters patent] shall incorporate the subscribers and their associates and successors into a body politic and corporate in deed and in law by the name chosen Said articles of association shall be recorded in the office of the Secretary of the Commonwealth in a book to be by him kept for the purpose Certified copies of the records thereof shall be competent evidence for all purposes in the courts of this Commonwealth

E [The original articles of association together with all indorsements shall be recorded in the office of the recorder of deeds in and for the county where the principal place of business is situate From thenceforth the subscribers thereto their associates and successors shall be a body politic and corporate for the purposes and upon the copies of the records thereof shall be competent evidence for all purposes in the courts of this Commonwealth] The articles of association may be amended by including the proposed amendments in the call for the regular or special meeting at which such amendments are to be considered Amendments to the articles of association must be approved by three-fourths of the members present at the regular or special meeting at which the amendments are considered and the proposed amendments shall be acted upon only in the event that a quorum of the members is present as provided in the by-laws of the credit union Articles of amendment shall be filed with the Secretary of Banking who if he approves the amendments shall forward the articles of amendment to the Department of State The Secretary of the Commonwealth shall then issue a new certificate of incorporation and shall record the articles of amendment in the office of the Secretary of the Commonwealth upon payment of the usual filing fee The articles of amendment shall set forth

I The name and principal place of business of the credit union

II The amendment or amendments as adopted by the members

III The date of the meeting at which the amendment or amendments was adopted

IV That notice of the meeting at which the amendment or amendments was considered was given to each member as provided in the by-laws

V That at the meeting at which the amendment or amendments was considered a quorum of the members was present as provided in the by-laws

VI That the amendment or amendments was approved by three-fourths of the members then present

The articles of amendment shall be signed by the President and Clerk of the credit union and acknowledged before any officer authorized to take acknowledgments and administer oaths and affirmations in this Commonwealth and they shall also make and subscribe an oath or affirmation before said officer that the statements contained therein are true

Section 4 Membership Credit union membership shall consist of the incorporators and such other persons as may be elected from time to time to membership and who subscribe to at least one share of the capital stock and pay the initial installment thereon together with the entrance fee Organizations incorporated or otherwise composed principally of the same general group as the credit union membership may be members Credit union organizations shall be limited to groups of both large and small membership having a common bond of association by reason of occupation membership in the same fraternal labor or religious organization or [to groups] residence or place of business within a well defined neighborhood community or rural district

Section 5 Reports and Examination Credit unions shall be under the supervision of the Department of Banking of the Commonwealth and shall report to its as often as may be required by the Secretary of Banking and at least annually on blanks supplied by the said department for that purpose Supplementary reports may be required by the secretary from time to time Credit unions shall be examined as often as may be required by the Secretary of Banking and at least annually and the department may use such other method of assuring itself of the condition of the credit unions as it shall deem advisable The cost of all such examinations and inspections shall be paid by the credit union [except that no charge shall be made for any examination by the department made during the first six months of operation of a credit union] A credit union shall also pay annually its proportionate share of the overhead expense of the said Department of Banking determined in the same way and manner as may be provided from time to time for banks or trust companies operating under the supervision of the department For failure to file reports when due unless excused for cause a credit union shall pay to the Department of Banking five dollars ($5.00) for each day of its delinquency If the department determines that the credit union is violating any of the provisions of this act or is insolvent the department may serve notice on the credit union of its intention to revoke its certificate of approval and if such violation continues or such insolvency continues for a period of fifteen days after the mailing of such notice the department may revoke the certificate and take possession of the business and property of the credit union and retain possession until such time as it shall comply with the requirements of this act or until its affairs are finally liquidated The department may take similar action if any report is not filed within a period of fifteen days after it is due

Section 8 Directors and Officers A At the first meeting the directors shall elect from their own number a president a vice-president a treasurer and a clerk The same individual may be both treasurer and clerk The directors shall have general management of the affairs of the credit union and are specifically required

(a) To act on applications for membership

(b) To determine interest rates on loans

(c) To fix the amount of the surety bond which shall be required of all officers and employes handling money

(d) To declare dividends and to transmit or cause to be transmitted to the members all proposed amendments to the by-laws

(e) To fill vacancies in the board and in the credit committee until successors are duly chosen and qualified

(f) To determine the maximum individual share holdings and the maximum individual loan which can be made with or without security and

(g) To have charge of investments other than loans to members

B Duties of the officers shall be as determined in the by-laws [No member of the board or of either committee shall as such be compensated] A member of the board of directors and members of the credit committee and the supervisory committee may be compensated if the credit union paid a dividend of not less than three per cent (3%) from the earnings of the last preceding year provided however that the Secretary of Banking may prohibit or regulate the payment of compensation if he deems such compensation excessive or if in his opinion the financial condition of the credit union is not such as to warrant the payment of such compensation

Section 13 Rates and Fines Interest rates on loans made by a credit union to its members shall not exceed the rate of six per centum (6%) per annum [,] when discounted on loans which are repayable in equal installments [over one year except that in addition] or the

rate of twelve per centum (12%) per annum when calculated on the unpaid principal balances For failure to pay an installment or installments on a discounted loan when due [or to make payments on subscribed shares when due] a fine may be charged which shall in no case exceed one-fourth of one per centum (¼ of 1%) for each week of delinquency one the amount in arrears except that a minimum fine of five cents may be charged When interest is calculated on the unpaid principal balances it shall be computed for the actual number of days which have elapsed at the time of payment and no other charges or fines shall be collected For failure to make payments on subscribed shares a fine may be charge at the same rate and in the same manner as the fine permitted for failure to pay loan installments when due Where deemed necessary by the credit committee an investigation fee of one per centum (1%) of the amount of any loan of one hundred dollars ($100.00) or more may be charged

Section 15 Loans A credit union may make loans to its members only Loans must be for a purpose deemed by the credit committee to be provident or for productive purposes and must be made subject to the conditions contained in the by-laws A borrower may repay his loan in whole or in part any day the office of the credit union is open for business [.] A director officer or member of any committee may only borrow from the credit union in which he holds office an amount not exceeding his total share holdings or the total share holdings free and unpledged or any indorser No director officer or member of any committee may [borrow from] endorse a loan granted by the credit union in which he holds office [, nor may he indorse for borrowers]

Section 16 Reserves All entrance fees [fines which may be provided for in the by-laws for failure to make repayments on loans and payments on shares when due] collected and [each year before the declaration of a dividend] twenty per centum (20%) of the annual net earnings shall be set aside as a reserve fund which shall be kept liquid and intact and not loaned out to members provided however that when the reserve fund thus established shall equal ten per centum (10%) of the total amount outstanding in loans to members the credit union may upon written approval of the Secretary of Banking reduce the amount annually set aside from net earnings to ten per centum (10%) and provided further that when the reserve fund shall equal twenty per centum (20%) of the amount outstanding in loans to members the credit union may upon written approval of the Secretary of banking discontinue increasing the reserve fund The reserve fund thus created shall belong to the credit union and shall be used as a reserve against bad loans and shall not be distributed except in case of liquidation Any amount received from the repayment of a loan after it has been charged off against the reserve fund shall be credited back to said fund

Section 17 Dividends On recommendations of the directors a credit union may at the end of the fiscal year declare a dividend from net earnings which dividend shall be paid on all shares outstanding at the end of the fiscal year Shares which become fully paid up during the year shal be entitled to a proportional part of such dividend calculated from the first day of the month following such payment in full The equivalent of the par value of one share of stock shall be considered as a full paid share in the calculation of dividends Dividends may be added to the credit of the members' share accounts or paid in cash at the option of the board of directors

Section 23 Taxation A credit union organized under this act shall be deemed an institution for saving and its assets together with all the accumulations therein shall not be subject to taxation except as to real estate owned by it The shares of a credit union shall not be subject to a capital stock bonus tax or a stock transfer tax when issued by the corporation

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time. considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flinchbaugh,	McKinney,	Simpson,
Alexander,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boies,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boyer,	Hess,	O'Keefe,	Thomas,
Bradley,	Hetrick,	Ominsky,	Thompson,
Brancato,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, S.,	Trout,
Brown,	Holmes,	Patterson, W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Horting,	Pearson,	Vallbus,
Cadwalader,	Huntley,	Perry,	VanAllsburg,
Caesar,	Imbrie,	Pershing,	VanSickle,
Caputo,	Jirolanio,	Piole,	Vogt,
Chervenak,	Kane,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Walsh,
Cohen, R. E.,	Kilroy,	Reese,	Wampole,
Coleman,	Kline,	Reising,	Watkins,
Coolahan,	Kroll,	Richter,	Webster,
Corrigan,	Leisey,	Robinson,	Weidemann,
Costanzo,	Levy,	Rothenberger	Weiss, D. H.,
Davies,	Lewis,	Royer,	Weiss, S. A.,
Decker,	Long,	Ruffennach,	Welliver,
DeNote,	Longaker,	Rush,	Welsh,
Dickinson,	Lopresti,	Sarraf,	Westrick,
Donohoe,	Lovett,	Scanlon,	Whalen,
Dougherty,	Lyons,	Schor,	Whitenight,
Downey,	Mallen,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 858, entitled

An Act authorizing counties cities boroughs towns and townships to acquire construct reconstruct improve better and extend revenue-producing undertakings to maintain and operate the same and to prescribe revise and collect rates fees tolls and charges for the services facilities and commodities furnished thereby and in anticipation of the collection of the revenues thereof to issue certificates payable solely from such revenues regulating the issuance of such certificates and providing for their payment and for the rights of the holders thereof

On the question,

Will the House agree to the bill on third reading?

Mr. SPROUL. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows

Amend title, page 1, line 1 of title, by inserting after the word "townships" the following: "with the consent of the electors thereof"

Amend sec. 3, page 3, line 3 and 4, by striking out the words "In addition to the powers which it may now have and insert in lieu thereof "If the consent of the electors of the municipality shall first have been secured to any undertaking as hereinafter provided"

Amend bill, page 8, by inserting after line 28, the following section: "Section 9. Referendum. The consent of the electors to any undertaking authorized by this act may be secured at any general or municipal election by the submission of a proper question in the manner provided by the election laws of the Commonwealth, which question shall be certified to the county commissioners by the governing body of the municipality at least sixty days before such election. It shall be the duty of the county commissioners to submit such question to the electors of the municipality at such election in the manner provided by law for such questions. If a majority of the electors voting on such question vote in favor of the same, the municipality may proceed with the undertaking in the manner provided by this act, but if a majority shall vote against such question, the municipality shall not proceed with the undertaking except as the result of any future referdum authorizing the same.

Amend sec. 9, page 9, line 1, by striking out the figure "9" and insert in lieu thereof "10"

Amend sec. 10, page 9, line 8, by striking out the figure "10" and insert in lieu thereof "11"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection?

Mr. ROTHENBERGER. Mr. Speaker, I regret to have to object.

The SPEAKER. The Chair hears objection and consent is not granted.

MOTION TO RECONSIDER

Mr. SPROUL. Mr. Speaker, I move that the vote by which this bill was ordered to be transcribed for third reading be reconsidered.

On the question,

Will the House agree to the motion?

Mr. SPROUL. Mr. Speaker, am I in order to speak upon the purpose of the amendment and the motion at this time?

The SPEAKER. The gentleman is in order to debate the question to reconsider the vote.

Mr. SPROUL. Mr. Spaeker and members of the House, I am asking for reconsideratoin of the vote by which this bill was transcribed for third reading in order to submit amendments requiring submission to the voters of the powers embodied in House Bill No. 858. The bill permits by resolution of the governing body, by resolution only, adopted at a regular meeting—

POINT OF ORDER

Mr. SAMUEL A. WEISS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. SAMUEL A. WEISS. Mr. Speaker, the gentleman is speaking on the merits of the amendments and not on the motion.

The SPEAKER. The gentleman will please confine himself to the question, which is the motion to reconsider. The point of order of the gentleman from Allegheny is well taken. The gentleman may not discuss the merist of the bill or the proposed amendments at this time, as they are not before the House.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SPROUL. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. SPROUL. Mr. Speaker, may I quote from a section of the bill merely by way of asking the House to vote for this motion, without discussing its merits?

The SPEAKER. The gentleman has the right to give his reasons for wanting to reconsider. General discussion of the bill is out of order or a discussion of any amendment is out of order at this time.

Mr. SPROUL. Mr. Speaker and members of the House, I would ask the House for their consideration in voting for the reconsideration of the vote ordering the bill to be transcribed for third reading in order that I may introduce amendments and have a vote thereon. These amendments have just been read for the information of the House, and if the House decides to vote down these amendments that is its privilege.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SPROUL. Mr. Speaker and members of the House, the provisions of section 4, on page 4, of House Bill No. 858 are so broad that the members of council of any municipal body may merely by resolution decide to take over or undertake (page 2) a number of public improvements, utilities, or engage in the business thereof. It provides that only by the adoption of a resolution at a regular meeting by a majority of the members of the governing body present. Such resolution shall take effect immediately and need not be laid over or published or posted. In other words, I think the provisions of this law are so drastic or so broad that the members of any municipal body present may undertake those things which should be submitted to the voters of a particular municipality for their approval. I ask the members of the House to vote against this bill because I do not believe that such powers should be undertaken or assumed by the governing body of any municipality without first submitting the question to the voters of that municipality.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Rothenberger.

Mr. ROTHENBERGER. Mr. Speaker, I yield to the gentleman from Allegheny, Mr. Weiss.

Mr. SAMUEL A. WEISS. Mr. Speaker and members

of the House, this bill is not as broad as the gentleman from Delaware, Mr. Sproul, has indicated. If you will note section 7, page 8, of the bill, it states distinctly that "No municipal liability on Certificates Revenue anticipation certificates issued" shall be incurred as the result of any improvements brought about by any municipal subdivision. Now on the certificates themselves this entire section is written in, and, further, you will note in that section of the bill that these certificates issued as the result of any improvement shall not "constitute a charge lien or encumbrance legal or equitable upon any property of the municipality." Now, the people will know what they are buying when these anticipation certificates are issued, the purchasers will have their eyes open, and the old doctrine of "Let the buyer beware" prevails, so that they are only getting what they buy, and I say there will be no attempt upon the part of any councilmen or commissioners to institute a lot of improvements and issue certificates causing an encumbrance or charge upon the tax payers of that municipality. It is a bill that will favor a lot of municipal subdivisions with improvements, with the availability of Federal funds, and I ask the membership to vote "aye" on this measure.

Mr. SPROUL. Mr. Speaker and members of the House, I appreciate the fact that the gentleman from Allegheny, Mr. Weiss, has called my attention to section 7. That does not, however, interfere with the powers about which I spoke, which I think are too broad, and I do not see why it is not a good thing for a municipality to have the voters pass upon it. I ask the House to vote against this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—148

Alexander,	Falkenstein,	McCullough,	Scanlon,
Allmond,	Finnerty,	McDermott,	Schor,
Aukerman,	Fitch,	McElroy,	Schrope,
Baine,	Flanagan,	McFall,	Shaw,
Alexander,	Flannery,	McGee.	Shea,
Baker, J. J.,	Flinchbaugh,	McShane.	Shepard,
Balthaser,	Ganser,	Melchiorre,	Shoemaker
Bierly,	Gerard,	Mellott,	Shugarts,
Blank,	Gorski,	Mihm,	Siegel,
Bohn,	Haberlen,	Mooney,	Simon,
Boies,	Hagerty,	Moran,	Skale,
Boltz,	Hamilton, F. P.,	Moul,	Smith, James A.,
Bradley,	Harkins,	Munley,	Smith, John A.,
Brancato,	Harmuth,	Murrin,	Spengler,
Brigerman,	Hays,	Nagel,	Stank,
Broad,	Hering,	O'Brien,	Thomas,
Brown,	Hess,	O'Connor,	Thompson,
Brownfield,	Hetrick,	O'Keefe,	Toole,
Burrows,	Hindman,	Ominsky,	Tronzo,
Caesar,	Hirsch,	O'Neill,	Tumelty,
Caputo,	Holland,	Ostroff,	Valibus,
Chervenak,	Holmes,	Patterson, S.,	VanSickle,
Coakley,	Holstrom,	Patterson, W.,	Vogt,
Cohen, H. B.,	Horting,	Pearson,	Wagner,
Cohen, R. E.,	Jirolanio,	Pershing,	Walsh,
Coleman,	Keenan,	Piole,	Weiss, D. H.,
Coolahan,	Kelso,	Powers,	Weiss, S. A.,
Corrigan,	Kilroy,	Preston,	Welliver,
Costanzo,	Kroll,	Readinger,	Welsh,
Decker,	Levy,	Reese,	Westrick,
DeNote,	Lewis,	Reising,	Whalen,
Dickinson,	Long,	Richter,	Whitenight,
Donohoe,	Lopresti,	Robinson,	Wright,
Dougherty,	Lovett,	Rothenberger,	Yanoshat,
Downey,	Marino,	Ruffennach,	Yourishin,
Dubbs,	Matthews, H. T.,	Rush,	Zappala,
Dyson,	McArdle,	Sarraf,	Furman,
Elpern,			

NAYS—46

Atkins,	Leisey,	Simpson,	Turner,
Baker, F. T.,	Longaker,	Sloan,	VanAllsburg,
Boyer,	Matthews, J. F.,	Snyder,	Wall,
Cadwalader,	McKinney,	Sollenberger,	Wampole,
Davies,	Merrell,	Sproul,	Watkins,
Eckels,	Muir,	Stackpole,	Webster,
Fiss,	Peale,	Stewart,	Weidemann,
Gillette,	Perry,	Stockham,	Winner,
Habbyshaw,	Royer,	Strode,	Wood,
Hall,	Schrock,	Terry,	Woodside,
Huntley,	Schumacher,	Trout,	Yeakel,
Kline,	Serrill,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1059 (Senate Bill No. 276), entitled:

An Act making an appropriation for the expenses of the joint legislative commission created by State Concurrent Resolution Serial Number 102 approved January thirteenth one thousand nine hundred thirty-seven

On the question,

Will the House agree to the bill on third reading?

Mr. TURNER. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend section 1, page 1, line 4, by striking out the words "twenty-five thousand dollars ($25,000.00)" and insert in lieu thereof: "ten thousand dollars ($10,000)"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection?

Mr. OMINSKY. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Ominsky.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. OMINSKY. Mr. Speaker, I will.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Philadelphia whether his objection is to the insertion of the amendment at this time or is it to the reduction of the appropriation from $25,000 to $10,000?

Mr. OMINSKY. Mr. Speaker, in answer to the query of the gentleman from Delaware, Mr. Turner, I would say that it is to the insertion of the amendment at this time.

Mr. TURNER. Mr. Speaker, I would to ask the gentle- from Philadelphia whether he objects to the reduction of the appropriation from $25,000 to $10,000.

Mr. OMINSKY. Mr. Speaker, I would say, in answer to the gentleman, yes.

Mr. TURNER. Mr. Speaker, I would to ask the gentleman from Philadelphia whether he does not believe in view of the experience that we have had with many investigating committees in the House that the sum of $10,000 is a sufficient amount to give to this committee at this time.

Mr. OMINSKY. Mr. Speaker, in answer to the question submitted by the gentleman from Delaware, Mr. Turner, I would say that I cannot say at this time whether it will be sufficient as proposed in his amendment. Some committees have been able to work under an appropriation of $5,000 whereas other committees did not have enough even with an appropriation of $25,000.

Mr. TURNER. Mr. Speaker, it is true also, is it not, that a lot of committees have worked without any appropriation whatsoever?

Mr. OMINSKY. That is correct, Mr. Speaker.

MOTION TO RECONSIDER

Mr. TURNER. Mr. Speaker, I move that the vote by which the House agreed to transcribe this bill for a third reading be reconsidered.

Mr. SPROUL. Mr. Speaker, I second the motion.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, the purpose of my motion that the vote be reconsidered is for the purpose of offering an amendment to reduce the amount from $25,000 to $10,000.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the noes appeared to have it.

Whereupon, a division was called for, forty-four members having voted in the affirmative and eighty-seven in the negative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TUMELTY. Mr. Speaker and members of the House, this bill is an appropriation for $25,000 to the committee which is investigating the finances of the city of Philadelphia. Whether the whole $25,000 will be expended or not the committee is not in a position to say at this time. However, in order to get the facts, and present those facts to the Legislature, stenographic notes have had to be taken, in volumes. This should not have been necessary, but in order to get the required information from the people who are holding office in Philadelphia the committee has had to do a lot of cross examining. I have heard it said around the House here that if the chairman of that committee would stop talking so much the stenographic notes would not be so heavy, but I am here to say to the members of this House that this is a tougher job than any dentist ever had to extract the required information from those people in Philadelphia. If there is anyone here who can suggest a procedure to make those people in Philadelphia give quicker and clearer answers, I am satisfied that the expense will be cut down a whole lot.

Mr. TURNER. Mr. Speaker and members of the House, I am glad that the gentleman has been so frank about the matter. I know he is a member of that committee and I also know, from my experience on the floor of this House, that he is not very loquacious, and, therefore, I was not aiming at him in cutting down the amount. I have heard the very thing said that he has just stated, and not only have I heard it but I have read it in the papers. I know that if the stenographers are taking down a great many of the remarks and the side remarks that are being made during this investigation the $25,000 will not be sufficient to pay for the notes of testimony. Now, my objection to the expenditure of this amount of money—I thought I was being extremely generous in moving for an appropriation of $10,000—is that I do not believe that the committee really needs any money at all, because they have set out to find if certain things are true, they have set out to rip out certain offices in Philadelphia, and why waste a lot of the tax-payers money in an investigation in gathering testimony when they know just exactly what they are going to do and what to do. Therefore, I believe they would save much time if they would just introduce a bill here, as they have already done in a number of cases, and then keep on ripping and ripping until they get what they are after. That would I think, result in a great saving of money and time.

Mr. TUMELTY. Mr. Speaker and members of the House, when this committee presented certain bills to the House after they had found out certain things through their investigation, there were certain members on the other side of the House who said that the committee should have presented a report here before they attempted to pass the bills. In order to get the report and the proper information that money is being spent for stenographic notes. We are just trying to comply with the request of the members on the other side of the House, that they get a full and comprehensive report. That is what this committee is going to do and that is what they are going to get.

Mr. TURNER. Mr. Speaker and members of the House, when I stood on the floor of the House and objected to the presentation of a bill ripping out some office in Philadelphia—I do not know which one because there are so many of them that I cannot keep track of them—but ripping out some office I said that they had the cart before the horse, in that the committee had no report. Now, then, this is just bearing out what I said, they have no report here and by the time the Legislature is over they will have all these fellows ripped out of these offices and then what is the good of the report. There is no use in having it because we get no value out of them any way.

Mr. OMINSKY. Mr. Speaker and members of the House, it had not been my intention to further speak on this bill, but I do not like the insinuations on the part of the gentleman from Delaware, Mr. Turner when he says that the committee already knows what they are going to do and what they want to do. It seems to me that the committee has acted as fairly and impartially as it possibly could. They are in Philadelphia to get a true picture of what is happening in those departments, and unless they have these hearings, properly subpoenaed records and so on, they will not be able to get the requirde information. It seems to me rather strange at this late stage in the advancement of the bill that an objection should be made to the appropriation. No objection was

made to the appropriation in the Senate as I understand It. No objection was made to it either on first or second reading. No objection was made to it before it was put out on the floor of the House. Apparently the committee has stepped on the toes of some friends of members on the other side of the House at this stage and, in order to be able to stifle the work of the committee, they are endeavoring to cut the appropriation. We have advanced in the investigation in Philadelphia pretty far, and we feel that the committee is doing a good job. They have saved hundreds of thousands of dollars for the tax payers of Philadelphia and they will have saved hundreds of thousands of dollars more before the investigation is through and indirectly it will result in a saving for the citizens of the Commonwealth of Pennsylvania. Therefore, the full appropriation of $25,000 is necessary and if later the committee is advised that $25,000 is more than they need, the bill provides in that case that any unexpended fund shall be returned to the general fund.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—142

Achterman,	Dyson,	McDermott,	Schrope,
Alexander,	Falkenstein,	McElroy,	Shaw,
Allmond,	Finnerty,	McFall,	Shea,
Arnold,	Fitch,	McGee,	Shepard,
Aukerman,	Flinchbaugh,	McShane,	Shoemaker,
Baker, J. J.,	Ganser,	Melchiorre,	Shugarts,
Balthaser,	Gerard,	Mellott,	Siegel,
Bierly,	Gorski,	Mihm,	Simon,
Blank,	Haberlen,	Mooney,	Skale,
Bohn,	Hagerty,	Moran,	Smith, James A.,
Boies,	Hamilton, F. P.,	Munley,	Smith, John A.,
Boltz,	Harkins,	Murrin,	Spengler,
Bradley,	Harmuth,	Nagel,	Stank,
Brancato,	Hays,	O'Brien,	Thomas,
Brigerman,	Hering,	O'Connor,	Thompson,
Broad,	Hess,	O'Keefe,	Toole,
Brown,	Hetrick,	Ominsky,	Tronzo,
Brownfield,	Hindman,	O'Neill,	Tumelty,
Burrows,	Hirsch,	Ostroff,	Valibus,
Caesar,	Holland,	Patterson, W.,	VanSickle,
Caputo,	Holmes,	Pearson,	Vogt,
Chervenak,	Holstrom,	Pershing,	Wagner,
Coakley,	Horting,	Piole,	Walsh,
Cohen, H. B.,	Jirolanio,	Powers,	Weiss, D. H.,
Cohen, R. E.,	Keenan,	Preston,	Weiss, S. A.,
Coleman,	Kelso,	Readinger,	Welliver,
Coolahan,	Kilroy,	Reese,	Welsh,
Corrigan,	Kroll,	Reising,	Westrick,
Costanzo,	Lewis,	Richter,	Whalen,
Decker,	Long,	Robinson,	Whitenight,
DeNote,	Lopresti,	Rothenberger,	Wright,
Dickinson,	Lovett,	Ruffennach,	Yanoshat,
Donohoe,	Marino,	Rush,	Yourishin,
Dougherty,	Matthews, H. T.,	Sarraf,	Zappala,
Downey,	McArdle,	Scanlon,	Furman,
Dubbs,	McCullough,	Schor,	

NAYS—46

Atkins,	Hall,	Schumacher,	Turner,
Baker, F. T.,	Huntley,	Sloan,	VanAllsburg,
Boyer,	Imbrie,	Snyder,	Wall,
Cadwalader,	Kline,	Sollenberger,	Wampole,
Davies,	Longaker,	Sproul,	Watkins,
Eckels,	Matthews, J. F.,	Stackpole,	Webster,
Gipson,	McKinney,	Stewart,	Weidemann,
Fiss,	Merrell,	Stockham,	Winner,
Flanagan,	Peale,	Strode,	Wood,
Flannery,	Perry,	Terry,	Woodside,
Gillette,	Royer,	Trout,	Yeakel,
Habbyshaw,	Schrock,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 115, as follows:

An Act to amend section two thousand one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by fixing minimum compensation for patrolmen in such cities

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 2001 Appointment Number Rank Compensation and Qualifications of Policemen The council shall fix by ordinance the number rank and within the following limitations the compensation of the members of the city police force who shall be appointed in accordance with the civil service provisions of this act No policeman shall after his appointment and qualification hold at the same time the office of constable Council shall prescribe all necessary rules and regulations for the organization and government of the police force

The compensation of patrolmen shall in no case be less than the following amounts Fourteen hundred dollars per annum for the first year of service and an additional annual increment of one hundred dollars for each year of service after the first year not however exceeding seven such annual increments All patrolmen employed in any city shall from the time this act becomes effective be entitled to compensation in accordance with this act including the increment credits accrued for service prior to the effecitve date of this act Provided That the compensation of a patrolman shall not after the effective date of this act be reduced below the amount he is receiving at the time this act becomes effective for the reason that he has not sufficient annual increment credits to entitle him according to the proceeding provisions of this act to the compensation he is then receiving or be reduced for any other reason whatever

Section 2 The provisions of this act shall become effective on the first day of January one thousand nine hundred and thirty-eight

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fitch,	McDermott,	Serrill,
Alexander,	Flanagan,	McDevitt,	Shaw,
Allmond,	Flannery,	McElroy,	Shea,
Arnold,	Flinchbaugh,	McFall,	Shepard,
Atkins,	Ganser,	McGee,	Shoemaker,
Aukerman,	Gerard,	McKinney,	Shugarts,
Baine,	Gillette,	McShane,	Skale,
Baker, F. T.,	Gorski,	Melchiorre,	Smith, John A.,
Baker, J. J.,	Habbyshaw,	Mellott,	Smith, James A.,
Balthaser,	Haberlen,	Merrell,	Spengler,
Bierly,	Hagerty,	Mihm,	Stank,
Blank,	Hall,	Mooney,	Stockham,
Bonn,	Hamilton, F. P.,	Moran,	Strode,
Boies,	Hamilton, R. S.,	Moul,	Terry,

Boltz,	Harkins,	Muir,	Thomas,
Bradley,	Harmuth,	Munley,	Thompson,
Brancato,	Hays,	Murrin,	Toole,
Brigerman,	Hering,	Nagel,	Tronzo,
Broad,	Hess,	O'Brien,	Trout,
Brown,	Hetrick,	O'Connor,	Tumelty,
Brownfield,	Hindman,	O'Keefe,	Turner,
Burrows,	Hirsch,	Ominsky,	Valibus,
Cadwalader,	Holland,	O'Neill,	VanSickle,
Caesar,	Holmes,	Ostroff,	Vogt,
Caputo,	Holstrom,	Patterson, C. S.,	Wagner,
Chervenak,	Horting,	Patterson, J. W.,	Wall,
Coakley,	Huntley,	Peale,	Walsh,
Cohen, H. B.,	Imbrie,	Pearson,	Wampole,
Cohen, R. E.,	Jirolanio,	Perry,	Watkins,
Coleman,	Kane,	Pershing,	Webster,
Coolahan,	Keenan,	Piole,	Weidemann,
Corrigan,	Kelso,	Powers,	Weiss, D. H.,
Costanzo,	Kilroy,	Preston,	Weiss, S. A.,
Davies,	Kline,	Readinger,	Welliver,
Decker,	Kroll,	Reese,	Welsh,
DeNote,	Leisey,	Reising,	Westrick,
Dickinson,	Levy,	Richter,	Whalen,
Donohoe,	Lewis,	Robinson,	Whitenight,
Dougherty,	Long,	Rothenberger,	Winner,
Downey,	Longaker,	Royer,	Wood,
Dubbs,	Lovett,	Ruffennach,	Woodside,
Dyson,	Lyons,	Rush,	Wright,
Eckels,	Mallen,	Sarraf,	Yanoshat,
Elpern,	Marino,	Scanlon,	Yeakel,
Falkenstein,	Matthews, H. T.,	Schor,	Yourishin,
Finnerty,	Matthews, J. F.,	Schrock,	Zappala,
Fiss,	McArdle,	Schrope,	Furman,

NAYS—10

Boyer,	Schumacher,	Simpson,	Stewart,
Lopresti,	Siegel,	Stackpole,	VanAllsburg,
McCullough,	Simon,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE ON HOUSE BILL No. 115

Mr. BOYER filed the following reasons for his vote:

I am voting against House Bill No. 115 only on the broad basis that this bill absolutely conflicts with fundamental principle known as "Home Rule."

Mr. SIMON filed the following reasons for his vote:

I am voting against this measure because I believe each municipality should have the power to set the salaries of its officers.

Mr. VAN ALLSBURG filed the following reasons for his vote:

I am voting against House Bill No. 115 because it is against home rule and is unjust to small cities.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 743, entitled:

An Act to provide for the leasing of land within the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land is owned by the Commonwealth conferring powers and imposing duties upon the Water and Power Resources Board requiring lessees to establish an amortization fund for improvements placed or erected upon such land granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Alimond,	Ganser,	McShane,	Simpson,
Arnold,	Gerard,	Melchiorre,	Skale,
Atkins,	Gillette,	Mellott,	Sloan,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Haberlen,	Mihm,	Smith, James A.,
Baker, F. T.,	Hagerty,	Mooney,	Snyder,
Baker, J. J.,	Hall,	Moran,	Sollenberger,
Balthaser,	Hamilton, F. P.,	Moul,	Spengler,
Bierly,	Hamilton, R. S.,	Muir,	Sproul,
Blank,	Harkins,	Munley,	Stackpole,
Bohn,	Harmuth,	Murrin,	Stank,
Boies,	Hays,	Nagel,	Stewart,
Boltz,	Hering,	O'Brien,	Stockham,
Boyer,	Hess,	O'Connor,	Strode,
Bradley,	Hetrick,	O'Keefe,	Terry,
Brancato,	Hindman,	Ominsky,	Thomas,
Brigerman,	Hirsch,	O'Neill,	Thompson,
Broad,	Holland,	Ostroff,	Toole,
Brown,	Holmes,	Patterson, C. S.,	Tronzo,
Brownfield,	Holstrom,	Patterson, J. W.,	Trout,
Burrows,	Horting,	Peale,	Tumelty,
Cadwalader,	Huntley,	Pearson,	Valibus,
Caesar,	Imbrie,	Perry,	VanAllsburg,
Caputo,	Jirolanio,	Pershing,	VanSickle,
Chervenak,	Kane,	Piole,	Vogt,
Coakley,	Keenan,	Powers,	Wagner,
Cohen, H. B.,	Kelso,	Preston,	Wall,
Cohen, R. E.,	Kilroy,	Readinger,	Walsh,
Coleman,	Kline,	Reese,	Wampole,
Coolahan,	Kroll,	Reising,	Watkins,
Corrigan,	Leisey,	Richter,	Webster,
Costanzo,	Levy,	Robinson,	Weidemann,
Davies,	Lewis,	Rothenberger,	Weiss, D. H.,
Decker,	Long,	Royer,	Weiss, S. A.,
DeNote,	Longaker,	Ruffennach,	Welliver,
Dickinson,	Lopresti,	Rush,	Welsh,
Donohoe,	Lovett,	Sarraf,	Westrick,
Dougherty,	Lyons,	Scanlon,	Whalen,
Downey,	Mallen,	Schor,	Whitenight,
Dubbs,	Marino,	Schrock,	Wilson,
Dyson,	Matthews, H. T.,	Schrope,	Wood,
Eckels,	Matthews, J. F.,	Schumacher,	Woodside,
Elpern,	McArdle,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Shugarts,	Furman,

NAYS—3

Habbyshaw,	Turner,	Winner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 869, as follows:

An Act to ratify and adopt a compact or agreement negotiated by Commissioners designated by the Governor of the Commonwealth of Pennsylvania and Commissioners of the State of Ohio relative to the development use and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing hunting recreational and park purposes

Whereas Commissioners for the Commonwealth of Pennsylvania and Commissioners for the State of Ohio negotiated a compact or agreement relative to the development use and regulation of Pymatuning Lake and the State owned land surrounding said lake for fishing hunting recreational and park purposes and

Whereas Such compact or agreement has been executed in duplicate one for each State on behalf of the Commonwealth of Pennsylvania by and through the Water and Power Resources Board and on behalf of the State of Ohio by and through the Conservation Division which compact or agreement is contained in the following words

AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF OHIO RE PYMATUNING LAKE

This Agreement made and concluded between the Commonwealth of Pennsylvania acting by and through its lawfully authorized agency namely the Water and Power Resources Board as party of the first part and the State of Ohio acting by and through its lawfully authorized agency namely its Director of Conservation as party of the second part

Witnesseth

Whereas By Act of Assembly of Pennsylvania approved May 2 1929 P. L. 1503 as amended by Acts of May 5 1931 P. L. 84 April 24 1933 P. L. 67 and July 9 1935 P L 619 the Department of Forests and Waters of Pennsylvania acting through the Water and Power Resources Board was authorized inter alia to complete the work begun and continued under an act approved July 25 1913 P L 1270 entitled "An Act providing for the erection of a dam at the outlet of Pymatuning Swamp and the establishment of a reservoir to conserve the waters thereof providing for the taking of land and materials necessary hereto vesting certain powers and duties in the Water Supply Commission and making an appropriation" and did duly complete said work whereby there was created a lake or reservoir now known and hereinafter called Pymatuning Lake extending in part across the boundary line between said States of Ohio and Pennsylvania into the State of Ohio and

Whereas The primary purposes of the project by which said lake was created was to conserve water draining said swamp all of which has its source in Pennsylvania as well as control floods and regulate the flow of water in the Shenango and Beaver Rivers and secondary thereto permit the water and the land surrounding the same to be used for fishing hunting recreational and park purposes under such terms and conditions as the Water and Power Resources Board might determine in such way or ways as in the opinion of the said Board will not materially interfere with the primary purpose in said acts of assembly and hereinbefore specifically referred to and

Whereas In view of the fact that a certain part of the lake extends into the State of Ohio whereby it is necessary and desirable that the use of the lake for the secondary purposes namely hunting fishing and recreational use be uniformly provided for as well as to guard against inconveniences and mischiefs which might hereafter arise from the uncertainty of jurisdiction within and on said lake to the end that the lake may be adequately policed and conflicts of jurisdiction for the arrest and punishment of offenders be avoided

Now Then Therefore in order that law and justice may in all such cases be executed and take effect upon said lake from shore to shore in all parts and places thereof where the lake is a boundary between said states the said parties hereto do agree for and in behalf of their respective states in the manner following

1 General Use

It is hereby agreed that the entire Pymatuning Lake or Reservoir subject to the primary use thereof by the Commonwealth of Pennsylvania for regulating the flow of the water in the Shenango and Beaver Rivers as in Paragraph 9 hereinafter more specifically mentioned shall be open for recreational use equally to the citizens of both contracting parties save as restricted as to hunting fishing and boating in this agreement set forth or hereafter mutually agreed upon by both parties but no person shall be permitted to hunt or fish therein or thereon unless the lawful holder of a fishing or hunting license authorizing him or her so to do issued by the proper authorities of Pennsylvania or of Ohio

2. Arrest and Prosecution of Offenders

That each state shall enjoy and exercise a concurrent jurisdiction upon the water (but not upon the dry land) between the shores of said lake including the islands therein with respect to the arrest and prosecution of offenders but in such sort that any boat or vessel fastened to or aground on the shore of either state shall be considered exclusively within the jurisdiction of said State but that all capital and other offenses trespasses or damages committed on or over said lake the judicial investigation and determination thereof shall be exclusively vested in the state wherein the offender or person charged with such offense shall be first apprehended arrested prosecuted or first brought to trial it being the intent of this agreement that an offender may be pursued and arrested anywhere on or over said lake or shores thereof or islands therein regardless of the boundary line by any peace officers or persons of either State authorized to make arrests whether the offenses be committed on or over any part of the lake on the shores or islands therein regardless of the state in which the place where the offense was committed lies

3 Islands

All Islands within the lake shall be considered as part of the State of Pennsylvania

4 Pollution of Water

The lake shall forever be protected against pollution of its waters by industrial trade waste individual or municipal sewage from shore to boat and the discharge of any noxious or deleterious substance liquid or solid into the waters of the lake which is or may become inimical or injurious to public health or to animal or aquatic life is hereby expressly forbidden

No sewage may be discharged into the waters of the lake except after complete treatment and then only upon permit first approved by the Health Departments of both states.

5 Boats and Vessels

No power or motor boats nor hydroplanes or aquaplanes shall be permitted anywhere on said lake except such police or administration motor boats to the number which shall be mutually agreed upon by the parties hereto Sail boats row boats and canoes shall be permitted provided they first obtain a license from the respective State of which the owner is a resident under such regulations as each party to this agreement may now have or hereafter adopt

6 Fishing

Any person possessing a duly issued fishing license by either state shall be permitted to fish anywhere on the entire lake between the low water marks (except such portion thereof as is closed to fishing by Paragraph 8 hereof or such further portion as may hereafter by regulation be mutually agreed to by the parties hereto) but no fisherman shall be entitled to fish from the shores of the state of which he is a non-resident unless he complies with the non-resident fishing license law of said State

In order to permit the fish to fully propagate and develop no part of the lake shall be open for fishing until July 1 1937 and thereafter shall be closed in each year between December 10 and June 30

Until otherwise mutually agreed to by both parties hereto the creel size and season limits for the respective kinds of fish caught shall be such as may hereafter be agreed upon between the two States

7 Reciprocal Hunting Rights

Reciprocal hunting rights are hereby granted to the licensed hunters of each state on the water of that portion of the lake both in Pennsylvania and Ohio over the area bounded on the south by an east and west line crossing the State boundary 0.5 of mile north of Simons Ohio and on the north by a line drawn between the point at which the Padanaram Road crosses the State boundary and a point formerly known as the Pollock Bridge but such reciprocal hunting rights hereby granted shall extend only to such wild migatory birds as are covered by the Federal Migratory Bird Treaty and Federal Laws adopted thereunder

Hunting in such portions of the lake as are not included in the area above described and designated shall be and

remain under the jurisdiction of the Commonwealth of Pennsylvania

No permanent blinds shall be erected anywhere on the lake and shores thereof but this provision shall not be interpreted as forbidding the use of a boat as a blind temporarily moored to or grounded on the shore of the lake or islands thereof

8 Wild Game and Fish Sanctuary

A The Game Commission of the State of Pennsylvania having established a wild migratory bird and game sanctuary or refuge in that part of the lake located northwest of the Pennsylvania Railroad Crossing it is expressly agreed that nothing herein contained shall be interpreted as entitling the residents of either state whether licensed to fish or hunt or otherwise to fish hunt or trespass or enter upon said sanctuary for any purpose whatsoever Anyone so doing shall be amenable to prosecution therefor under the Game Laws of the State of Pennsylvania applicable to game refuges.

B The Conservation Division of the Department of Agriculture of the State of Ohio having established a fish sanctuary and game refuge in the following portion of the lake

Being the southerly parts of Lots Numbers 79 and 80 Richmond Township all of Lot Number 41 and all of Lot Number 42 except the westerly 1000 feet thereof in Andover Township Ashtabula County Ohio

Beginning at a point in the west line of Lot Number 79 that is 1523 feet south of the north line of Lot Number 79 also being the center line of Padanaram Road thence southerly along the County Highway along the westerly side of Lot Number 79 1869.5 feet to the north line of Andover Township thence westerly along the northerly line of Andover Township 939.7 feet to the northwest corner of Lot Number 41 thence southerly along the highway that marks the westerly line of Lot Number 42 1000 feet to a point thence of Lot Number 42 thence easterly along the north line of lot Number 42 1000 feet to a point thence in a southerly direction parallel to and 100 feet easterly from the westerly line of Lot Number 42 2734 feet more or less to the southerly line of Lot Number 42 thence easterly along the said southerly line of Lot Number 42 5180.4 feet to the Ohio and Pennsylvania State Line thence northerly along said Ohio and Pennsylvania State Line 7297.6 feet more or less to a point that is 1523 feet southerly from the north line of Lot Number 80 thence in a westerly direction 1523 feet southerly from and parallel to the north line of Lots Numbers 79 and 80 5260 feet more or less to the place of beginning

It is expressly agreed that nothing herein contained shall be interpreted as entitling the residents of either State whether licensed to fish or otherwise to fish in hunt trespass or enter upon said sanctuary for any purspose whatsoever Anyone so doing shall become amenable to prosecution therefor under the laws of the State of Ohio applicable thereto

9 Reservation of Pennsylvania's Right to the Body of the Water

It is expressly agreed that nothing herein contained shall operate to deny limit or restrict the right of the Water and Power Resources Board of Pennsylvania or any authority established hereafter by said State to exercise such power to at any time now or hereafter raise or draw off so much of the waters of the lake as in their sole judgment may be necessary to maintain or regulate the flow of the Shenango and Beaver Rivers in furtherance of the primary purpose for which said lake was established and said Water and Power Resources Board shall without let or hindrance have the full right irrespective of other considerations to release so much of the water as they may deem proper to maintain the flow of the Shenango and Beaver Rivers irrespective of its effect on the level of the lake or use thereof for other purposes

In Witness Whereof the parties hereto have hereunto set their respective hands and seals by for and under the authority of their respective states this 28th day of October 1936

COMMONWEALTH OF PENNSYLVANIA
by and through
WATER AND POWER RESOURCES BOARD

Witness

By J F BOGARDUS
Chairman

CHAS E RYDER

STATE OF OHIO
by and through
CONSERVATION DIVISION
By L WOODDELL
Commissioner

R P JOHNSTON

Approved as to form and manner of execution

GROVER C. LADNER
Deputy Attorney General
Commonwealth of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same

That The Aforesaid compact or agreement and every article matter and thing therein is hereby ratified and approved and shall be and hereafter remain in force agreeably to the true tenor and intent thereof

Section 2 This act shall become effective immediately upon its signing by the Governor and the passage by the State of Ohio of a substantially similar act ratifying the compact or agreement herein set forth and the passage of an act of Congress of the United States of America consenting thereto

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. OMINSKY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 808.

An Act to amend section three thousand five hundred and one as amended and sections three thousand five hundred and forty and three thousand five hundred and eighty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" vesting the legal title of waterworks in cities heretofore owning the equitable title to such waterworks providing for the management operation and maintenance of such waterworks and repealing inconsistent general local and special laws

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 29.

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number six and providing for the election and appointment of judges for said court

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 29.

An Act increasing the number of courts of common pleas in the County of Philadelphia estblishing therein a distinct and separate court of common pleas designated court of common pleas number six and providing for the election and appointment of judges for said court.

SENATE BILL No. 54.

An Act to amend section one of the act, approved the tenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws twenty-three) entitled as amended "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute located on the left bank of Oil Creek in Oil Creek Township or Cherry Tree Township or both Venango County to establish the Drake Well Memorial Park under the control and supervision of the Department of Forest and Waters empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth and making an appropriation" as amended by increasing the area of said park

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. SIEGEL asked and obtained permission for the Committee on Fisheries to meet during the session of the House.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 3:25 p. m. Are there objections? The Chair hears none and declares a recess until 3:25 p. m.

AFTER RECESS

The House reconvened at 3:25 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was read as follows:

HOUSE BILL No. 808.

An Act to amend section three-thousand five hundred and one as amended and sections three thousand five hundred and forty and three thousand five hundred and eighty of the act, approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" vesting the legal title of water-works in cities heretofore owning the equitable title to such water-works providing for the management operation and maintenance of such water-works and repealing inconsistent general local and special laws

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 333.

An Act to repeal the act, approved the twenty-second day of June one thousand eight hundred and ninety-seven (Pamphlet laws 178) entitled "An act taxing certain stocks of building and loan associations for State purposes"

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend title page 1, last line, by inserting after the word "purposes" the following: "and prescribing the effect of such repeal".

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Contitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flinchbaugh,	McKinney,	Simpson,
Alexander,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre	Sloan,
Arnold,	Gillette,	Mellott,	Smith, John A.,
Atkins,	Gorski,	Merrell,	Smith, James A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boles,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boyer,	Hess,	O'Keefe,	Thomas,
Bradley,	Hetrick,	Ominsky,	Thompson,
Brancato,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Horting,	Pearson,	Valibus,
Cadwalader,	Huntley,	Perry,	VanAllsburg,
Caesar,	Imbrie,	Pershing,	VanSickle,
Caputo,	Jirolanio,	Piole,	Vogt,
Chervenak,	Kane,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Walsh,
Cohen, R. E.,	Kilroy,	Reese,	Wampole,
Coleman,	Kline,	Reising,	Watkins,
Coolahan,	Kroll,	Richter,	Webster,
Corrigan,	Leisey,	Robinson,	Weidemann,
Costanzo,	Levy,	Rothenberger,	Weiss, D. H.,
Davies,	Lewis,	Royer,	Weiss, S. A.,
Decker,	Long,	Ruffennach,	Welliver,
DeNote,	Longaker,	Rush,	Welsh,
Dickinson,	Lopresti,	Sarraf,	Westrick,
Donohoe,	Lovett,	Scanlon,	Whalen,
Dougherty,	Lyons,	Schor,	Whitenight,

Downey,	Mallen,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendment was concurred in.

Ordered, that the Clerk inform the Senate accordingly.

BILL ON SECOND READING

Mr. JAMES W. PATTERSON asked and obtained unanimous consent to call up out of order on page 5, House Bill No. 228, Printer's No. 254, bills on second reading, which was passed over in its order.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 228, entitled:

An Act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores as herein defined prescribing the method and manner of collecting such tax and its disposition and providing penalties

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and its is hereby enacted by the authority of the same That

Section 1 Short Title This act shall be known and may be cited as the "Store Tax Act"

The second section was read as fololws:

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Corporation" A corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency

"Department" The Department of Revenue of this Commonwealth

"Person" Every natural person association corporation receiver or assignee

"Store" Any store or any mercantile establishment in which or from which tangible personal property of any kind is sold either at retail or wholesale

The singular shall include the plural and the masculine shall include the feminine and neuter

On the question,

Will the House agree to the section?

Mr. KANE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend as follows: section 2, page 2, line 14, by striking out after the word "sold the remainder of the line and insert in lieu thereof the following:

The term "store" as used in this act shall be construed to mean or include only retail places of business and shall not include ware-houses or establishments at which the sole business conducted is that of selling, storing, or distributing commodities in bulk.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third to the twelfth sections inclusive and title were separately read and agreed to as follows:

Section 3 License It shall be unlawful for any person to open establish operate maintain or control any store in this Commonwealth without first having obtained and having in possession a valid license so to do from the department as hereinafter provided by each person engaged in the operation maintenance or control of such a store on the effective date of this act shall sixty (60) days within which to obtain the first license for each such store operated maintained or controlled by him A separate license shall be procured for each store Licenses issued under this act may not be transferred or assigned Each licensee shall display each license so issued in a conspicuous place in the store for which such license is issued The licenses issued under the provisions of this act shall be annual licenses effective from June first of one year until and including May thirty-first of the year following The first licenses shall be required for the year commencing June first one thousand nine hundred and thirty-seven

Section 4 Application for License Any person desiring to open establish operate maintain or control such a store in this Commonwealth shall apply to the department for a license so to do before the first day of June of each year except as otherwise provided in section three hereof as to the first license The application for license shall be made on a form prescribed and furnished by the department and shall set forth the name of the person desiring such license the name and location of the store for which the license is desired and such other information as the department may require Each such application shall be accompanied by the proper license tax as hereinafter prescribed in this act and upon receiving the prescribed fee the department shall issue said license

Section 5 License Taxes Every person opening establishing operating maintaining or controlling one or more stores within this Commonwealth under the same general management supervision or ownership shall pay an annual license tax for the privilege of opening establishing operating maintaining or controlling such store or stores as follows

(1) Upon one store the sum of one dollar ($1.00)

(2) Upon each store in excess of one but not to exceed five stores the sum of five dollars ($5.00) for each such additional store

(3) Upon each store in excess of five but not to exceed ten stores the sum of ten dollars ($10.00) for each such additional store

(4) Upon each store in excess of ten but not to exceed fifteen stores the sum of twenty dollars ($20.00) for each such additional store

(5) Upon each store in excess of fifteen but not to exceed twenty stores the sum of thirty dollars ($30.00) for each such additional store

(6) Upon each store in excess of twenty but to exceed thirty stores the sum of fifty dollars ($50.00) for each such additional store

(7) Upon each store in excess of thirty but not to exceed fifty stores the sum of one hundred dollars ($100.00) for each additional store

(8) Upon each store in excess of fifty but not to exceed seventy-five stores the sum of two hundred dollars ($200.00) for each such additional store

(9) Upon each store in excess of seventy-five but not to exceed one hundred stores the sum of two hundred and fifty dollars ($250.00) for each such additional store

(10) Upon each store in excess of one hundred but not to exceed two hundred stores the sum of three hundred and fifty dollars ($350.00) for such additional store

(11) Upon each store in excess of two hundred but not to exceed five hundred stores the sum of four hundred and fifty dollars ($450.00) for each such additional store

(12) Upon each store in excess of five hundred stores the sum of five hundred dollars ($500.00) for each such additional store

Section 6 Ownership Two or more stores shall for the purpose of this act be considered under the same general management supervision or ownership if directly or indirectly controlled by a single person or any group of persons having a common interest in such stores or if any part of the gross revenues net revenues or profits from any such stores shall directly or indirectly be required to me immediately or untimately made available for the beneficial use or shall directly or indirectly inure to the immediate or ultimate benefit of any single person or any group of persons having a common interest therein

Section 7 Penalty Any person operating maintaining or controlling a store without a license as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) and costs of prosecution Each and every day that such violation shall continue shall constitute a separate and distinct offense

Section 8 Examination of Records Penalty The department or any duly authorized agent thereof shall have the power to examine the books records papers and files within or outside the Commonwealth of any person operating maintaining or controlling a store within this Commonwealth It shall have the power to examine witnesses under oath to verify the accuracy of any application or to ascertain whether or not any license tax is due which has not been paid Any person refusing to allow an examination of his books records papers and files as herein provided or who refuses to furnish the department with any information requested shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) and costs of prosecution Each such refusal shall be deemed a separate offense

Section 9 Disposition of Tax and Files All taxes and fines received collected or recovered under this act shall be paid into the State Treasury through the department and credited to the General Fund

Section 10 License Tax in Addition to Existing Taxes The license tax imposed by this act shall be in addition to any taxes now imposed or that may subsequently be imposed by law

Section 11 Constitutionality If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional section sentence clause or part thereof not been included therein

Section 12 Effective Date This act shall become effective immediately upon final enactment

An Act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores as herein defined prescribing the method and manner of collecting such tax and its disposition and providing penalties

And said bill having been read for the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

affirmative.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1189, entitled:

An Act to amend section six of the act approved the ninth day of July one thousand nine hundred thirtyfive (Pamphlet Laws six hundred thirty-seven) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditures in cities of the first class and the various second-class townships of the Commonwealth for the maintenance construction and reconstruction of city and township streets roads and bridges during the calendar years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven requiring townships to reduce their tax rates for road and street purposes for said years and providing for the use and maintenance of road building machinery and equipment belonging to such townships by the Department of Highways in carrying out the purposes of this act" providing for the unexpended balance of the funds to be added to the appropriation made by any other act for the same purpose

BILL PASSED OVER

There being no objection House Bill No. 1189, Printer's No. 249, was passed over at the request of Mr. WHITENIGHT.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 857, entitled:

An Act to further amend article twenty-four of the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by authorizing and empowering boroughs to construct or acquire water-works and the appurtenances thereof and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenues thereof secured solely by liens thereon and imposing no municipal liability providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof and the nature and extent of such liens providing for the payment of such bonds and the rights of the holders thereof and repealing acts and parts of acts in conflict therewith

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Flanagan,	McElroy,	Shea,
Alexander,	Flannery,	McFall,	Shepard,
Allmond,	Flinchbaugh,	McGee,	Shoemaker,
Arnold,	Ganser,	McKinney,	Shugarts,
Atkins,	Gerard,	McShane,	Siegel,
Aukerman,	Gillette,	Melchiorre,	Simon,
Baine,	(rski,	Mellott,	Simpson,
Baker, F. T.,	Haberlen,	Merrell,	Skale,
Baker, J. J.,	Hagerty,	Mihm,	Sloan,
Balthaser	Hall,	Mooney,	Smith, James A.,
Bierly,	Hamilton, F. P.,	Moran,	Smith, John A.,
Blank,	Hamilton, R. S.,	Moul,	Sollenberger,
Bohn,	Harkins,	Muir,	Spengler,
Boies,	Harmuth,	Munley,	Stackpole,
Boltz,	Hays,	Murrin,	Stank,
Boyer,	Hering,	Nagel,	Stewart,
Bradley,	Hess,	O'Brien,	Strode,
Brancato,	Hetrick,	O'Connor,	Terry,
Brigerman,	Hindman,	O'Keefe,	Thomas,
Broad,	Hirsch,	Ominsky,	Thompson,
Brown,	Holland,	O'Neill,	Toole,
Brownfield,	Holmes,	Ostroff,	Tronzo,
Burrows,	Holstrom,	Patterson, C. S.,	Trout,
Cadwalader,	Horting,	Patterson, J. W.,	Tumelty,

Caesar,	Huntley,	Peale,	Valibus,
Caputo,	Imbrie,	Pearson,	VanAllsburg,
Chervenak,	Jirolanio,	Perry,	VanSickle,
Coakley,	Kane,	Pershing,	Vogt,
Cohen, H. B.,	Keenan,	Piole,	Wagner,
Cohen, R. E.,	Kelso,	Powers,	Wall,
Coleman,	Kilroy,	Preston,	Walsh,
Coolahan,	Kline,	Readinger,	Wampole,
Corrigan,	Kroll,	Reese,	Watkins,
Costanzo,	Leisey,	Reising,	Webster,
Davies,	Levy,	Richter,	Weidemann,
Decker,	Lewis,	Robinson,	Weiss, D. H.,
DeNote,	Long,	Rothenberger,	Weiss, S. A.,
Dickinson,	Longaker,	Royer,	Welliver,
Donohoe,	Lopresti,	Ruffennach,	Welsh,
Dougherty,	Lovett,	Rush,	Westrick,
Downey,	Lyons,	Sarraf,	Whalen,
Dubbs,	Mallen,	Scanlon,	Whitenight,
Dyson,	Marino,	Schor,	Wilson,
Eckels,	Matthews, H. T.,	Schrock,	Wright,
Elpern,	Matthews, J. F.,	Schrope,	Yanoshat,
Falkenstein,	McArdle,	Schumacher,	Yourishin,
Finnerty,	McCullough,	Serrill,	Zappala,
Fiss,	McDermott,	Shaw,	Furman,
Fitch,	McDevitt,		

NAYS—9

Habbyshaw,	Stockham,	Winner,	Woodside,
Snyder,	Turner,	Wood,	Yeakel,
Sproul,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 855, entitled:

An Act to authorize the Secretary of Highways to disregard terminal points in relocating State Highway Routes under certain conditions

On the question,

Will the House agree to the bill on third reading?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Fayette, Mr. Arnold.

The SPEAKER. Will the gentleman from Fayette permit himself to be interrogated?

Mr. ARNOLD. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Fayette to explain this bill.

Mr. ARNOLD. Mr. Speaker, this, I think, is a sort of an anniversary for me in connection with my friend on the opposite side of the House. It has been possibly some two years, almost to a day. I do not know whether he remembers it from that particular angle or not.

The bill before us has to do with the terminal points of highways as they cross county, township, municipal and state borders on a continuous road. I think a reading of the act would be the best explanation I can give. It is very short and is as follows:

"Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that when the Terminal point of one or more State Highway Routes is described as being at the boundary line of a county township municipality or adjoining State and the highway continues beyond such point the Secretary of Highways shall have authority to relocate such State Highway Route or Routes in accordance with the provisions"—and note this particular point—"of present or future laws governing the relocation of State highways without limitation on account of such terminal point," and so on.

The bill makes it possible for roads to be located in accordance with all present or future laws in county, township, municipal and state borders, where it is desirable to relocate them for a better road or anything that will give it a more desirable approach to or through these municipalities or over these borders.

Mr. TURNER. Mr. Speaker, I might say that the explanation is just about as clear as the bill. I do not know whether it is because of the lunch I had but it is just about as clear as mud. Do I understand from the gentleman that the meaning and purpose of this bill is that if at the present time a road is described as ending, we will say, at the boundary line between Pennsylvania and New York, if there should be a relocation of the through road that then they can relocate the line in Pennsylvania, is that the purpose?

Mr. ARNOLD. Yes, Mr. Speaker, as to its State borders. The bill is more comprehensive than that; it applies to county, township, municipal and State borders, and where all present or future laws will be satisfied, with the exception of this one point of a registered terminal point, that that terminal point can be moved to this new location.

Mr. TURNER. Mr. Speaker, I must confess that most of the language of these highway bills is so vague it is pretty difficult to understand what may be in the mind of the Secretary of Highways. I think that is the way they are intended to be, but what I am trying to find out is this, will it permit the Secretary of Highways to determine that he wants to move a terminal line, we will say, from down here at Carlisle to Harrisburg?

Mr. ARNOLD. It would, Mr. Speaker. Owing to the difficulty that we are apparently having at the present time to make the minority floor leader understand this bill, as I think we should all understand it, I ask, Mr. Speaker, that this bill go over in its regular order until we can have further explanation given to the minority floor leader.

BILL PASSED OVER

There being no objection House Bill No. 855, Printer's No. 232 was passed over at the request of Mr. ARNOLD.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1183, as follows:

An Act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase or city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following streets or sections thereof in cities of the first class are hereby adopted by the Commonwealth as State highways to be taken over upon the terms and conditions and subject to the limitations hereinafter contained and thereafter to be maintained constructed reconstructed and resurfaced at the expense of the Commonwealth upon the terms and conditions and subject to the limitations hereinafter provided

Section 2 The city streets to be taken over under the provisions of this act in the cities hereinafter named shall be designated by numbers to be hereafter assigned by the Secretary of Highways and are situate and described as follows

In the City of Philadelphia

Beginning at a point on the Philadelphia City-Yeadon Borough Line on Baltimore Avenue thence over Baltimore Avenue to an intersection with Forty-second Street thence northerly over Forty-second Street to an intersection with Spring Garden Street thence easterly over Spring Garden Street to an intersection with Thirty-first Street thence northerly over Thirty-first Street to an intersection with Haverford Avenue thence westerly over Haverford Avenue to an intersection with Forty-second Street thence southerly over Forty-second Street to the intersection of Forty-second Street and Spring Garden Street beginning again at the intersection of Thirty-first Street and Spring Garden Street thence easterly over Spring Garden Street to an intersection with the Parkway thence southeasterly over the Parkway to City Hall beginning again at the intersection of the Parkway and Race Street thence easterly over Race Street to the Delaware River Bridge approach beginning again at the intersection of the Delaware River Bridge approach and Vine Street thence westerly over Vine Street to an intersection with the Parkway a distance of about 8.25 miles

Beginning at a point on the Philadelphia City-Millbourne Borough Line thence over Market Street to an intersection with Sixty-third Street thence southerly over Sixty-third Street to an intersection with Chestnut Street thence easterly over Chestnut Street to an intersection with Fifth Street thence northerly over Fifth Street to an intersection with Spring Garden Street beginning again at the intersection of Spring Garden Street and Sixth Street thence southerly over Sixth Street to an intersection with Walnut Street thence westerly over Walnut Street to an intersection with South Sixty-third Street thence northerly over South Sixty-third Street to an intersection with Chestnut Street beginning again at the intersection of South Sixty-third and Walnut Street thence southerly over Cobb's Creek Boulevard to an intersection with Sixty-first Street thence southerly over Sixty-first Street to an intersection with Baltimore Avenue a distance of about 14.00 miles

Beginning at a point on the Philadelphia City-Yeadon Borough Line on Sixty-fifth Street thence easterly over Sixty-fifth Street Chester Avenue and Sixty-fifth Street to an intersection with Kingsessing Avenue thence northeasterly over Kingsessing Avenue to an intersection with Fifty-second Street thence northwesterly over Fifty-second Street to an intersection with Chester Avenue thence northeasterly over Chester Avenue to an intersection of Chester Avenue and Forty-second Street thence northerly over Forty-second Street to an intersection with Baltimore Avenue thence northeasterly over Baltimore Avenue to an intersection with Woodland Avenue thence northeasterly over Woodland Avenue to an intersection with Chestnut Street near Thirty-third Street a distance of about 4.00 miles

Beginning at a point on the Philadelphia City-Bucks County Line on Roosevelt Boulevard thence over the Roosevelt Boulevard to an intersection with Hunting Park Avenue thence over Hunting Park Avenue to an intersection with Allegheny Avenue thence westerly over Allegheny Avenue to an intersection with Ridge Avenue thence over Ridge Avenue and Park Drive to an intersection with City Avenue thence southwesterly over City Avenue to the Philadelphia City-Delaware County Line at Cobb's Creek a distance of about 20.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Lancaster Avenue thence southeasterly over Lancaster Avenue to an intersection with Spring Garden Street near Thirty-ninth Street a distance of about 3.50 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Conshohocken Avenue thence south-easterly on Conshohocken Avenue to an intersection with Belmont Avenue thence southerly on Belmont Avenue to the intersection of Belmont Avenue and Lancaster Avenue beginning again at the intersection of Woodland Avenue and University Avenue thence southeasterly over University Avenue to an intersection with Thirty-fourth Street thence southerly over Thirty-fourth Street to an intersection with Maiden Lane thence southeasterly over Maiden Lane to an intersection with Snyder Avenue thence easterly over Snyder Avenue to an intersection with South Twenty-fourth Street thence southerly over South Twenty-fourth Street to the intersection of South Twenty-fourth Street and Passyunk Avenue a distance of about 5.40 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Old York Road thence southerly over Old York Road to an intersection with North Broad Street thence southerly over North Broad Street to City Hall thence by West Penn Square to the intersection of South Broad Street and South Penn Square a distance of about 8.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Wadsworth Avenue thence southwesterly on Wadsworth Avenue to an intersection with Easton Road thence along Easton Road to an intersection with Mt. Airy Avenue thence along Mt. Airy Avenue to an intersection with Germantown Avenue beginning again at the intersection of Germantown Avenue and Mt. Pleasant Avenue thence southwesterly over Mt. Pleasant to an intersection with Lincoln Drive a distance of about 2.66 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Ogontz Avenue thence southerly on Ogontz Avenue to an intersection with Stenton Avenue thence southeasterly on Stenton Avenue to the intersection of Stenton Avenue and North Broad Street a distance of about 2.20 miles

Beginning at a point on the Philadelphia City-Bucks County Line on Bustleton Avenue thence southerly on Bustleton Avenue to an intersection with Welsh Road thence over Welsh Road to the intersection of Welsh Road and Roosevelt Boulevard a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Philmont Avenue thence northeasterly over Philmont Avenue to its intersection with Bustleton Avenue a distance of about .70 of a mile

Beginning at a point on the Philadelphia City-Bucks County Line on Frankford Avenue thence southwesterly on Frankford Avenue to an intersection with Levick Street thence northwesterly on Levick Street to the intersection of Levick Street and the Roosevelt Boulevard a distance of about 6.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Cottman Avenue thence southeasterly over Cottman Avenue to an intersection with Frankford Avenue beginning again at the intersection of Frankford Avenue and Levick Street thence southeasterly over Levick Street to the approach to the Tacony-Palmyra Bridge a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Eighty-fourth Street thence southeasterly over Eighty-fourth Street to an intersection with Island Road thence northeasterly over Island Road to an intersection with South 80th Street thence southeasterly over South 80th Street to an intersection with Penrose Ferry Road thence northeasterly over Penrose Fery Road to an intersection with Penrose Avenue near Schuylkill Avenue thence northeasterly on Penrose Avenue to an intersection with Moyamensing Avenue thence over Moyamensing Avenue to an intersection with South Broad Street thence northerly on South Broad Street to City Hall thence by way of East Penn Square to the intersection of North Penn Square and North Broad Street a distance of about 7.40 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Tinicum Island Road thence northeasterly on Island Road to the intersection of Island Road and Eighty-fourth Street beginning again at the intersection of Moyamensing Avenue and Oregon Avenue thence easterly on Oregon Avenue to an intersection with Swanson Street thence northerly on Swanson Street to an intersection with Delaware Avenue thence northerly on Delaware Avenue to an intersection with Richmond Street thence northeasterly on Richmond Street to an intersection with Bridge Street thence northweasterly on Bridge Street to an intersection with Tacony Street thence northeasterly on Tacony Street and State Road to the approach to the Tacony-Palmyra Bridge a distance of about 12.70 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Perkiomen Road thence southeasterly on Perkiomen Road to an intersection with Germantown Avenue thence southeasterly over Germantown Avenue to an intersection with Mt. Pleasant Avenue thence northeasterly on Mt. Pleasant Avenue to Chew Street thence southeasterly on Chew Street to an intersection with Olney Avenue thence easterly over Olney Avenue to an intersection with Rising Sun Avenue thence to an intersection with the Roosevelt Boulevard a distance of about 8.70 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Bethlehem Pike thence southeasterly on the Bethlehem Pike to an intersection with the Germantown Avenue beginning again at an intersection of Germantown Avenue and Allen's Lane thence southerly over Allen's Lane to an intersection with Lincoln Drive thence southerly on Lincoln Drive to an intersection with Cliveden Street thence southerly on Cliveden Street to an intersection with Park Line thence over Park Line to an intersection with Walnut Lane thence over Walnut Lane to an intersection with Ridge Avenue thence southerly on Ridge Avenue to the intersection of Park Drive and Ridge Avenue beginning again at the intersection of Allegheny Avenue and Ridge Avenue thence southerly on Ridge Avenue to an intersection with Twenty-ninth Street thence southerly on Twenty-ninth Street to an intersection with Girard Avenue thence easterly on Girard Avenue to an intersection with Twenty-fifth Street thence southerly on Twenty-fifth Street to an intersection with Pennsylvania Avenue thence southeasterly on Pennsylvania Avenue to an intersection with Spring Garden Street thence over Spring Garden Street to the intersection of Spring Garden Street and Delaware Avenue beginning again at the intersection of Pennsylvania Avenue and Twenty-fifth Street thence northwesterly on Pennsylvania Avenue to the intersection of Twenty-sixth Street thence over Twenty-sixth Street to the intersection of Twenty-sixth Street and Girard Avenue beginning again at the intersection of Girard Avenue and Twenty-ninth Street thence westerly on Girard Avenue to an intersection with a park drive near Thirty-first Street a distance of about 11.00 miles

Beginning at a point on the Philadelphit City-Rockledge Borough Line on Huntingdon Pike thence southeasterly on Huntingdon Pike to an intersection with Hasbrook Avenue thence southerly on Hasbrook Avenue to an intersection with Hartel Street thence southeasterly on Hartel Street to an intersection with Oxford Avenue thence southerly on Oxford Avenue to an intersection with Rising Sun Avenue thence southwesterly on Rising Sun Avenue to the intersection of Rising Sun Avenue and the Roosevelt Boulevard a distance of about 3.40 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Haverford Avenue thence southeasterly on Haverford Avenue to an intersection with Forty-second Street a distance of about 4.25 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Lansdowne Avenue thence northerly over Lansdowne Avenue to an intersection with Haverford Avenue beginning again at an intersection of Haverford Avenue and Girard Avenue thence easterly over Girard Avenue to an intersection with a park drive near Thirty-first Street thence southerly over the park drive to an intersection with the Parkway at Spring Garden Street a distance of about 4.80 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Cardington Road thence northerly over Cardington Road to an intersection with Lansdowne Avenue a distance of about 0.50 of a mile

Beginning at a point on the Philadelphia City-Montgomery County Line on East Washington Lane thence southwesterly over East Washington Lane to an intersection with Stenton Avenue thence southeasterly on Stenton Avenue to an intersection with Washington Lane thence southwesterly on Washington Lane to an intersection with Wayne Avenue thence northeasterly on Wayne Avenue to the intersection of Wayne Avenue and Lincoln Drive a distance of about 3.20 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Ridge Avenue thence southeasterly on Ridge Avenue to an intersection with Walnut Lane beginning again at the intersection of Allegheny Avenue and Hunting Park Avenue thence easterly over Allegheny Avenue to an intersection with Richmond Street a distance of about 9.00 miles

Beginning at the Philadelphia City-Darby Borough Line on Woodland Avenue thence northeasterly on Woodland Avenue to an intersection with Island Road thence southeasterly on Island Road to an intersection with Elmwood Avenue thence northeasterly on Elmwood Avenue to an intersection with South Sixty-third Street thence southeasterly on South Sixty-third Street to an intersection with Passyunk Avenue thence northeasterly on Passyunk Avenue to an intersection with South Broad Street beginning again at the intersection of Washington Avenue and South Broad Street thence easterly on Washington Avenue to the intersection of Washington Avenue and Delaware Avenue a distance of about 6.25 miles

Provided however that no part or portion of any street hereinbefore described shall be taken over as a State highway under the provisions of this act until after such part or portion shall have been legally opened by the city authorities in the same manner as other streets are now open which form a part of the same route as herein described

Section 3 The city streets or sections thereof hereinbefore described shall be taken over by the Commonwealth through the Department of Highways not later than the first day of September one thousand nine hundred thirty--seven subject however to the following exceptions

(a) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if an order or decree for the improvement thereof has been issued until there has been full compliance with the terms of such order or decree

(b) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if a contract for the improvement thereof has been entered into between a contractor and the Commonwealth or the city authorities or both until the contract has been completed

(c) No city street or part thereof described in section two of this act shall be taken over if an agreement has been entered into between the city authorities and the Commonwealth or any other party for the maintenance or construction of such street even though no formal contract has been executed pursuant to such agreement and no work has been done until the terms of the agreement have been fulfilled

Section 4 This act is not intended and shall not be construed

(a) To place upon the Commonwealth any duty to regulate traffic or police the streets herein taken over by the Commonwealth but such duty shall be and remain the obligation of the cities

(b) To place upon the Commonwealth any obligation for the maintenance construction reconstruction or resurfacing of said streets other than the base or surface courses

(c) To place upon the Commonwealth through the Department of Highways any obligation to maintain construct or reconstruct any structure of any kind or character whatsoever situate upon or forming part of any city street or section thereof described in section two of this act except that the Secretary of Highways may assume the obligation to maintain construct or reconstruct drainage structures with a total spanned length not exceeding feet measured along the center line of the street

than storm or sanitary sewers and which were the sole obligation of the city prior to the passage of this act Responsibility for the construction reconstruction and maintenance of any other structures shall remain with the city person association or corporation responsible therefor at the date of the approval of this act

(d) To authorize any assessment to be made against the Commonwealth by reason of or to assist in the elimination of any grade crossing or the alteration or reconstruction of an existing overhead or undergrade crossing on any street described and designated in section two of this act and no such assessment shall hereafter be made under any act of Assembly heretofore enacted

(e) To place upon the Commonwealth any obligation under any franchise or franchises heretofore or hereafter granted by the city to any public utility company nor to transfer to the Commonwealth from the city any rights under any such franchise or franchises heretofore granted

(f) To place upon the Department of Highways any authority to regulate traffic parking or the general use by the traveling public of the streets or sections thereof taken over by the Commonwealth for maintenance or improvement under the provisions of this act Provided however That the Department of Highways shall be and is hereby authorized to close to traffic all of the streets or sections thereof described in section two of this act during such time as improvements are being made thereon and in such case the city shall establish and maintain a suitable detour in accordance with the provisions of section ten of this act

Section 5 After the streets described in section two of this act shall have been taken over by the Commonwealth they shall be maintained constructed reconstructed and resurfaced by the Department of Highways at the expense of the Commonwealth and such construction reconstruction and resurfacing shall be of such type as shall be determined by the Secretary of Highways with the approval of the Governor and repairs and maintenance shall be of such type as shall be determined by the Secretary of Highways The obligation of the Commonwealth in the construction reconstruction resurfacing or maintenance as hereinbefore provided shall be limited to that part of the street or section thereof between curb lines as established at the time of passage of this act but shall not include the portions of such streets which are or may be used and occupied by the structures or surface facilities of any public utility company Provided That it shall nevertheless be lawful for the Department of Highways to enter into agreements in the discretion of the Secretary of Highways with the Commonwealth of the cost of construction reconstruction or resurfacing of the streets or sections thereof taken over by the Commonwealth under this act

Section 6 The maintenance of said streets authorized under the provisions of this act shall not include snow removal or street cleaning and shall be limited to the portions of the street between existing curb lines available to vehicular traffic

Section 7 The Department of Highways shall not change the width lines or grades of the streets taken over under the provisions of this act or any section thereof but such changes as may be approved or recommended by the Secretary of Highways shall be made by the city as heretofore by an ordinance duly passed in accordance with laws applicable thereto and in the event of any change of width lines or grades in accordance with the provisions of this section the city shall be responsible for the payment of any damages which may be occasioned thereby in the manner provided by low such damages to be as certained and paid in accordance with the laws applicable thereto.

Section 8 Before the Department of Highways shall proceed with the construction reconstruction or resurfacing of any of the streets or sections thereof as described in section two of this act the city after being notified of the contemplated improvement shall take the necessary steps to compel all public utility companies to make any necessary replacements or renewals of any of their structures located within the lines of the improvement prior to the commencement of work and shall agree that the said street or sections thereof when completed shall not be torn up or opened for a period of five years except in emergency cases and subpect to the same conditions and restrictions as are now provided by law with reference to the opening of State highways in boroughs

Section 9 No opening shall be made in the surface of any improved street which is maintained by the Department of Highways under the authority of this act until and unless a permit has been obtained for such opening either from the city authorities or from the Department of Highways pursuant to an ordinance passed subsequent to the approval of this act authorizing the Department of Highways to act for the city Where a permit is not obtained from the Department of Highways as above provided the city shall require a cash deposit or bond conditioned upon the proper restoration of the surface and shall be responsible to the Department of Highways for the cost of the restoration of such surface in accordance with the adopted standards of the Department of Highways for the particular type of construction Any person firm or corporation opening the improved surface of any street or highway without having first obtained a permit as hereinbefore provided shall upon summary conviction before a magistrate be sentenced to pay a fine of not more than twenty-five ($25.00) dollars and in addition thereto the costs of prosecution and surface restoration charges and in default of the payment thereof shall undergo imprisonment for not more than five days

Section 10 Before the commencement of any work authorized under the provisions of this act the city shall upon notice from the Secretary of Highways so to do establish and thereafter maintain at its own expense an adequate detour for the accommodation of the traveling public for such length of time as may be necessary or until the improvement contemplated has been completed and accepted and the street or sections thereof opened and made available to public travel Such detour when established as herein provided shall be marked and posted by the Department of Highways at the expense of the Commonwealth

Section 11 Cities are hereby authorized to incur or to increase their indebtedness by the issue and sale of obligations of the city in the manner and subject to the limitations provided by law for the purpose of assistaing in the improving constructing reconstructing or resurfacing any of the streets or sections thereof the improvement of which is authorized in accordance with the provisions of this act

Section 12 All moneys received by the Commonwealth under any contract or agreement for sharing the cost of the maintenance construction reconstruction or resurfacing of any street or section thereof under the provisions of this act shall be deposited in the Motor License Fund and as much of the money in the Motor License Fund as may be necessary to carry out the provisions of this act is hereby specifically appropriated to the Department of Highways for the purposes of this act

Section 13 It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as though the part or parts held unconstitutional had not been included herein

Section 14 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

Section 15 This act shall become effective the first day of September one thousand nine hundred thirty-seven

And said bill having been read at length the third time,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitutions the yeas and nays were taken and were as follows, vis:

YEAS—199

Achterman,	Flannery,	McFall,	Simon,
Alexander,	Flinchbaugh,	McGee,	Skale,
Allmond,	Ganser,	McShane,	Sloan,

Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Merrell,	Snyder,
Baine,	Habbyshaw,	Mihm,	Spengler,
Baker, F. T.,	Haberlen,	Mooney,	Sproul,
Baker, J. J.,	Hagerty,	Moran,	Stackpole,
Balthaser	Hall,	Moul,	Stank,
Bierly,	Hamilton, F. P.,	Muir,	Stewart,
Blank,	Hamilton, R. S.,	Munley,	Stockham,
Bohn,	Harkins,	Murrin,	Strode,
Boies,	Harmuth,	Nagel,	Terry,
Boltz,	Hays,	O'Brien,	Thomas,
Boyer,	Hering,	O'Connor,	Thompson,
Bradley,	Hess,	O'Keefe,	Toole,
Brancato,	Hetrick,	Ominsky,	Tronzo,
Brigerman,	Hindman,	O'Neill,	Trout,
Broad,	Hirsch,	Ostroff,	Tumelty,
Brown,	Holland,	Patterson, C. S.,	Turner,
Brownfield,	Holmes,	Patterson, J. W.,	Valibus,
Burrows,	Holstrom,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann.
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Mallen,	Schrope,	Wood,
Dyson,	Marino,	Schumacher,	Woodside,
Eckels,	Matthews, H. T.,	Serrill,	Wright,
Elpern,	Matthews, J. F.,	Shaw,	Yanoshat,
Falkenstein,	McArdle,	Shea,	Yeakel,
Finnerty,	McCullough,	Shepard,	Yourishin,
Fiss,	McDermott,	Shoemaker,	Zappala,
Fitch,	McDevitt,	Shugarts,	Furman,
Flanagan,	McElroy,	Siegel,	

NAYS—4

McKinney,	Perry,	Simpson,	Sollenberger,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1027, entitled:

An Act regulating the recordation of assignments of mortgages in counties of the second class fixing the fees therefor and imposing certain powers and duties on the recorders of deeds of such counties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flinchbaugh,	McKinney,	Simpson,
Alexander,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boies,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boyer,	Hess,	O'Keefe,	Thomas,
Bradley,	Hetrick,	Ominsky,	Thompson,
Brancato,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Horting,	Pearson,	Valibus,
Cadwalader,	Huntley,	Perry,	VanAllsburg,
Caesar,	Imbrie,	Pershing,	VanSickle,
Caputo,	Jirolanio,	Piole,	Vogt,
Chervenak,	Kane,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Walsh,
Cohen, R. E.,	Kilroy,	Reese,	Wampole,
Coleman,	Kline,	Reising,	Watkins,
Coolahan,	Kroll,	Richter,	Webster,
Corrigan,	Leisey,	Robinson,	Weidemann.
Costanzo,	Levy,	Rothenberger,	Weiss, D. H.,
Davies,	Lewis,	Royer,	Weiss, S. A.,
Decker,	Long,	Ruffennach,	Welliver,
DeNote,	Longaker,	Rush,	Welsh,
Dickinson,	Lopresti,	Sarraf,	Westrick,
Donohoe,	Lovett,	Scanlon,	Whalen,
Dougherty,	Lyons,	Schor,	Whitenight,
Downey,	Mallen,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McFall,	Shugarts,	Zappala,
Flanagan,	McElroy,	Siegel,	Furman,
Flannery,	McGee,	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 988, entitled:

An Act to amend section eight hundred seventy-four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties to rent and lease road

On the question,

Will the House agree to the bill on third reading?

Mr. JAMES W. PATTERSON. Mr. Speaker, I would like to interrogate the gentleman from Washington, Mr. Cliff S. Patterson.

The SPEAKER. Will the gentleman from Washington permit himself to be interrogated?

Mr. CLIFF S. PATTERSON. I will, Mr. Speaker.

Mr. JAMES W. PATTERSON. Mr Speaker, I desire to ask the gentleman from Washington if I place the correct interpretation upon the wording of this bill as amended. Will this bill put counties in direct competition with privately owned equipment companies in so far as the rental of equipment or machinery which those counties own is concerned.

Mr. CLIFF S. PATTERSON. Mr. Speaker, I think possibly it would. It permits counties to rent or hire out their machinery within the counties. It does not specify

whom they shall hire or rent to.

Mr. JAMES W. PATTERSON. Mr. Speaker and members of the House, I thank the gentleman from Washington. It seems to me to be a rather questionable practice to start in the Commonwealth of Pennsylvania to allow our municipal subdivisions of counties and cities to set themselves up in business, competing with private companies, when those companies pay taxes to the county with which to oppose it. I would like to ask the gentleman from Washington if he will let this bill go over until I have had an opportunity to discuss it further with him.

Mr. CLIFF S. PATTERSON. Mr. Speaker, I will be very glad to have the bill go over.

BILL PASSED OVER

There being no objection House Bill No. 98, Printer's No. 236 was passed over at the request of Mr. CLIFF S. PATTERSON.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 935 as follows:

An Act requiring counties of the third class to repay moneys heretofore recovered on forfeited recognizances in certain cases and providing for the recapture of such moneys from future fines and forfeited recognizances payable to law and library associations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever heretofore the county commissioners sheriff or district attorney of any county of the third class shall have collected any money upon any forfeited recognizance duly estreated to such county and the same has been paid over to any law and library association for the purchase and maintenance of a law library as provided by law and where the defendant in the case subsequently surrounded himself to the jurisdiction of the proper court or was subsequently apprehended and returned to the jurisdiction of the court the che county commissioners shall repay out of the funds of the county to the party from whom such money was collected the amount so collected on such forfeited recognizance and so turned over to such law and library association exclusive of all costs paid or incurred by the county in such proceeding and no future payments shall be made to any such law and library association from fines and forfeited recognizances collected by the county commissioners sheriff or district attorney until the full amount paid out by the county as required by this act shall have been recovered by the county from such fines and forfeited recognizances and paid into the county treasury

Section 2 All acts and parts of acts general local or special inconsistent with this act are hereby repealed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flinchbaugh,	McKinney,	Simpson,
Alexander,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.	Hagerty,	Moran,	Spengler,
Baker, J. J.	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boies,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boyer,	Hess,	O'Keefe,	Thomas,
Bradley,	Hetrick,	Ominsky,	Thompson,
Brancato,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Horting,	Pearson,	Valibus,
Cadwalader,	Huntley,	Perry,	VanAllsburg,
Caesar,	Imbrie,	Pershing,	VanSickle,
Caputo,	Jirolanio,	Piole,	Vogt,
Chervenak,	Kane,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Walsh,
Cohen, R. E.,	Kilroy,	Reese,	Wampole,
Coleman,	Kline,	Reising,	Watkins,
Coolahan,	Kroll,	Richter,	Webster,
Corrigan,	Leisey,	Robinson,	Weidemann,
Costanzo,	Levy,	Rothenberger,	Weiss, D. H.,
Davies,	Lewis,	Royer,	Weiss, S. A.,
Decker,	Long,	Ruffennach,	Welliver,
DeNote,	Longaker,	Rush,	Welsh,
Dickinson,	Lopresti,	Sarraf,	Westrick,
Donohoe,	Lovett,	Scanlon,	Whalen,
Dougherty,	Lyons,	Schor,	Whitenight,
Downey,	Mallen,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 788 (Senate Bill No. 52), entitled:

An Act relating to interstate cooperation creating the Pennsylvania Commission on Interstate Cooperation as well as committees on interstate cooperation of the Senate and of the House of Representatives defining the powers and duties of said commission and of said commission and of said committees and imposing duties on the Governor and the Secretary of the Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flinchbaugh,	McGee,	Simon,
Alexander,	Ganser,	McKinney,	Simpson,
Allmond,	Gerard,	McShane,	Skale,
Arnold,	Gillette,	Melchiorre,	Sloan,
Atkins,	Gorski,	Mellott,	Smith, James A.,
Aukerman,	Habbyshaw,	Merrell,	Smith, John A.,
Baine,	Haberlen,	Mihm,	Snyder,
Baker, F. T.,	Hagerty,	Mooney,	Sollenberger,
Baker, J. J.,	Hall,	Moran,	Spengler,
Balthaser	Hamilton, F. P.,	Moul,	Sproul,

[illegible]	Hamilton, R. S.,	Muir,	Stackpole,
[illegible]	Harkins,	Munley,	Stank,
[illegible]	Harmuth,	Murrin,	Stewart,
[illegible]	Hays,	Nagel,	Stockham,
[illegible]	Hering,	O'Brien,	Strode,
[illegible]	Hess,	O'Connor,	Terry,
Bradley,	Hetrick,	O'Keefe,	Thomas,
Brancato,	Hindman,	Ominsky,	Thompson,
Brigerman,	Hirsch,	O'Neill,	Toole,
[illegible]	Holland,	Ostroff,	Tronzo,
[illegible]	Holmes,	Patterson, C. S.,	Trout,
Brownfield,	Holstrom,	Patterson, J. W.,	Tumelty,
Burrows,	Horting,	Peale,	Turner,
Cadwalader,	Huntley,	Pearson,	Valibus,
Caesar,	Imbrie,	Perry,	VanAllsburg
Caputo,	Jirolanio,	Pershing,	VanSickle,
Chervenak,	Kane,	Piole,	Vogt,
Coakley,	Keenan,	Powers,	Wagner,
Cohen, H. B.,	Kelso,	Preston,	Wall,
Cohen, R. E.,	Kilroy,	Readinger,	Walsh,
Coleman,	Kline,	Reese,	Wampole,
Coolahan,	Kroll,	Reising,	Watkins,
Corrigan,	LaRue,	Richter,	Webster,
Costanzo,	Leisey,	Robinson,	Weidemann,
Davies,	Levy,	Rothenberger,	Weiss, D. H.,
Decker,	Lewis,	Royer,	Weiss, S. A.,
DeNaple,	Long,	Ruffennach,	Welliver,
Dickinson,	Longaker,	Rush,	Welsh,
Donahoe,	Loprest,	Sarraf,	Westrick,
Dougherty,	Lovett,	Scanlon,	Whalen,
Downey,	Lyons,	Schor,	Whitenight,
Dubbs,	Mallen,	Schrock,	Wilson,
Dyson,	Marino,	Schrope,	Winner,
Ekes,	Matthews, H. T.,	Schumacher,	Wood,
Epstein,	Matthews, J. F.,	Serrill,	Woodside,
Falkenstein,	McArdle,	Shaw,	Wright,
Finnerty,	McCullough,	Shea,	Yanoshat,
Fiss,	McDermott,	Shepard,	Yeakel,
Flick,	McDevitt,	Shoemaker,	Yourishin,
Flanagan,	McElroy,	Shugarts,	Zappala,
Flannery,	McFall,	Siegel,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

STATEMENT BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, the measure just passed is one that is a step in advance in the relationship between the states and in the promotion of interstate cooperation. In conjunction with that I have a very interesting letter from Dean Wigmore of the Northwestern School of Law, which I would like to have made part of the record following the vote of this bill.

The SPEAKER. If there are no objections the letter will be spread upon the Journal in connection with the vote on this bill.

The Chair hears none.

"Northwestern University School of Law,
McKinlock Campus,
Chicago, Illinois

John H. Wigmore

February 17, 1937.

The Council of State Governments,
Drexel Avenue and 58th Street,
Chicago, Illinois.

Gentlemen:

"I thank you for sending me your report upon the growth and progress of the Council of State Governments since its creation in June, 1935.

"It is particularly gratifying to me to note the rapid progress of your movement for state cooperation. The Committee on Interstate Compacts of the National Conference of Commissioners on Uniform State Laws, of which I was Chairman, in its August, 1921, Report emphasized the desirability of interstate cooperation, to overcome inconveniences and obstacles due to lack of uniformity of the laws and policies of the States. In that Report our Committee were the pioneers. But our dream is now coming true. And the Council of State Governments has become the appropriate agency for organizing the necessary machinery.

"Fifteen years of further observation only confirm my previous conviction that interstate cooperation is essential to settle many difficulties arising from a lack of coordination of States' activities. It is highly satisfying to witness the development of a working machine calculated to preserve the independence of the States and to avoid the necessity of further increase of Federal powers.

"It is now important that every State in the Union which has not already done so establish its Commission on Interstate Cooperation. The program is sound both from the standpoint of law and of political science. Because the full realization of the purpose which prompted the creation of the Council depends upon the wholehearted cooperation of all of the States, it would be unfortunate if any appreciable number of Legislatures failed to create Commissions on Interstate Cooperation during the current sessions.

Very truly yours,

JOHN H. WIGMORE."

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1164 (Senate Bill No. 4), entitled:

An Act prohibiting the employment of mine workers in the bituminous coal mines unless certificated by a miners' examining board providing for the appointment of such boards and defining their powers and duties and providing penalties."

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 723, entitled:

An Act to amend section five hundred and eighty of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended extending the powers of the county commissioners in the construction and maintenance of comfort stations

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simpson,
Alexander,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boies,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boyer,	Hess,	O'Keefe,	Thomas,
Bradley,	Hetrick,	Ominsky,	Thompson,
Brancato,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Horting,	Pearson,	Valibus,
Cadwalader,	Huntley,	Perry,	VanAllsburg,
Caesar,	Imbrie,	Pershing,	VanSickle,
Caputo,	Jirolanio,	Piole,	Vogt,
Chervenak,	Kane,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Walsh,
Cohen, R. E.,	Kilroy,	Reese,	Wampole,
Coleman,	Kline,	Reising,	Watkins,
Coolahan,	Kroll,	Richter,	Webster,
Corrigan,	Leisey,	Robinson,	Weidemann,
Costanzo,	Levy,	Rothenberger,	Weiss, D. H.,
Davies,	Lewis,	Royer,	Weiss, S. A.,
Decker,	Long,	Ruffennach,	Welliver,
DeNote,	Longaker,	Rush,	Welsh,
Dickinson,	Lopresti,	Sarraf,	Westrick,
Donohoe,	Lovett,	Scanlon,	Whalen,
Dougherty,	Lyons,	Schor,	Whitenight,
Downey,	Mallen,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flinchbaugh,	McGee,	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 501, as follows:

An Act to amend section two hundred and one of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1005) entitled "An act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by execpting farm wagons attached to tractors from registration in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and one of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1005) entitled "An act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject mater of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justice of peace the courts and the clerks thereof owners of tractors and trailers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 815) is hereby further amended to read as follows

Section 201 Registration of Tractors and Trailers Required Except as hereinafter provided no tractor or trailer shall be operated or driven upon any highway of this Commonwealth until the said tractor or trailer shall have been registered with the department as hereinafter provided and the registration plate that has been issued for the vehicle for the current year is received and displayed as required by this act

Tractors and Trailers including farm wagons and agricultural equipment drawn by tractors with or without a trailer used exclusively by any person upon the farm or farms he owns or operates or upon highways connecting by the most direct route any farms or portions of farms under the single ownership or operation of such person shall be exempt from registration

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flinchbaugh,	McKinney,	Simpson,
Alexander,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boies,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boyer,	Hess,	O'Keefe,	Thomas,
Bradley,	Hetrick,	Ominsky,	Thompson,
Brancato,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,

Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Horting,	Pearson,	Valibus,
Cadwalader,	Huntley,	Perry,	VanAllsburg,
Caesar,	Imbrie,	Pershing,	VanSickle,
Caputo,	Jirolanio,	Piole,	Vogt,
Chervenak,	Kane,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Walsh,
Cohen, R. E.,	Kilroy,	Reese,	Wampole,
Coleman,	Kline,	Reising,	Watkins,
Coolahan,	Kroll,	Richter,	Webster,
Corrigan,	Lewis,	Robinson,	Weidemann,
Costanzo,	Levy,	Rothenberger,	Weiss, D. H.,
Davies,	Lewis,	Royer,	Weiss, S. A.,
Decker,	Long,	Ruffennach,	Welliver,
DeNote,	Longaker,	Rush,	Welsh,
Dickinson,	Lopresti,	Sarraf,	Westrick,
Donohoe,	Lovett,	Scanlon,	Whalen,
Dougherty,	Lyons,	Schor,	Whitenight,
Downey,	Mallen,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Flanagan,	McDevitt,	Shoemaker,	Yourishin,
Fiss,	McElroy,	Shugarts,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flannery,	McGee,	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 333.

An Act to repeal the act approved the twenty-second day of June one thousand eight hundred and ninety-seven (Pamphlet Laws 178) entitled "An act taxing certain stocks of building and loan associations for State purposes" and prescribing the effect of such repeal

Whereupon,

The SPEAKER, in the presence of the House signed the same.

RESOLUTION

"HOLLAND HERING FISH RESOLUTION OF THANKS TO THE ELK LODGE OF HARRISBURG"

Mr. HERING offered a resolution which was twice read, as follows:

In the House of Representatives, March 10, 1937.

Whereas, The Benevolent and Proctective Order of Elks very kindly extended to all the members of the General Assembly an invitation to share a fish dinner with them: and

Whereas, Many of the members accepted the invitation and enjoyed themselves thoroughly; therefore be it

Resolved, That the members of the House and Senate hereby express their thanks and appreciation for the expression of goodwill and cordial hospitality extended to them by the Elks of Harrisburg and be it further

Resolved, That a copy of this resolution be tramsmitted to the Secretary of the B. P. O. Elks' of Harrisburg.

On the question,

Will the House adopt the resolution?

Mr. GERARD. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Hering.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. HERING. I will, Mr. Speaker.

Mr. GERARD. Mr. Speaker, will the gentleman from Philadelphia tell the House whether or not they were served Holland hering?

Mr. HERING. That I cannot say, Mr. Speaker, because it was not Friday.

On the question recurring,

Will the House adopt the resolution?

It was unanimously adopted.

RESOLUTION

SYMPATHY EXTENDED

Mr. VALIBUS offered a resolution which was twice read, considered and unanimously adopted as folows:

In the House of Representatives, March 10th, 1937.

Joseph H. Schwartz, a member of this House from 1921 to 1926, passed away at his home in the Borough of Plymouth yesterday at the age of 76.

Born in the City of New York he was educated in the public schools of that city and at the College of the City of New York. He located in Plymouth in 1876 and became one of the leading citizens of his community, engaging in business for a period of forty years. At the time of his death, he was president of the First National Bank of Plymouth. He was interested in his community, serving as a trustee of the Wyoming Valley Homeopathic Hospital, and was one of the organizers of the First Fire Company of Plymouth.

His death is a great loss, not only to his family, but to his community and his State.

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby extends its sincere sympathy to the members of the family of the Honorable Joseph H. Schwartz in the great loss they have sustained, and that a copy of this resolution be transmitted to the family by the Chief Clerk of this House.

RESOLUTION

Mr. WINNER offered a resolution which was filed with the Clerk.

STATEMENT BY MR. TROUT.

Mr. TROUT asked and obtained unanimous consent to make the following statement.

Mr. Speaker and members of the House, a few minutes ago we passed House Bill No. 1183, Printer's No. 283, which provides for taking over approximately one hundred and fifty miles of highways in the City of Philadelphia. I have no objection to that bill and voted for the bill. However, I do believe that Legislation of this kind should be followed with Legislation covering other parts of the Commonwealth so far as highways are concerned. In the Session of 1935 this House appropriated $200,000 to the State Planning Commission and they received from the Federal Government an appropriation of $800,000, which gave them approximately $1,000,000 to work out plans for the taking over, maintenance and the building of highways. It seems to me that highway legislation should be coordinated with the report of that State Planning Commission, and, Mr. Speaker with that in mind, I offer a resolution and ask unanimous consent that it be read for the information of the House.

The SPEAKER. Will the House give its unanimous con-

sent to the reading of the resolution at this time? Is there objection?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OMINSKY. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. OMINSKY. Mr. Speaker, is the request of the gentleman merely for the purpose of having the resolution read?

The SPEAKER. For the purpose of having the resolution read. The Chair hears no objections.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 10, 1937.

Whereas, The Pennsylvania Department of Highways, in cooperation with the United States Bureau of Public Roads, is at present engaged in making a State-wide Highway Planning Survey; and

Whereas, The purpose of this survey is to gather much needed factual information wheih is necessary for the orderly and logical development of our road system; and

Whereas, The estimated cost of this survey is approximately One Million Dollars of State and Federal Highway Funds; and

Whereas, The members of the Legislature have no definite knowledge as to when this survey will be completed and the final report of same be made available to the members of the Legislature; and

Whereas, There are certain legislative measures confronting the Legislature which, if enacted before the final report of the Statewide Highway Planning Survey, may result in a serious set-back to the orderly, future development of our highway system,

Now, Therefore, Be It Resolved that upon notification of the adoption of this resolution the Secretary of Highways be requested to lay before the House a report of the progress that has been made by the State-wide Highway Planning Survey and a preliminary outline of results to date.

Mr. TROUT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution.

The SPEAKER. Will the House give its unanimous consent for the immediate consideration of the resolution? Is there objections?

Mr. HERBERT B. COHEN. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

The resolution was filed with the Clerk.

STATEMENT BY MR. HERBERT B. COHEN.

Mr. HERBERT B. COHEN asked and obtained unanimous consent to make the following statement.

Mr. Speaker and members of the House, the reason for the objection,—I think it has been explained personally to the gentleman from Lancaster, but I wish to make the explanation to the membership of the House. I was fortunate enough earlier in the day to have seen a rough copy of the report and survey that has been made, and I can assure the membership of this House that the Department of Highways is very much concerned about an expeditious presentation of that report and survey, and that no good would accure from the immediate consideration of this resolution, as the Department of Highways is actually now in the process of presenting that report and survey.

STATEMENT BY MR. ALEXANDER

Mr. ALEXANDER asked and obtained unanimous consent to make the following statement.

Mr. Speaker and members of the House, as Vice-Chairman of the Committee on Highways, and with the permission of the Chairman, I am making the following statement after interviewing the Department of Highways and I am doing this because of requests that have come to me from members of the House concerning the offering of bills for taking over highways in townships. I have been informed by the Department of Highways that all members having bills of that sort shall prepare them and have them ready to offer during the next four or five days during which we have time to offer bills. That comes direct from the Department. All the members who have bills to offer will present the same between now and March 18, which is the final closing day for the offering of bills.

REPORTS FROM COMMITTEES

Mr. DECKER, from the Committee on Fisheries, reported as committed, House Bill No. 1157, entitled:

An Act to amend section one, section three as amended, and sections four, five and nine as added, of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream, artificial or natural body of water, or non-tidal waters of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties," extending fees; providing for new license plates each license year, and fixing license years; and regulating the installation and use of mufflers.

Mr. VOGT, from the Committee on Fisheries, reported as committed, House Bill No. 1130, entitled:

An Act to amend sections fifty and seventy-two as amended, sub-section (b) of section one hundred ninety-one, section two hundred two, sections two hundred twenty and two hundred twenty-six as amended, sections two hundred twenty-eight and two hundred fifty-six, and section two hundred eighty-five as amended, of, and to add sections two hundred eighty-two and two hundred eighty-three to, the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," further regulating the taking of fish; eliminating the right to use eel chutes, changing certain penalties and providing now penalties; requiring certain persons to possess fishing licenses; providing for the regulating the revocation of fishing licenses; providing for the payment over of fines collected, and the return of fines erroneously collected; vesting certain additional powers in the Board of Fish Commissioners; elminating certain restrictions on the use of license fees; regulating closed seasons in boundary lakes; and conferring additional police powers on fish wardens.

Mr. HIRSCH, from the Committee on Education, reported as amended, House Bill No. 793, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; pro-

viding revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the requirements for free transportation of pupils; removing certain exemptions from the compulsory attendance act; providing for standards for vehicles used; requiring public liability insurance coverage; and authorizing the withholding of reimbursement in certain cases.

BILLS INTRODUCED AND REFERRED

By Mr. SCHROCK. HOUSE BILL No. 1373.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Somerset.

Referred to the Committee on Highways.

By Mr. O'CONNOR. HOUSE BILL No. 1374.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; confering certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenace and construction of such highways, and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Cambria.

Referred to the Committee on Highways.

By Mr. WELLIVER. HOUSE BILL No. 1375.

An Act to amend the title and sections one and two of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 403), entitled "An act fixing the salary of county commissioners in counties of the third, fourth, fifth, and sixth classes," by fixing the salary of county commissioners in counties of the seventh and eighth class; providing for the expenses of county commissioners in all counties; and repealing inconsistent laws.

Referred to the Committee on Counties.

By Mr. O'CONNOR. HOUSE BILL No. 1376.

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled 'An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

Referred to the Committee on Highways.

By Mr. OMINSKY. HOUSE BILL No. 1377.

An Act requiring railroads to operate their locomotives while passing through any city town, so as to reduce to a minimum, the smoke produced and omitted by such locomotives.

Referred to the Committee on Railroads and Railways.

By Mr. OMINSKY. HOUSE BILL No. 1378.

An Act to amend section two of the act, approved the fourtheenth day of May, one thousand nine hundred and fifteen (P. L. 483), entitled "An act relating to practice in the courts of common pleas in actions of assumpsit and trespass, except actions for libel and slander; prescribing the pleadings and procedure to be observed therein, and giving the courts power to enforce its provisions," as amended, by providing that all pleadings filed therein shall constitute a part of the record without formal presentation at time of trial.

Referred to the Committee on Judiciary General.

By Mr. OMINSKY. HOUSE BILL No. 1379.

A Joint Resolution proposing an amendment to section four, Article two of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Messrs. VAN SICKLE, JIROLANIO and McFALL. HOUSE BILL No. 1380.

An Act making an appropriation to the Department of Welfare to supplement unemployment relief grants.

Referred to the Committee on Appropriations.

By Messrs. VAN SICKLE, JIRIOLANIO and McFALL. HOUSE BILL No. 1381.

An Act to amend clause (c) of section one of Article three of the act, approved the twnty-sixth day of July, one thousand nine hundred and thirteen (P. L. 1374), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, defining and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damaging resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employs; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of certain appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said Commission; making it the duty of the Public Service Commission to enforce the provisions of the act, approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section

nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth Article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anne Domini one thousand nine hundred and seven; and the priviso of clause three and the priviso of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," by prohibiting the imposition of penalties for failure to pay bills for services promptly, by whatsoever terms such Penalties may be designated.

Referred to the Committee on Public Utilities.

By Messrs. VAN SICKLE, McFALL and JIROLANIO.
HOUSE BILL No. 1382.

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

Referred to the Committee on Highways.

By Mr. O'CONNOR. HOUSE BILL No. 1383.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in County of Cambria.

Referred to the Committee on Highways.

By Messrs. FITCH and McSHANE.
HOUSE BILL No. 1384.

An Act making an appropriation to the Pennsylvania State College of Optometry of Philadelphia, Pennsylvania for optometrical education.

Referred to the Committee on Appropriations.

By Messrs. HIRSCH and O'NEILL.
HOUSE BILL No. 1385.

An Act making an appropriation to the Department of Public Instruction for the purpose of aiding financially handicapped and distressed school districts.

Referred to the Committee on Appropriations.

By Mr. KELSO. HOUSE BILL No. 1386.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act." establishing and additional routes in the County of Lawrence.

Referred to the Committee on Highways.

By Mr. WILSON. HOUSE BILL No. 1387.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act." establishing an additional route in the County of Jefferson.

Referred to the Committee on Highways.

By Mr. WILSON. HOUSE BILL No. 1388.

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

Referred to the Committee on Highways.

By Mr. WILSON. HOUSE BILL No. 1389.

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenances at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. WELSH. HOUSE BILL. No. 1390.

An Act making an appropriation to the General State Authority to defray the costs and expenses of the said Authority in connection with the organization, administration and operation thereof.

Referred to the Committee on Appropriations.

By Mr. THOMAS. HOUSE BILL No. 1391.

An Act making an appropriation to the Greenville Hospital, Greenville. Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. KELSO. HOUSE BILL No. 1392.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon

the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the Couty of Lawrence.

Referred to the Committee on Highways.

By Messrs. FALKENSTEIN and SCANLON.

HOUSE BILL No. 1393.

An Act to protect the public health and welfare, by regulating the employment of persons in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Department of Labor and Industry and others; by perscribing penalties for violation thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof.

Referred to the Committee on Labor.

By Mr. HERING. HOUSE BILL No. 1394.

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Labor and Industry of engineers having charge of stationary steam boilers, pressure vessels, steam and hydraulic pipelines, hydraulic machinery, steam and internal combustion engines, turbines, refrigeration machinery, and such power hoisting and portable machinery, irrespective of the motive power, as shall be used in all construction work, and all necessary appurtenances used in all equipment designated in this act, providing for the creation of new positions and for the appointment of persons to fill same, providing salaries for the new positions, providing for the collection of fees, making it a misdemeanor to operate or cause to be operated the equipment designated in this act without licensure and providing penalties.

Referred to the Committee on State Boards.

By Messrs. OSTROFF, LEWIS, DENOTE and SCHOR.

HOUSE BILL No. 1395.

An Act limiting investments of trust funds by fiduciaries and imposing personal liability upon such fiduciaries violating the provisions of this act; repealing inconsistent acts or ports of acts.

Referred to the Committee on Banking.

By Messrs. OSTROFF, LEWIS, DeNOTES and JAMES A. SMITH. HOUSE BILL No. 1396.

An Act to repeal clause five of section twenty-nine of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (P. L. 73), entitled "An act to provide for the incorporation and regulation of certain corporations," and the amendments thereto.

Referred to the Committee on Corporations.

By Merrs. OSTROFF, LEWIS. DeNOTE and JAMES A. SMITH. HOUSE BILL No. 1397.

An Act to repeal section one thousand one hundred nine of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National bank into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and fiduciary powers by any other corporation; confering powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts.'

Referred to the Committee on Banking.

By Mr. DAVIES. HOUSE BILL No. 1398.

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three, (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

Referred to the Committee on Highways.

By Mr. DAVIES. HOUSE BILL No. 1399.

An Act to establish as a State highway a certain section of public road in the County of Lackawanna, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. KILROY. HOUSE BILL No. 1400.

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public saftey; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermmen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providowners, counties, cities, boroughs, incorporated towns, ing that records are admissible as evidence; imposing upon townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making and appropriation and providing for refunds," as amended, regulating the sale and further regulating the installation, use and operation of traffic regulation devices, signals, signs and markings, and the operation of motor vehicles on the highways; affecting the powers of municipal authorities in certain cases and of the Secretary of Highways; and changing and imposing penalties.

Refered to the Committee on Motor Vehicles.

By Mr. KELSO. HOUSE BILL No. 1401.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entiteld "An act establishing certain township reads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon

the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriaton to carry out the provisions of said act," establishing an additional route in the County of Lawrence.

Referred to the Committee on Highways.

By Mr. DAVIES. HOUSE BILL No. 1402.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lackawanna.

Referred to the Committee on Highways.

By Mr. DAVIES. HOUSE BILL No. 1403.

A Supplement to the act, aproved the first day of June, one thousand nine hundred and thirty-three, (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth".

Referred to the Committee on Highways.

By Mr. PEALE. HOUSE BILL No. 1404.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing ectrain townshpi roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon maintenance and construction of such highways; and makassociations and corporations for sharing the cost of the maintenance on a construction of such highways; and making an appropriation to carry out the provisions of said act," establishinging an additional route in the County of Sullivan.

Referred to the Committee on Highways.

By Mr. PEALE. HOUSE BILL No. 1405.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Sullivan.

Referred to the Committee on Highways.

By Messrs. FINNERTY, OMINSKY and SHEPARD.
HOUSE BILL No. 1406.

An Act making an appropriation to the Union Home for Old Ladies of West Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. FALKENSTEIN. HOUSE BILL No. 1407.

An Act providing for the creation of housing authorities in counties; authorizing such authorities to enter into agreements with the Government of the United States or any agency thereof, or with the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof, and with others; defining and providing far the organization and dissolution or such housing authorities; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions upon which such housing authorities may exercise their powers; defining the application of local zoning regulations to projects built by such authorities; endowing such housing authorities with the right of eminent domain and with the power to finance projects by the issuance and sale of bonds; authorizing such housing authorities to make and receive appropriations; preserving the right to supervise such housing authorities by the State; and for other purposes.

Referred to the Committee on Welfare.

By Mr. WINNER. HOUSE BILL No. 1408.

An Act making an appropriation to the Abington Memorial Hospital, Abington Township, Montgomery County, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. SKALE. HOUSE BILL No. 1409.

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and assistants and employes of certain departments, boards, and commissions shall be determined," by changing the number and qualifications of members of the Osteopathic Surgeons' Examining Board.

Referred to the Committee on State Boards.

By Mr. SKALE. HOUSE BILL No. 1410.

An Act relating to the manufacture, repair renovating, cleansing, sterilizing, and disinfecting of mattresses, pillows, bolsters, feather beds, and other filled bedding, cushions and upholstered furniture intended for sale or lease and to the sale or lease thereof; requiring the placing of tag and adhesive stamp on such material; providing for the sale of adhesive stamps; authorizing and requiring the Department of Labor and Industry to adopt rules and regulations; providing penalties; and repealing certain acts.

Referred to the Committee on Public Health and Sanitation.

By Messrs. RUFFENNACH and GORSKI.
HOUSE BILL No. 1411.

An Act to further amend the act, approved the thirtieth day of March, one thousand nine hundred and seventeen

(P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith;" by conferring certain powers on the State Board of Optometrical Examiners; further regulating and providing for the licensing of branch offices; prescribing additional grounds for refusing, cancelling, revoking or suspending licenses; and making certain changes as to persons who are and those who are not subject to the provisions of the act.

Referred to the Committee on State Boards.

By Mr. BLANK. HOUSE BILL No. 1412.

An Act to further amend section one thousand six hundred and seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania of Pennsylvania, together with provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," requiring the teaching in high schools of the theories of proper and safe operation of motor vehicles.

Referred to the Committee on Education.

By Messrs. COAKLEY, McFALL, JIROLANIO and VAN SICKLE. HOUSE BILL No. 1413.

An Act to amend section four thousand three hundred and twenty of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto ," by making it mandatory for cities of the third class to establish pension funds for fireman.

Referred to the Committee on Cities.

By Mr. CAPUTO. HOUSE BILL No. 1414.

An Act to amend section one thousand three hundred and thirteen of, and to add section one thousand three hundred and fourteen to the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," further regulating the collection of borough taxes from employers and tenants of delinquent taxpayers.

Referred to the Committee on Boroughs.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 77. (HOUSE BILL No. 1415).

An Act to amend the act, approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes; and revising amending and consolidating the laws relating thereto," empowering counties of the second class to employ police officers at the expense of such counties; and defining their powers.

Referred to the Committee on Counties.

SENATE BILL No. 177. (HOUSE BILL No. 1416).

An Act prohibiting persons and officers from hiring requesting and inducing minors to purchase spirituous vinous or brewed and malt liquors.

Referred to the Committee on Judiciary General.

SENATE BILL No. 197. (HOUSE BILL No. 1417).

An Act to amend section one of the act, approved the twenty-sixth day of June, one thousand nine hundred and thirty-one (P. L. 1379), entitled "An act creating in counties of the third class a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commissioners; providing for their salaries, payable by the county; abolishing existing boards; defining the powers and duties of such board; regulating the assessment of persons, property, and occupations for county, borough, town, township, school, and poor purposes; authorizing the appointment of subordinate assessors, a solicitor, engineers, and clerks; providing for their compensation payable by such counties; abolishing the office of ward, borough, and township assessors, so far as the making of assessments and valuation for taxation is concerned; and providing for the acceptance of this act by cities;" providing for the appointment of the members of the boards for the assessment and revision of taxes by the Auditor General of the Commonwealth; terminating the terms of the existing members of such boards; and fixing the membership of the county salary boards for certain purposes.

Referred to the Committee on Counties.

SENATE BILL No. 286. (HOUSE BILL No. 1418).

An Act to amend the title and sections one three six fifteen sixteen and eighteen and to repeal section nineteen of the act, approved the twenty-sixth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1379) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such board regulating the assessment of persons property and occupations for county borough town township school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuation for taxation is concerned and providing for the acceptance of this act by cities" making the provisions of said act mandatory in cities located in such counties.

Referred to the Committee on Cities.

SENATE BILL No. 316. (HOUSE BILL No. 1419).

An Act providing a method through payroll deductions for the payment of delinquent taxes penalties and interest and costs due to political subdivisions by public officers and employes paid from moneys in the treasury thereof and conferring powers and imposing duties on the city controller city treasurer receiver of taxes and bonded paymasters.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 369. (HOUSE BILL No. 1420).

An Act to further amend the act, approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or any parts thereof that are or may be inconsistent therewith" by designating who shall be

known as professional employees in the several school districts and making provisions for their election and dismissal.

Referred to the Committee on Education.

SENATE BILL No. 370. (HOUSE BILL No. 1421).

An Act authorizing cities of the first class to set-off delinquent taxes and interest penalties and costs due thereon against claims and accounts due by such cities and prescribing the powers and duties of the city controller in such cases.

Referred to the Committee on Cities.

BILL INTRODUCED AND REFERRED

By Miss BRANCATO. HOUSE BILL No. 1422.

An Act to amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-five, (P. L. 450), entitled "An act to promote public morals; abolishing civil causes of action for alienation of affections, except in certain cases, and breach of promise to marry; making it unlawful to file, cause to be filed, threaten to cause to be filed any such action; fixing a time for the commencement of such causes of action heretofore accrued; declaring void all future contracts in settlement of such actions; making it unlawful to induce the execution of such a contract or payment thereunder or institution of suit thereon; and providing penalties," correcting an error in said section.

Referred to the Committee on Judiciary General.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. OMINSKY, FINNERTY and SHEPARD.

(Concurrent) RESOLUTION No. 49.

In the House of Representatives, March 10, 1937.

Whereas, Many worthy students living in the Commonwealth of Pennsylvania do not have the financial means to attend institutions of learning at which tuition is charged; and

Whereas, All of the present institutions of learning in this Commonwealth, with very few exceptions, have from time to time, so advanced their tuition, that many who formerly might have taken advantage of those institutions, are no longer able to do so; and

Whereas, Many institutions which were originally founded for the specific purpose of providing educational opportunities for worthy students who did not have the financial means to attend the then existing educational institutions, but these later institutions for one reason or another or for no reason at all, have advanced their tuition fees, so that they have moved into the very class of institutions they were never intended to be a part of; and

Whereas, Many worthy students, in an attempt to earn these large tuition fees have taken positions of various types, which have over-taxed both their physical and mental capacities, the effects of which in many instances were not discovered until later years in their lives, and in addition thereto, many of these students find on graduation that they have not been adequately trained either for proper employment or to make a livelihood sufficient for the responsibilities of family life; and

Whereas, Many of our institutions of learning are producing too many graduates imbued with economic royalistic aspirations instead of with the training and inspiration to advance the cause of human happiness and to advance the well-being of humanity rather than to further the exploitation of it; therefore be it

Resolved, (if the Senate concur), That the President Pro Tempore of the Senate shall appoint three members of the Senate, and the Speaker of the House shall appoint four members of the House of Representatives, who together shall constitute a joint legislative commission whose duty it shall be to survey, investigate and determine the need of and desirability of creating a Commonwealth institution of learning to be located in the eastern part of the Commonwealth; and be it further

Resolved, That the said joint Legislative commission shall report to the Governor and to the General Assembly of its conclusions and recommendations as it deems desirable.

Referred to the Committee on Education.

RESOLUTION INTRODUCED AND REFERRED

By Mr. WINNER. RESOLUTION No. 50.

In the House of Representatives, March 10, 1937.

Whereas, References have been repeatedly made to the General Election of November 3, 1936, in the Halls of the Legislature, in public statements and addresses, and in radio broadcasts originating in the Commonwealth of Pennsylvania, to the effect that the result was a "Mandate of the People," or "The People have Spoken," or "The Voice of the People;" and

Whereas, The expressions referred to above have been used to convey the meaning that, "The Mandate of the People" was unanimous, that "The People have Spoken" with and the same thought, and that "The Voice of the People" was heard with none dissenting; and

Whereas, The official election returns for the vote cast at the General Election held in the Commonwealth of Pennsylvania, November 3, 1936, for candidate for the office of President of the United States, show but 2,353,788 votes cast for Franklin D. Roosevelt, and 1,784,317 votes cast for his opposition, making an approximate ratio of 1 1-3 to 1; and

Whereas, Recent requests on the part of the now President of the United States, the aforementioned candidate, Franklin D. Roosevelt, to pack the Supreme Court of the United States, was not contemplated or mentioned at any time prior to the General Election of November 3, 1936; and

Whereas, It is reasonable to infer that many of our citizens would not have voted, would not have spoken, would not have let their voices been heard, for Franklin D. Roosevelt had he been known to contemplate or mention his designs and purposes in regards to the Supreme Court of the United States prior to the day of his election; therefore be it

Resolved, That condolence is hereby offered to all citizens of the Commonwealth who must listen to the expressions "Mandate of the People," "Voice of the People," "The People have Spoken" used in the Halls of the Legislature, in any public statement or address, or in any radio broadcast originating in the Commonwealth of Pennsylvania by any office holder of the Commonwealth.

Referred to the Committee on State Government.

RESOLUTIONS REFERRED

By Mr. TROUT. RESOLUTION No. 51.

In the House of Representatives, March 10, 1937.

Whereas, The Pennsylvania Department of Highways, in cooperation with the United States Bureau of Public Roads, is at present engaged in making a State-wide Highway Planning Survey; and

Whereas, The purpose of this survey is to gather much needed factual information which is necessary for the orderly and logical development of our road system; and

Whereas, The estimated cost of this survey is approximately One Million Dollars of State and Federal Highway Funds; and

Whereas, The members of the Legislature have no definite knowledge as to when this survey will be completed and the final report of same be made available to the members of the Legislature; and

Whereas, There are certain legislative measures confronting the Legislature which, if enacted before the final report of the Statewide Highway Planning Survey, may result in a serious set-back to the orderly, future development of our highway system,

Now, Therefore, Be It Resolved that upon notification of the adoption of this resolution the Secretary of Highways be requested to lay before the House a report of the progress that has been made by the State-wide Highway Planning Survey and a preliminary outline of results to date.

Referred to the Committee on Highways.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. VAN SICKLE. Mr. Speaker, I arise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. VAN SICKLE. Mr. Speaker, is House Bill No. 1183, Printer's No. 283, still within the control of the House?

The SPEAKER. The transcribing clerk was sent to the transcribing room for the bill and will report in a moment. For the information of the gentleman, the bill is still in the possession of the House.

Mr. VAN SICKLE. Mr. Speaker, would it be possible for this House to retain control of that bill until Monday evening by a request concurred in by all of the members?

The SPEAKER. That is correct, if the House so orders.

Mr. VAN SICKLE. Mr. Speaker, I make the request that House Bill No. 1183, Printer's No. 283, be retained by the House until Monday evening.

The SPEAKER. The gentleman from Northampton, Mr. Van Sickle requests that House Bill No. 1183, Printer's No. 283, be held in the possession of the House until the session next Monday evening. This bill passed finally this afternoon.

Mr. KILROY. Mr. Speaker, as sponsor of House Bill No. 1183, I agree to the request of the gentleman from Northampton.

The SPEAKER. If there are no objections the request of the gentleman from Northampton, Mr. Van Sickle, is granted. The Chair will direct the proper officials to retain possession of the bill until the session next Monday night.

ANNOUNCEMENTS BY THE CLERK.

There will be a public hearing of the joint Cities Committee of the House and Senate on House Bill No. 108, known as the Family Court Bill, on Friday, March 12 at 3:30 p. m. in Room 402, City Hall, Philadelphia.

The Committee on Ways and Means will meet next Monday, March 15 at 8:00 p. m. All members are requested to be present. The meeting will be held in Room 100.

There will be a public hearing on Tuesday, March 23 at 8:00 p. m. on House Bill No. 500 before the Committee on Municipal Corporations in the hall of the House.

A continuation of the hearing on House Bill No. 64 will be held in the House Caucus Room on Monday evening, March 15, at 7:00 p. m. before the Committee on Counties.

ADJOURNMENT

Mr. McSHANE. Mr. Speaker, I move that this House do now adjourn until Monday, March 15, 1937, at 9:00 p. m.

The motion was agreed to, and (at 4:46 p. m.) the House adjourned until Monday, March 15, 1937, at 9:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., MONDAY, MARCH 15, 1937. No. 29.

SENATE

MONDAY, March 15, 1937.

The Senate met at 9 o'clock p. m.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, L.L.D., offered the following prayer.

O, the depth of Thy riches, and wisdom, and knowledge. Unsearchable are Thy judgments, O God, and Thy ways past finding out!

Yet the wonder of all mysteries is Thy love. Approaching from our distance we are constrained to humility and dread; drawing nigh, we behold our Father's face, and a love which casteth out fear.

Help us, our Father, in this spirit to take up our tasks. May we meet as man to man, as friend and friend, seeking only the distinction of true ministry, in the service of our day and generation. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SONES, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. Frey asked and obtained leave of absence for the Senator from Armstrong, Mr. SIPE.

Mr. Buckman asked and obtained leave of absence for the Senator from Tioga, Mr. OWLETT, for a period of two weeks.

Mr. Roberts asked and obtained leave of absence for his colleague, the Senator from Luzerne, Mr. SORDONI.

PETITIONS

TELEGRAM AND PETITIONS APPROVING THE MERIT SYSTEM

The Chair cleared his table and laid before the Senate the following:

Telegram and petitions from the following, approving the merit system:

The Nanticoke Nurses Alumni Association; The Mercy Hospital Nurses; Nurses of the Homeopathic State Hospital, Hazleton State Hospital; Pennsylvania State Nurses Association.

FAVORING HOUSE BILLS BY ROBINSON AND LARUE

A petition asking the support of the Robinson and LaRue Sunday Fishing Bill.

OPPOSING THE PASSAGE OF THE PACKAGE BILL

A petition requesting the Senate to prevent the Package Bill from being passed, from the Methodist Church and Sunday School Association of Altoona.

FAVORING HOUSE BILLS 584 and 589

A petition asking the Senators to consider favorably House Bills 584 and 589, by the A. A. of I. S. and Tin Workers of North America.

OPPOSING HOUSE BILL 896

Petitions from the City of Scranton, opposing House Bill 896.

REQUESTING THAT GASOLINE TAX BE ALLOCATED TO THIRD CLASS CITIES

Resolution from the Council of the City of Sharon, Pennsylvania requesting that a portion of the Gasoline Tax be allocated to cities of third class in Pennsylvania

OPPOSING THE PASSAGE OF ANY OVER-ALL TAX LIMITATION BILL

Petition of J. Frank Carter, Superintendent of the Haverford, Penna. Schools opposing the passage of any Over-All Tax Limitation Bill.

PETITION FOR A MEMORABLE SITE

Petitions from the Sons of the American Revolution for the acquisition and maintenance of a site where fifty men were killed near Bushy Run, Westmoreland County, on August 5 and 6, 1763.

TIME OF NEXT MEETING

Mr. CAVALCANTE, offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 15, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, March 22d, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 22d, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

REPORTS FROM COMMITTEE

Mr. THOMPSON, from the Committee on Judiciary General, reported as committed, Senate Bill No. 229, entitled:

An Act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith and for the demolition of the buildings and structures thereon, and making an appropriation.

BILL RECOMMITTED

Mr. THOMPSON. Mr. President, I move that Senate Bill No. 229, the bill just reported from committee be recommitted to the Committee on Appropriations.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

Mr. PYTKO, from the Committee on Judiciary General, reported as committed, Senate Bill No. 231, entitled:

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors, where there is no evidence of fraud or conspiracy, and authorize, ratify, confirm and validate, payments on such contracts by the school district.

Mr. McGINNIS, from the Committee on Judiciary General, reported as committed, Senate Bill No. 209, (House Bill No. 241), entitled:

An Act providing that in all bailable criminal or quasi criminal prosecutions desertion and non-support and surety of the peace cases bail may be entered on Sunday.

Mr. KILGALLEN, from the Committee on Judiciary General, reported as committed, Senate Bill No. 274, entitled:

An Act relating to statutory laws; prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, reenactments and repeals of statutes.

Mr. BEAN, from the Committee on Judiciary General, reported as committed, Senate Bill No. 153, entitled:

An Act to amend the act approved the twentieth day of March, one thousand nine hundred and thirteen (P. L. 6), entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise, securities, or services, and providing penalties for the violation thereof," by including display or placard advertising, and changing the penalties prescribed, and the manner of proving violations.

Mr. GILSON, from the Committee on Judiciary General, reported as committed, Senate Bill No. 311, entitled:

An Act authorizing the recording and copying of documents, plats, papers, and instruments of writing by photostatic, photographic or other mechanical process; and relating to the effect and use of such copies and records.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Washington, Mr. Reed will state his question of personal privilege

Mr. REED. Mr. President and members of the Senate

Expressions of grave concern are heard today over the future welfare of the American Commonwealth. Such sinister rumors and dark forebodings contain within themselves certain elements of good for they create a wholesome and sincere desire in the breast of the true citizen to investigate and determine the conditions of government as they actually exist. It is true that never before in the history of our country have there arisen such numerous and complex problems to annoy and agitate the public mind as exist today, and in their distribution the people of Pennsylvania, perhaps, have received more than their just share . If this be true, it cannot be sucessfully denied that there rests upon the public officials of this great Commonwealth, heavy and important responsibility, and upon the members of this Legislature a duty of the most extensive significance. Every honest citizen is cognizant of the fact that in the preservation of the Republic rests not only his own welfare but also the welfare of those who come after him.

In considering this propcsition it becomes the bounden duty of every Senator of this Chamber to give unselfishly of his time and energy to an honest and careful study of every subject, every measure, that comes before this body. As I listen to the timorous and the suspicious, as I talk to the cinic and the critic, as I view the conditions that at present surround us, I am convinced that we have before us a problem of State that has within it ingredients of the most dangerous and destructive nature. It is a problem that has come down through the ages, and while it has lain in a semi-dormant state until recently, it has suddenly broken forth and now spreads itself in constantly increasing strength over the whole economic and social structure of this great Commonwealth. I refer to the subject of unemployment relief. As I broaden the discussion, to point out the dangers, both social and economic, that lie coiled up in this subject, I do not wish to mislead anyone into believing that we should abrogate the scriptural exhortation to feed the hungry, clothe the naked and administer to the sick and afflicted. As in the days of old, we are yet today our brother's keeper, and we must not fail in any duty we owe him. This is the good, wholesome, constructive, charitable side of the problem. But there is also a material and selfish phase to this problem, inherently dangerous and destructive, as demonstrated by events far back through the annals of world history, and wise will we be if we commit ourselves to a careful scrutiny and unbiased study of all its aspects.

We must note with growing concern the continued increase in relief expenditures in this Commonwealth. This situation is particularly alarming because of the fact that economic conditions in Pennsylvania have continued to improve with the daily expansion of national prosperity.

View, if you will, the figures as they exist under the Talbot Act of the Special Session of 1932, at the beginning of the depression. You will find that this Act provides for the appropriation of $12,000,000 for relief, $1,500,000 thereof for September, 1932, $1,500,000 for October, 1932, $2,500,000 for December, 1932, $2,000,000 for January, 1933, $2,000,000 for February, 1933, $1,500,000 for March, 1933. Let us now examine the report of the Executive Director of Relief, released on Monday, March 1st, 1937. That report shows that for the week ending February 20th, 1937, direct relief expenditures "exclusive of Administration and Special Programs," totalled $1,183,550.10. That for the preceding week ending February 13th, 1937, the sum of $1,167,271.60 was spent, exclusive of Administration and Special Programs; that for the week ending February 6th, 1937, there was spent $1,150,798.60; that

for the week ending January 30th, 1937, there was spent $1,127,989.30; that for the week ending January 23rd, 1937, there was spent $1,114,512.90; that for the week ending January 16th, 1937, there was spent $1,069,452.60; that for the week ending January 9th, 1937, there was spent $1,045,444.00; that for the week ending January 2nd, 1937, there was spent $1,024,251.10; that for the week ending December 26th, 1936, there was spent $1,011,438.20; that for the week ending December 19th, 1936; there was spent $980,642.68; that for the week ending December 12th, 1936, there was spent $953,011.30; that for the week ending December 5th, 1936, there was spent $937,342.90; and for the week ending November 28th, there was spent $916,257.60.

What is the cause of this amazing growth? Is it due to the fact that men beyond middle life are without employment, through no fault of their own, and as a result are forced on relief to sustain themselves and family? If this be true it creates a danger of the most serious consequences. I maintain it is fundamentally wrong, both economically and socially, to drive a man from industry solely because he has passed beyond the age or middle life. I maintain that to do so destroys within him his self respect, his self reliance, shuts out hope, and makes of him a weaker father, a discouraged husband, and a less loyal citizen. If on the other hand, industry is such today that it burns out men at middle life, then the system that controls it is wrong and must be changed, for man must be considered higher in the eyes of his country than the physical machine he operates, and surely he was created to acquire his livelihood by honest toil under a plan that would not deny him labor at such an early age.

Are our relief roles being burdened by the admission of our unemployed young men? If this be true a most serious and critical situation is upon us. This great Commonwealth is spending millions of dollars today to educate and train our young people into high and honorable standards of citizenship. They go forth from our schools, strong and vigorous, full of hope and ambition, desirous to enter upon the labors of life. Finding employment, they become the strong pillars of our social and economic order; but, when without success, they tread again and again the paths towards employment, hope finally deserts them, wholesome ambition departs from them, and they then fall upon relief or descend into the caverns of iniquity and crime, never to return. A system that forces a young man on relief is wrong. Life on relief, in time, will snuff out that innate desire in every young man to rise up and become great. This great nation was founded and developed by men who possessed those noble qualities of faith and industry and by them were they carried forward to high and honorable achievements. I doubt if the spirit that impelled our good Lieutenant Governor as a breaker boy to seek the higher and nobler things of life would have so successfully and significantly prevailed if this boy had been a recipient of the dole. I doubt if we would be privileged with the presence in this Chamber of the good Senator from Fayette, if as a boy in the mine driving himself forward and upward, he had been cast into the condition of ease through relief. The present and the past are full of like cases, demonstrating fully that the road to success is from within. Place our young men on relief and that desire within to succeed will sicken and die. No nation of the past has ever succeeded that stifled the ambition of the young; and no nation of today will grow and develope that nurtures its young on the food of the dole.

The cry goes out today from a million patriotic throats: "Rescue the Youth and save America." Major W. H. Drane Lester, of the Federal Bureau of Investigation, recently said, "One of every five criminals is a boy or girl under the age of twenty-one. In 1935, almost four hundred thousand youths were arrested for all types of crime."

Mr. President, it is essential that idleness be removed from our young people legally qualified to work. It is necessary, Mr. President, that our young men and women be denied relief, and given work, so that human ambition to do may grow and develop through honest toil. Accomplish this, and the dark cloud of fear that hangs over us will disappear.

There is another phase of this relief problem that adds to our disturbance. As our relief roles grow, greater does the tax burden become, and fewer become the taxables able to pay. When and where will this end? Will that terrible day ever come when all people will demand their share of the public bounty, and none will be willing to assume the necessary tax to provide for the same? May that day of consternation never come. Let us then with courage begin now to curtail, by wholesome means, the growth of this monster. To do so may save the farmer. Today, in many parts of our State, the farmer can not make his taxes and he and his famliy leave the land, with the same danger to the State that Oliver Goldsmith discerned with regret and fear in his native Ireland back in the Eighteenth Century, when he said:

"And trembling, shrinking from the spoilers hand,
Far, far away Thy Children leave the land,"

* * * *

"But a bold peasantry, their country's pride.
When once destroyed,
Can never be supplied."

* * *

"If, to the City sped—what waits him there?
To see profusion that he must not share:
To see ten thousand baneful acts combined
To pamper luxury and thin mankind;
To see those joys the sons of pleasure know
Extorted from his fellow creature's woe."

To save the farmer is but a part of our duty. We must protect all of our people from the dangerous influence of this colossal and expanding relief system, and in doing so we will render invaluable service to this Commonwealth. We can learn a valuable lesson from a study of the "Fall and Decline of the Roman Empire," by Gibbons, wherein we find that by vigorous exertions the study Romans obtained, in the course of three succeeding Centuries, an absolute Empire over many countries of Europe, Asia and Africa, but when idleness and ease crept into Roman society, corruption, decay and destruction followed.

Queen Elizabeth of England once said to her Parliament: "I have desired to have the obedience of my subjects by love, and not by compulsion." She early saw that every rebellion could count for support on the host of what she termed "broken men" in her kingdom, and that their mere existence indeed was an encouragement to civil war. She immediately put into practice a plan provid-

ing for the employment of the worthy and the punishment of the vagabond, and history records that her reign was marked by great progress and lasting prosperity. These examples we must not carelessly cast aside. Our duty to our State and Country compel us to give careful and courageous thought to these experiences of the past and apply them to the problems of the present.

Mr. President, there may be many important subjects come before this Senate at this session, but the one that runs the deepest into the fabric of our Government, the one that spreads itself out furthest over our social and economic life, I agree with the Senator from Somerset, Mr. Ealy, and the Senator from Fayette, Mr. Cavalcante, is the subject of Unemployment Relief; and when we actively enter upon the consideration of this problem in the near future, let us do so, free of selfishness, prejudice and bias, and with a determination to effect a solution that will add to the welfare and happiness of all the people of this great State and Nation.

BILLS ON FIRST READING

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 538, entitled:

An Act to further amend paragraphs four and six of section four, and the first paragraph of section nine, as amended, of an act, approved the twelfth day of July, one thousand, nine hundred and thirteen (P. L. 711), entitled "An act establishing a court for the county of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county of city of Philadelphia; regulating the procedure therein, and appeals therefrom, and providing for the expenses thereof," as amended by the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 850), entitled "An act to amend part of section two as amended, part of section four, and part of section nine as amended, of an act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 711), entitled 'An act establishing a court for the county of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein, and appeals therefrom; and providing for the expenses thereof,' by providing for the election of a president judge, and conferring certain powers heretofore exercised by the president judge upon the board of judges of the municipal court," by providing for the establishment of a civil service system and the recognition of merit in appointmentss and promotions of all the employes of said court, with exception of secretaries to the judges.

Which was committed to the Committee on City Government.

Mr. RODGERS read in his place and presented to the Chair Senate Bill No. 539 entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by further regulating the affairs of such counties with respect to roads, and providing that in certain cases county roads shall become and be maintained as city and borough streets and township roads.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair Senate Bill No. 540, entitled:

An Act establishing certain public roads and streets as a State highway and providing for their construction, reconstruction and maintenance by the Department of Highways subject to certain terms and conditions.

Which was committed to the Committee on Highways.

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 541, entitled:

An Act to amend section fifteen of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," permitting the filing of a suggestion of nonpayment and averment of default before and after judgment on the scire facias in cases of other than tax claims.

Which was committed to the Committee on Judiciary General.

Also read in his place and presented to the Chair, Senate Bill No. 542, entitled:

An Act prohibiting the printing or distribution of any printed matter tending to create hatred between certain groups.

Which was committed to the Committ on Law and Order.

Mr. FREY read in his place and presented to the Chair, Senate Bill No. 543, entitled:

An Act establishing certain public roads and streets as a State highway and providing for their construction, reconstruction and maintenance by the Department of Highways, subject to certain terms and conditions.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 544, entitled:

An Act establishing certain public roads and streets as a State highway and providing for their construction, reconstruction and maintenance by the Department of Highways subject to certain terms and conditions.

Which was committed to the Committee on Highways.

Mr. CAVALCANTE in behalf of himself and Senator Thompson, read in his place and presented to the Chair Senate Bill No. 545, entitled:

An Act to amend subsections six and seven of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent there-

with," as amended, changing the minimum annual compensation of the members of the teaching and supervisory staff in school districts of the third and fourth classes.

Which was committed to the Committee on Education.

Mr. REED read in his place and presented to the Chair, Senate Bill No. 546, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania, by adding section one A.

Which was committed to the Committee on Constitutional Changes.

Mr. KILGALLEN read in his place and presented to the Chair, Senate Bill No. 547, entitled:

An Act to amend section one of the act approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," as amended, by imposing said tax on the value of certain equitable interests.

Which was committed to the Committee on Finance.

Also read in his place and presented to the Chair, Senate Bill No. 548, entitled:

A Supplement to the Act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefore the methods for preservnig such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly;" making additional provisions for the sale of property on tax claims and municipal claims; defining the effects of such sales; and allowing redemptions of properties sold.

Which was committed to the Committee on Judiciary General.

Mr. ROBERTS read in his place and presented to the Chair, Senate Bill No. 549, entitled:

An Act to amend section one thousand eight hundred and five of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," providing that in awarding certain contracts for the erection, construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

Which was committed to the Committee on Municipal Government.

Also read in his place and presented to the Chair, Senate Bill No. 550, entitled:

An Act to amend section two thousand five hundred eleven of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing that in awarding certain contracts for the erection, construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

Which was committed to the Committee on Municipal Government.

Also read in his place and presented to the Chair, Senate Bill No. 551, entitled:

An Act to amend section one thousand nine hundred six of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing that in awarding certain contracts for the erection, construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

Which was committed to the Committee on Municipal Government.

Also read in his place and presented to the Chair, Senate Bill No. 552, entitled:

An Act to amend section five hundred sixty-three of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," providing that in awarding certain contracts for the erection, construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

Which was committed to the Committee on Municipal Government.

Also read in his place and presented to the Chair, Senate Bill No. 553, entitled:

An Act to amend section eight hundred four of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing that in awarding certain contracts for the erection, construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

Which was committed to the Committee on Municipal Government.

Also read in his place and presented to the Chair, Senate Bill No. 554, entitled:

An Act to amend section one of the act, approved the first day of May, one thousand nine hundred and thirteen (P. L. 155), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings," providing that in such cases separate contracts shall be awarded for the structural steel and ornamental iron work.

Which was committed to the Committee on Municipal Government.

Also read in his place and presented to the Chair, Senate Bill No. 555, entitled:

An Act to amend clause (d) of section forty-six of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An Act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by eliminating the requirement of posting notices in public places of the presentation of accounts by the register of wills.

Which was committed to the Committee on Judiciary Government.

Mr. SHAPIRO, read in his place and presented to the Chair Senate Bill No. 556 entitled

An Act making an appropriation to the Moore Institute of Art, Science and Industry, Philadelphia School of Design for Women, at Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. LAW, read in his place and presented to the Chair Senate Bill No. 557 entitled:

An Act to further amend section one thousand and six of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by making further provision for budgets.

Which was committed to the Committee on Municipal Government.

Mr. RUTH, read in his place and presented to the Chair, Senate Bill No. 588, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the method of computing reimbursement to be made to school districts for the payment of high school tuition.

Which was committed to the Committee on Education.

Also read in his place and presented to the Chair Senate Bill No. 559, entitled:

An Act to amend article ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by requiring the Superintendent of Public Instruction to withhold appropriations from school districts until all reports required by law are filed, and making permissive the withholding of appropriation from school districts failing to comply with health and safety regulations.

Which was committed to the Committee on Education.

Also read in his place and presented to the Chair, Senate Bill No. 560, entitled:

An Act providing for the acquisition of the Daniel Boone Homestead by the Department of Property and Supplies, and for its management and development by the Pennsylvania Historical Commission; and making an appropriation.

Which was committed to the Committee on Appropriations.

Mr. McCREESH, read in his place and presented to the Chair, Senate Bill No. 561, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. RICE, read in his place and presented to the Chair Senate Bill No. 562, entitled:

An Act making an appropriation to the Seventy-fifth Anniversary of Battle of Gettysburg Commission.

Which was committed to the Committee on Appropriations.

Mr. SONES, read in his place and presented to the Chair Senate Bill No. 563, entitled:

An Act making an appropriation to the George F. Geisinger, Memorial Hospital, Danville, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. McGINNIS, read in his place and presented to the Chair Senate Bill No. 564, entitled:

An Act to amend section one and section three as amended, of the act, approved the twenty-ninth day of April, one thousand nine hundred and twenty-five (P. L. 360), entitled "An act conferring on the Department of Highways power to enter upon private property, and open and maintain drainage channels along roads or

highways constructed at the expense of the Department of Highways or under its supervision; and providing penalty for interference with drains or ditches: and providing for the payment of damages," by requiring that the consent of the county within which such roads or highways are located, shall be obtained before the entering upon of said lands or enclosures and providing that any damages sustained by the owner or owners of land entered upon by the Department of Highways without the consent of the county shall be paid out of the Motor Vehicle License Fund.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 565, entitled:

An Act making an appropriation to the Saint John's General Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. MUNDY, read in his place and presented to the Chair Senate Bill No. 566, entitled:

An Act relating to the collection of taxes in boroughs, towns and townships; providing for the fixing and limiting the compensation of tax collectors; providing for the employment and compensation of deputies; imposing the cost of collecting delinquent taxes on delinquent taxables; and requiring taxing districts to allow credit for uncollectible per capita, poll and occupation taxes.

Which was committed to the Committee on Municipal Government.

Mr. HENNEY, read in his place and presented to the Chair Senate Bill No. 567, entitled:

An Act to amend the act apprvoed the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," by adding thereto section four hundred and twenty-three which provides for the classification of farm land for the purpose of assessment and valuation.

Which was committed to the Committee on County Government.

Mr. KAHLE read in his place and presented to the Chair Senate Bill No. 568, entitled:

An Act to amend sections one, two, three and section nine as amended, of the act, approved the twenty-eighth day of June, one thousand nine hundred and twenty-three (P. L. 888), entitled "An act to safeguard human life and health throughout the Commonwealth by providing for the reporting quarantining, and control of diseases declared communicable by this act or by regulation of the Department of Health; providing for the prevention of infection therefrom; and prescribing penalties." by eliminating list of communicable diseases and giving authority to the Department of Health to declare by regulation what diseases are communicable or communicable and quarantinable; shortening reports required of physicians in such cases! clarifying the duration of placarding; and empowering the Department of Health to obtain additional information from local health authorities.

Which was committed to the Committee on Public Health.

Mr. RANKIN read in place and presented to the Chair Senate Bill No. 569, entitled:

An Act to amend section seven of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations, to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," as amended, providing that in certain cases the Department of Highways may without consent of the city, change the location of streets taken over by the Commonwealth and relieving the city of liability for damages caused thereby.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair Senate Bill No. 570, entitled:

An Act to amend sections one and two of the act approved the twenty-third day of May, one thousand eight hundred and ninety-one (P. L. 109), entitled "An act to limit the period within which petitions for the assessment of damages for the opening or widening of any street, road or highway may be filed in the court of quarter sessions," as amended, by changing the time limit from six years to three years.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair Senate Bill No. 571, entitled:

An Act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner, to Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of Highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway,

and procedure therein, providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of townships, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same, providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," as amended, by empowering viewers appointed to ascertain and assess damages upon petition of the county commissioners or property owners to also assess any benefits.

Which was committed to the Committee on Highways.

Mr. HEYBURN read in his place and presented to the Chair Senate Bill No. 572, entitled:

An Act creating the Brandywine Battelfield Park Commission as a departmental administrative commission in the Department of Forests and Waters; defining its powers and duties; and making an appropriation.

Which was committed to the Committee on State Boards.

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 573, entitled:

An Act to amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," as amended, extending the time during which application may be filed for veterans' compensation.

Which was committed to the Committee on Military Affairs.

COMMUNICATIONS FROM THE GOVERNOR

The Chair cleared his table and laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVAL OF SENATE BILL No. 29

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1937.

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 29, Printer's No. 73, entitled, "An Act Increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number six and providing for the election and appointment of judges for said court."

GEORGE H. EARLE

APPROVAL OF SENATE BILL No. 36

Governor's Office, Harrisburg, March 10, 1937
Commonwealth of Pennsylvania,

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 36, Printer's No. 38, entitled "An Act to amend the act approved the nineteenth day of July one thousand nine hundred thirteen (P. L. 843) entitled 'An act requiring employers to make report to the Department of Labor and Industry of accidents to employees and prescribing a penalty for non-compliance therewith' by further defining the duty of employers to make reports of injuries received by their employes requiring employers to make reports of deaths resulting from injuries received by employes and prescribing a penalty for failure to do so and clarifying the provisions of the act pertaining to the evidential value of such reports."

GEORGE H. EARLE

APPROVAL OF SENATE BILL No. 41

Governor's Office, Harrisburg, March 10, 1937.
Commonwealth of Pennsylvania,

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 41, Printer's No. 71, entitled "An Act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages providing standard weights and measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper weights and measurements through checkweighmen and check-measures elected by the miners imposing duties and liabilities upon operators and imposing penalties."

GEORGE H. EARLE

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

JUDGES OF THE COURT OF COMMON PLEAS NO. 6 OF PHILADELPHIA COUNTY

JUDGE OF THE ORPHANS' COURT OF PHILADELPHIA COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Curtis Bok, of Philadelphia, for appointment as President Judge of the Court of Common Pleas Number 6 of Philadelphia County, to serve until the first Monday of January, 1938.

Gerald F. Flood, of Philadelphia, for appointment as Judge of the Court of Common Pleas Number 6 of Philadelphia County, to serve until the first Monday of January, 1938.

Louis E Levinthal, of Philadelphia, for appointment as Judge of the Court of Common Pleas Number 6 of Philadelphia County, to serve until the first Monday of January, 1938.

Grover C Ladner, of Philadelphia, for appointment as Judge of the Orphans' Court of Philadelphia County, vice Curtis Bok resigned, to serve until the first Monday of January, 1938.

GEORGE H. EARLE.

PROTHONOTARY AND CLERK OF QUARTER SESSIONS AND OYER AND TERMINER OF HUNTINGDON COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Emma S. Steele, of Huntingdon, Huntingdon County, for appointment as Prothonotary and Clerk of Quarter Sessions and Oyer and Terminer of Huntingdon County, to serve until the first Monday of January, 1938, and until her successor is qualified, vice Fred A. Steele, deceased.

GEORGE H. EARLE.

STATE BOARD OF OPTOMETRICAL EXAMINERS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Herman Klein, of Harrisburg, Dauphin County, for appointment as a member of the State Board of Optometrical Examiners, for the term of four years.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

C. J. DeBar, Bellevue.
Mrs. Ethel M. O'Connell, 6210 Sellers St., Pittsburgh.
C. Leslie Phebus, 718 Bingham St., Pittsburgh.
James K. White, 1124 Carson St., Pittsburgh.

BUCKS COUNTY

Miss Marguerite E. Tryon, Bristol Twp., Croydon.

DELAWARE COUNTY

Reuel S. McKee, Upper Darby Twp., Drexel Hill.

INDIANA COUNTY

C. L. Longwill, Clymer.

LACKAWANNA COUNTY

Mrs. Anna S. Gruber, Scranton.
Louis Marsala, Winton.
Fedele Musso, Scranton.

LANCASTER COUNTY

Miss Mabel E. Barnet, Manheim Twp., Lancaster.
Wm. W. Mundorff, Conoy Twp., Bainbridge.

LEHIGH COUNTY

Clifford Llewellyn Roehrig, Allentown.

LYCOMING COUNTY

Mrs. Loretta Weston Swank, Williamsport.

MONTGOMERY COUNTY

Lester A. Horing, Royersford.

PHILADELPHIA COUNTY

Fred'k C. L. Grun, Phila., 119 S. 4th St.
Miss Ruth A. Palmer, Phila., 48th & Spruce Sts.

WASHINGTON COUNTY

E. B. Kinnaird, Charleroi.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

BLAIR COUNTY

Miss Edith Ergler, Altoona, March 18, 1937.

LANCASTER COUNTY

Miss M. Edith Hahn, Lancaster, March 23, 1937.

CLEARFIELD COUNTY

William P. Cornely, Bigler Twp., Madera, March 25, 1937.

PHILADELPHIA COUNTY

Albert P. Finney, Phila., N. E. Cor. H & Potter Sts., March 25, 1937.

LEBANON COUNTY

H. F. King, Heidelberg Twp., Myerstown, March 28, 1937.

PHILADELPHIA COUNTY

Alfred P. Orleans, Phila., 4900 N. 8th St., March 30, 1937.
William Kurz, Phila., 6337 Homer St., March 31, 1937.

COLUMBIA COUNTY

Mrs. Annie Ansbach, Berwick, April 4, 1937.

PHILADELPHIA COUNTY

Nathan Goldsmith, Phila., 615 Snyder Ave., April 16, 1937.

LACKAWANNA COUNTY

Dalbys L. Fickes, Scranton, April 26, 1937.

PHILADELPHIA COUNTY

Miss Anna R. Kirschner, Phila., 5232 Heston St., May 3, 1937

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

PHILADELPHIA COUNTY

Mrs. Pauline Fuiman, Phila., 1209 Spruce St., March 18, 1937.

BEAVER COUNTY

Joseph A. Tokar, Aliquippa, March 22, 1937.

PHILADELPHIA COUNTY

Wm. B. Mills, Phila., 260 S. Broad St., March 27, 1937.

ALLEGHENY COUNTY

W. T. Campbell, Pittsburgh, 1443 Henry W. Oliver Bldg., March 28, 1937.
Ross M. Blair, Pittsburgh, 210 Grant St., April 16, 1937.

DAUPHIN COUNTY

John H. Alricks, Harrisburg, April 25, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Jas. M. Ament, Wilmerding.
Miss Margaret C. McConaughy, Pittsburgh, 6202 Alder St.
Miss Hilda M. Schoeneman, Pittsburgh, 5104 Penn Ave.
David M. Simon, West View.

BEAVER COUNTY

Mrs. Ruth Caplan, Ambridge.

BERKS COUNTY

Miss Marian D. Mengel, Reading.

BLAIR COUNTY

Harold L. Reed, Altoona.

CHESTER COUNTY

Mrs. Edna S. Matthews, Williamstown Twp., Paoli.

COLUMBIA COUNTY

D. G. Fetterolf, Catawissa.

DAUPHIN COUNTY

Lester L. Sands, Harrisburg.

DELAWARE COUNTY

Lewis S. Chester, Radnor Twp., Wayne.
R. S. Fitzsimmons, Trainer.

LANCASTER COUNTY

Mrs. Margaret D. Fergus, Lancaster.
W. Russell McCauley, Manheim.

LUZERNE COUNTY

P. L. Drum, Wilkes-Barre.
Miss Marian Littleton, Kingston.
F. H. Parry, Wilkes-Barre.

PHILADELPHIA COUNTY

Alex F. Hamell, Phila., 5 S. 36th St.
Thomas J. Reilly, Phila., 1640 Fairmount Ave.
Thos. B. Ward, Jr., Phila., 261 N. Broad St.

UNION COUNTY

T. G. Lewis, Lewisburg.

GEORGE H. EARLE.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1183 (Senate Bill No. 574), entitled:

An Act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the first class as State highways and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of reconstruction of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said streets after improvement without a permit and providing penalty therefor; regulating the maintenance of detours: authorizing the increase or city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act.

Which was committed to the Committee on Highways.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 68, as follows:

An Act limiting the time in which proceedings may be begun to open revive or strike off the satisfaction of judgments satisfied by prothonotaries under the provisions of the act approved the seventeenth day of January one thousand nine hundred and thirty-four Pamphlet Laws two hundred and forty-three) entitled "An act to protect the owner of mortgaged property during the present emergency by limiting the amount of deficiency judgments during a certain period" and the act approved the first day of July one thousand nine hundred and thirty-five (Pamphlet Laws five hundred and three) entitled "An act to protect the obligors or guarantors of bonds and mortgages and owners of property affected thereby and others indirectly liable for the pay
thereof and owners of mortgaged property affected thereby by restricting the right to proceed against certain property and persons limiting the amount of deficiency judgments and continuing rights duties and obligations established or forfeited under prior laws relating to deficiency judgments"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no judgment which has been satisfied by any prothonotary in accordance with the provision of the acts approved the seventeenth day of January one thousand nine hundred and thirty-four (P. L. 243) entitled "An act to protect the owner of mortgaged property during the present emergency by limiting the amount of deficiency judgments during a certain period" and the act approved the first day of July one thousand nine hundred and thirty-five (P. L. 503) entitled "An act to protect the obligors or guarantors of bonds and mortgages and owners of property affected thereby and others indirectly liable for the payment thereof and owners of mortgaged property affected thereby by restricting the right to proceed against certain property and persons limiting the amount of deficiency judgments and continuing rights duties and obligations established or forfeited under prior laws relating to deficiency judgments" shall be the subject of any proceeding the purpose of which shall be to open or to revive or to strike off the satisfaction of such judgment unless proceedings therefor be begun within three months from the effective date of this act

Section 2 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bean,	Gibson,	Lanius,	Rice,
Cavalcante,	Haluska,	Law,	Roberts,
Chapman,	Henney,	Mallery,	Rodgers,
Dando,	Heyburn,	McCreesh,	Ruth,
Deitrick,	Homsher,	McGinnis,	Scarlett,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Pierson,	Sones,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Wolfenden,
Frey,	Kilgallen,	Reed,	Woodward,
Gelder,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 304, as follows:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by adding thereto new sections providing for the issuance of certificates of indebtedness or special revenue bills in counties and providing that they shall not be subject to taxation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding thereto the following new sections to read as follows

Section 354 Certificates of Indebtedness The board of county commissioners of any county is authorized to borrow from time to time on the credit of the county in anticipation of its revenues and not to exceed in amount the amount of such revenues such sums as may be necessary to meet expenditures under the appropriations for each current year including such amounts as are to be raised by the county for road park or other special purposes Such amounts shall be obtained and secured by the issue of certificates of indebtedness or other evidences of indebtedness which shall be termed revenue bills or be known by such other names as may be approved by the controller and shall be in such form as may be designated by the controller and which shall be redeemed out of the proceeds of the tax levy in anticipation of the collection of which such certificates of indebtedness or other evidences of indebtedness were issued Such certificates of indebtedness termed revenue bills or other designation may be issued by the county commissioners in their discretion in multiples of ten $(10.00) dollars each and at such a rate of interest as the board of county commissioners shall prescribe and shall be sold at not less than par by the controller at private sale in such manner and at such times as he deems it for the public interest so to do and such certificates of indebtedness termed revenue bills or other designation so sold as aforesaid may only be used by the holders thereof and shall be received by the county treasurer in the payment only of taxes for the current year of the county of issue when such taxes shall become due and payable and shall be taken by the county treasurer for the payment only of such current taxes at the par value thereof and any accrued interest thereon

Section 355 Special Revenue Bonds or Special Revenue Bills The board of county commissioners may issue revenue bonds certificates of indebtedness or other evidences of indebtedness for purposes other than to meet expenditures under the appropriations for each current year such bonds certificates of indebtedness or other evidences of indebtedness to be redeemed out of the tax levy for the year next succeeding the year of their issue and the necessary appropriation therefor shall be made by the board of county commissioners in the budget for each year Such bonds certificates of indebtedness or other evidences of indebtedness may be designated or known as "special revenue bonds" "special revenue bills" or by such other name or title as may be approved by the controller and shall be in such form as may be designated by the controller and shall be issued at such times and at such rate of interest as the board of county commissioners shall prescribe and shall be sold at not less than par by the controller at private sale in such manner and at such times as he deems it for the public interest so to do Such special revenue bonds or special revenue bills shall be received by the county treasurer in payment only of county taxes levied for the year next succeeding the year of the issue of such certificates or special revenue bills.

Section 356 The certificates of indebtedness or revenue bills authorized in sections three hundred fifty-four and three hundred fifty-five shall not be considered as an increase of the indebtedness of the said counties under the act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) and its amendments and supplements but they are hereby declared tax anticipation warrants or bills and shall not be taxable under any law heretofore or hereafter passed taxing the bonds notes or general certificates of indebtedness of counties.

Section 2 This act shall become effective immediately upon final enactment.

Section 3 All acts or parts of acts inconsistent with this act are hereby repealed.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. RANKIN. Mr. President, I move that the question together with further consideration of the bill be postponed for the present.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 265, entitled:

A Joint Resolution proposing an amendment to section one Article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, I ask unanimous consent to amend section 1 (Sec. 1), page 2, line 2, by striking out the word "honorable" and insert in lieu thereof: honorably

The PRESIDENT. Is there objection?

Mr. WOODWARD. Mr. President, I would like to say a word, that this is an amendment setting up a graduated income tax ,and evidently the state printer is not in favor of a graduated income tax. When this bill was before the 1935 Session, the Appropriation Committee corrected in the pink paper, and it was correct, and when the bill came on the white paper, the printer dropped one word out. Now, in 1937, he changed the adverb to an adjective, which is corrected in the amendment. I suggest, Mr. President, that we have a joint legislative investigating committee on the State Printer.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL RECOMMITTED

Mr. McCREESH. Mr. President, I move that Senate Bill No. 287, entitled:

An Act to amend section two of the act, approved the seventeenth day of June, one thousand nine hundred and fifteen (P. L. 1012), entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less, either with or without security, to individuals pressed by lack of funds to meet immediate necessities; fixing the rates of interest and charges therefor; requiring the licensing of lenders; and prescribing penalties for the violation of this act," as amended; reducing the interest rate on small loans.

be recommitted to the Committee on Banking.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 379, entitled:

An Act to amend section one of the act approved the nineteenth day of July, one thousand nine hundred and seventeen (P. L. 1122), entitled "An act providing that every advertisement and notice required by authority of law or rules of court to be published in any county in the Commonwealth, or in any city coincident to the boundaries of a county, may, in addition to the publication of such advertisements or notices required to be made in newspapers published and printed in the English language be also published by the public officer body or court directed by law or rules of court to publish such advertisement or notice in newspapers printed in the English language in one or more daily or weekly newspapers printed in a foreign language or languages; such newspapers printed in a foreign language or languages to be printed in and have general circulation in the county or the city coincident to the boundaries of said county, for at least three years continuously before the publication of such advertisements or notices; and further providing for the prices to be charged for publishing such advertisements or notices in any such foreign newspapers, how often the same shall be published and the stipulation and regulations under which the same shall be published," as amended, by requiring that certain newspapers shall be printed in certain counties.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. DiSILVESTRO. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. McCREESH, Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 386 (House Bill No. 742), entitled:

A Supplement to the act approved the twentieth day of July, one thousand nine hundred thirty-five (Appropriation Acts page 71) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five" providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-seven.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson	Kunkel,	Rice,
Buckman,	Haluska,	Lanius,	Roberts,
Cavalcante,	Henney,	Law,	Rodgers,

Chapman,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Salus,
Deitrick,	Howell,	McGinnis,	Scarlett,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Pierson,	Sones,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Wolfenden,
Frey,	Kilgallen,	Reed,	Woodward,
Gelder,			

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 404, entitled:

An Act to amend section one of the act, approved the eleventh day of June, one thousand nine hundred and thirty-five (P. L. 336) entitled "An act authorizing courts to stay legal proceedings, except in certain cases, against banks, bank and trust companies, and trust companies where any such corporation has guaranteed, or otherwise obligated itself, to pay in cash the amount or value of trust, or other funds, placed with it for investment, and the same have been invested in mortgages, or participations in mortgages, or in pools or funds of mortgages, and suspending the operation of the Statute of Limitations, and inconsistent acts of Assembly;" extending said act for a further period of two years.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Gilson,	Lanius,	Roberts,
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Howell,	Mundy,	Shapiro,
Dent,	Huffman,	Pierson,	Sones,
DiSilvestro,	Jacobs,	Pytko,	Stiefel,
Ealy,	Jaspan,	Rankin,	Thompson,
Eroe,	Kahle,	Reed,	Wolfenden,
Frey,	Kilgallen,	Rice,	Woodward,
Gelder,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 421, entitled:

An Act to validate indebtedness incurred by citizens of the third class for the extension enlargement and improvement of the water-works of such city.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Gilson,	Lanius,	Roberts,
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Howell,	Mundy,	Shapiro,
Dent,	Huffman,	Pierson,	Sones,
DiSilvestro,	Jacobs,	Pytko,	Stiefel,
Ealy,	Jaspan,	Rankin,	Thompson,
Eroe,	Kahle,	Reed,	Wolfenden,
Frey,	Kilgallen,	Rice,	Woodward,
Gelder,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 454 (House Bill No. 748), entitled:

A Supplement to the act, approved the nineteenth day of July, one thousand nine hundred thirty-five (One Thousand Nine Hundred Thirty-five Appropriation Acts, page forty-one), entitled "An act making an appropriation to the Department of Welfare for Pensions for the Blind."

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Gilson,	Lanius,	Roberts,
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Howell,	Mundy,	Shapiro,
Dent,	Huffman,	Pierson,	Sones,
DiSilvestro,	Jacobs,	Pytko,	Stiefel,
Ealy,	Jaspan,	Rankin,	Thompson,
Eroe,	Kahle,	Reed,	Wolfenden,
Frey,	Kilgallen,	Rice,	Woodward,
Gelder,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 264, as follows:

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to Constitution of the Commonwealth of Pennsylvania be and

the same is hereby proposed in accordance with the eighteenth article thereof

That article fourteen be amended by adding thereto section eight to read as follows

Section 8 The County of Philadelphia as a municipal corporation separate and distinct from the City of Philadelphia is hereby abolished Functions of county government within the city and the functions of the Philadelphia courts shall be performed by officers of the city who shall be appointed or elected as may be provided by law but nothing in this section applies to the manner of selecting judges and magistrates Except as the General Assembly may otherwise provide the tax levying body of the city shall control all expenditures from the city treasury Laws shall be enacted to provide that all appointments and promotions of officers and employes paid out of the city treasury shall be according to merit and fitness No officer or employe whose compensation or the requirements of whose office are met in whole or in part from the city treasury shall receive for his own use any fees or commissions for any work done in the course of his employment by any public agency and all such fees or commissions received shall be paid into the city treasury for the use of the city No law regulating the affairs of cities or counties shall be held invalid as local or special because of the inclusion of provisions giving effect to this section

Section 2 That no inconvenience may arise from the changes in the Constitution of the Commonwealth and in order to carry the same into complete operation it is hereby declared that

This amendment shall be effective immediately upon its adoption

Immediately upon the adoption of the amendment all county and court officers and employes paid out of the city treasury of Philadelphia shall become officers and employes of the City of Philadelphia and until the General Assembly shall otherwise provide shall continue to perform their duties and be elected appointed compensated and organized in such manner as may be provided by the Constitution and laws of the Commonwealth in effect at the time the amendment becomes effective but elected county officers in office when this amendment becomes effective shall be permitted to complete the terms for which they were elected

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 456 (House Bill No. 733), entitled:

A Supplement to the act approved the twelfth day of July one thousand nine hundred and thirty-five (1935 Appropriation Acts page 23) entitled "An act making appropriations to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals."

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follws, viz:

YEAS—46

Beal,	Gilson,	Lanius	Roberts
Buckman,	Hakeem,	Law	Rogers,
Cassidy,	Hartley,	Mellon,	Smith
Chapman,	Heyburn,	McCleesh,	Soltz
Dando,	Holmes,	McGinnis	Spencer
Dent,	Howell,	Mundy,	Shapiro,
Deitrick,	Huffman,	Pierson,	Sones,
DiSilvestro,	Jacobs,	Pytko,	Stiefel,
Ealy,	Jaspan,	Rankin,	Thompson,
Eroe,	Kahle,	Reed,	Wolfenden,
Frey,	Kilgallen,	Rice,	Woodward,
Gelder,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. KUNKEL. Mr. President, I move that Senate Bill No. 315, entitled:

An Act authorizing the Department of Forests and Waters to acquire, in the name of the Commonwealth, the farm in Derry Township, Dauphin County, Pennsylvania, under which is located Indian Echo Cave, and to operate and maintain the same as a State park, and make and enforce rules and regulations for the preservation and visitation thereof; requiring the department to charge admissions to the cave; and making an appropriation.

be recommitted to the Committee on Appropriations.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 451 (House Bill No. 548), entitled:

An Act providing for the organization government discipline maintenance and regulation of an additional land force to be known as the Pennsylvania Reserve Militia for the defense of the Commonwealth during any war in which the United States may be engaged.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. REED. Mr. President, I move that Senate Bill No. 484 (House Bill No. 850),

An Act to amend the act, approved the ninth day day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "Administrative Code of 1929," as amended, by abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and creating, as successor to such commission, the Pennsylvania Public Utility Commission; defining, in part, the powers and duties of the Pennsylvania Public Utility Commission, and transferring to such commission the records, employes, property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in, and complete, all pending proceedings, legal or otherwise, instituted before, by, or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission; and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public

Service Commission of the Commonwealth of Pennsylvania.

be recommitted to the Committee on Public Utility for the purpose of a hearing.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Appropriations will meet immediately during this recess in Room 265.

Following the adjournment of the Committee on Appropriations in Room 265, there will be a meeting of the Committee on Executive Nominations in the same room.

The Committee on Insurance will meet at 10:30 a. m. on March 16, in Room 401.

The Committee on Banking will meet at 11 a. m. on March 16, in Room 265.

The Committee on Municipal Government will meet at 11:30 a. m., tomorrow, March 16, in Room 202.

The Committee on Pensions will meet tomorrow, immediately upon the announcement of the first recess, in Room 265.

There will be a public hearing tomorrow, Tuesday, at 2:30 p. m. in the Senate Caucus Room, on House Bill 441 known as the Pawn Brokers Bill.

The Captain of the Capitol Hill requests that all cars be cleared off the plaza before midnight tonight in order that the snow may be removed.

RECESS

Mr. ROBERTS. Mr. President, I move that the Senate do now take a recess until eleven o'clock.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 199

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows:

An Act to amend clause (f) of section two hundred eight of the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 7), entitled "An act establishing a system of unemployment compensation to be administered by the department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties"; providing for additional credits in civil service examinations for persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged, and who were honorably discharged from such service.

Mr. KILGALLEN. Mr. President, I move that the Senate concur in the resolution from the House of Representatives.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, March 15, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, March 22d, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 22d, at nine o'clock.

JOINT LEGISLATIVE COMMITTEE TO INVESTIGATE TAX BURDENS PLACED UPON INDUSTRIES IN PENNSYLVANIA AND OTHER INDUSTRIAL AND MINING STATES

He also informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, February 22, 1937.

Whereas The present Legislature is faced with the problem of raising revenues through the enactment of certain tax measures and

Whereas The present legislature as all past Legislatures has had presented to it the general argument that the taxes imposed under the laws of this State were so high that they were responsible for driving many industries out of the State and

Whereas The arguments advanced against certain types of taxation have been presented to the Legislature by persons who were the representatives of individual companies or their associations so that the members of the Legislature could not rely upon the facts and figures presented in substantiation of the arguments advanced and

Whereas The arguments advanced have failed to set up a wide and accurate comparison state by state tax by tax so that the members of the Legislature could not clearly see the soundness of the conclusions reached and

Whereas The members of the Legislature desire to have presented to them facts and figures gathered by persons who have no interest in the conclusion to be reached so that they may know if Pennsylvania has taxed any industry more than any of the adjacent industrial or mining states that enjoy equal economic advantages incident to the costs of the operation of any industry such as nearness to markets raw materials costs of power and available labor and

Whereas The members of the Legislature desire to be presented to them a complete set-up of all the taxes imposed upon industry both by local governments and the State and then to have similar figures compiled for the states enjoying similar economic advantages therefore be it

Resolved (If the House of Representatives concur) That the President Pro Tempore of the Senate shall appoint three members of the Senate and the Speaker of the House of Representatives shall appoint three members of the House of Representatives who together shall constitute a Joint Legislative Committee whose duty it shall be to make a careful thorough and impartial investigation of the total tax burdens placed upon industries in Pennsylvania and other industrial and mining states and be it further

Resolved That the said Joint Legislative Committee shall conduct an investigation to ascertain the number of industrial or mining concerns which have left our State and the reason given therefor and to ascertain the total

tax burdens imposed by the States to which the said industrial or mining concerns have moved and be it further

Resolved That the said Joint Legislative Committee shall conduct an investigation to ascertain the number of new industrial and mining concerns which have moved into Pennsylvania and the reasons therefor and to ascertain to what extent the question of taxation was the cause of the transfer of such industry to this State as well as to ascertain the tax burden imposed by the State from which the industry has moved and be it further

Resolved That the said Joint Legislative Committee shall have the power to engage and employ such experts and assistants as the committee shall determine are necessary and such experts and assistants and the incidental expenses in conjunction with this investigation shall be paid out of any appropriation made by the General Assembly for the purposes embodied in this concurrent resolution and be it further

Resolved That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases and be it further

Resolved That said committee shall make a report of its findings and recommendations to the General Assembly at this session as early as possible or if impossible then at the next session of the General Assembly

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 602, (Senate Bill No. 575), entitled:

An Act to amend section one thousand one hundred and two of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one, (P. L. 932), entitled "Third Class City Law" empowering directors of departments to appoint persons employed in their departments; and assigning the fire department to the department of public safety.

Which was committed to the Committee on Municipal Government.

House Bill No. 855, (Senate Bill No. 576),

An Act to authorize the Secretary of Highways to disregard terminal points in relocating State Highway Routes under certain conditions.

Which was committed to the Committee on Highways.

House Bill No. 923, (Senate Bill No. 577), entitled:

An Act to amend section eight hundred seventy-four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law" authorizing counties to rent and lease road machinery.

Which was committed to the Committee on County Government.

House Bill No. 1123, (Senate Bill No. 578), entitled:

An Act requiring unemployment relief orders to be presented for payment within a certain period, otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation for unemployment relief purposes.

Which was committed to the Committee on Appropriations.

House Bill No. 1161, (Senate Bill No. 579), entitled:

An Act to amend section four hundred six of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. three hundred forty-three), entitled "Fiscal Code," by making further provision for the appointment of mercantile appraisers.

Which was committed to the Committee on Finance.

House Bill No. 1189, (Senate Bill No. 580), entitled:

An Act to amend section six of the act approved the ninth day of July one thousand nine hundred thirty-five (Pamphlet Laws six hundred thirty-seven) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditures in cities of the first class and the various second-class townships of the Commonwealth for the maintenance construction and reconstruction of city and township streets roads and bridges during the calendar years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven requiring townships to reduce their tax rates for road and street purposes for said years and providing for the use and maintenance of road building machinery and equipment belonging to such townships by the Department of Highways in carrying out the purposes of this act" providing for the unexpended balance of the funds to be added to the appropriation made by any other act for the same purpose

Which was committed to the Committee on Highways.

BILL SIGNED

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 68, entitled:

An Act limiting the time in which proceedings may be begun to open, revive or strike off the satisfaction of judgments satisfied by prothonotaries under the provisions of the act, approved the first day of July, one thousand nine hundred and thirty-five (P. L. 503), entitled "An act to protect the obligors or guarantors of bonds and mortgages, and owners of property affected thereby, and others indirectly liable for the payment thereof and owners of mortgaged property affected thereby, by restricting the right to proceed against certain property and persons; limiting the amount of deficiency judgments; and continuing rights, duties, and obligations established or forfeited under prior laws relating to deficiency judgments."

Whereupon

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE CONCURS IN AMENDMENTS TO SENATE BILL NO. 68, RECALLED FROM THE GOVERNOR

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 68, entitled:

An Act limiting the time in which proceedings may be begun to open, revive or strike off the satisfaction of judg-

ments satisfied by prothonotaries under the provisions of the act approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred and forty-three) entitled "An act to protect the owner of mortgaged property during the present emergency by limiting the amount of deficiency judgments during a certain period" and the act approved the first day of July, one thousand nine hundred and thirty-five (P. L. 503), entitled "An act to protect the obligors or guarantors of bonds and mortgages, and owners of property affected thereby, and others indirectly liable for the payment thereof and owners of mortgaged property affected thereby, by restricting the right to proceed against certain property and persons; limiting the amount of deficiency judgments; and continuing rights, duties, and obligations, established or forfeited under prior laws relating to deficiency judgments."

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

REPORT FROM COMMITTEE

Mr. FREY, from the Committee on Appropriations, reported as committed, Senate Bill No. 508 (House Bill No. 1160), entitled:

A Supplement to Act No. 31-A, approved the twelfth day of July, one thousand nine hundred thirty-five (one thousand nine hundred and thirty-five Appropriation Acts page twenty-five), entitled "An act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for Mothers' Assistance, Pensions for the Blind, and Old Age Assistance."

REPORTS FROM COMMITTEE

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on Executive Nominations reported with favorable recommendation the following nominations made by His Excellency the Governor of the Commonwealth:

JUDGES OF THE COURT OF COMMON PLEAS NUMBER SIX OF PHILADELPHIA COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1937.

To the Honorable the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Curtis Bok, of Philadelphia, for appointment as President Judge of the Court of Common Pleas Number Six of Philadelphia County, to serve until the first Monday of Janquary 1938.

Gerald F. Flood, of Philadelphia, for appointment as Judge of the Court of Common Pleas Number 6 of Philadelphia County, to serve until the first Monday of January, 1938.

Louis E. Levinthal, of Philadelphia, for appointment as Judge of the Court of Common Pleas Number 6 of Philadelphia County, to serve until the first Monday of January, 1938.

Grover C. Ladner, of Philadelphia, for appointment as Judge of the Orphans' Court of Philadelphia County, vice Curtis Bok resigned, to serve until the first Monday of January, 1938.

GEORGE H. EARLE.

PROTHONOTARY AND CLERK OF QUARTER SESSIONS AND OYER AND TERMINER OF HUNTINGDON COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Emma S. Steele, of Huntingdon, Huntingdon County, for appointment as Prothonotary and Clerk of Quarters Sessions and Oyer and Terminer of Huntingdon County, to serve until the first Monday of January, 1938, and until her successor is qualified, vice Fred A. Steele, deceased.

GEORGE H. EARLE.

BOARD OF TRUSTEES OF THE MOTHERS' ASSISTANCE FUND OF LUZERNE COUNTY.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following appointments:

MEMBER OF THE BOARD OF TRUSTEES OF THE MOTHERS' ASSISTANCE FUND OF LUZERNE COUNTY.

Mrs. Theresa C. Costello, of Hazleton, vice Mrs. Margaret Kennedy Corrigan, of Hazleton, resigned, from date of confirmation until June 1, 1937, and until her successor is duly appointed and qualified.

GEORGE H. EARLE.

STATE BOARD OF OPTOMETRICAL EXAMINERS.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Herman Klein, of Harrisburg, Dauphin County, for appointment as a member of the State Board of Optometrical Examiners, for the term of four years.

GEORGE H. EARLE.

NOTARIES PUBLIC.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

C. J. DeBar, Bellevue.
Mrs. Ethel M. O'Connell, Pittsburgh, 6210 Sellers St
C. Leslie Phebus, Pittsburgh, 718 Bingham St.
James K. White, Pittsburgh, 1124 Carson St.

BUCKS COUNTY

Miss Marguerite E. Tryon, Bristol Twp., Croydon.

DELAWARE COUNTY

Reuel S. McKee, Upper Darby Twp., Drexel Hill.

INDIANA COUNTY

C. L. Longwill, Clymer.

LACKAWANNA COUNTY

Mrs. Anna S. Gruber, Scranton.
Louis Marsala, Winton.
Fedele Musso, Scranton.

LANCASTER COUNTY

Miss Mabel E. Barnet, Manheim Twp., Lancaster.
Wm. W. Mundorff, Conoy Twp., Bainbridge.

LEHIGH COUNTY

Clifford Llewellyn Roehrig, Allentown.

LYCOMING COUNTY

Mrs. Loretta Weston Swank, Williamsport.

MONTGOMERY COUNTY

Lester A. Horning, Royersford.

PHILADELPHIA COUNTY

Fred'k C. L. Grun, Phila., 119 S. 4th St.
Miss Ruth A. Palmer, Phila., 48th and Spruce Sts.

WASHINGTON COUNTY

E. B. Kinnaird, Charleroi.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following presons for reappointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

ALLEGHENY COUNTY

Jas. M. Ament, Wilmerding.
Miss Margaret C. McConaughy, Pittsburgh, 6202 Alder St.
Miss Hilda M. Schoeneman, Pittsburgh, 5104 Penn Ave.
David M. Simon, West View.

BEAVER COUNTY

Mrs. Ruth Caplan, Ambridge.

BERKS COUNTY

Miss Marian D. Mengel, Reading.

BLAIR COUNTY

Harold L. Reed, Altoona.

CHESTER CONTY

Mrs. Edna S. Matthews, Willistown Twp., Paoli.

COLUMBIA COUNTY

D. G. Fetterolf, Catawissa.

DAUPHIN COUNTY

Lester L. Sands, Harrisburg.

DELAWARE COUNTY

Lewis S. Chester, Radnor Twp., Wayne
R. S. Fitzsimmons, Trainer.

LANCASTER COUNTY

Mrs. Margaret D. Fergus, Lancaster.
W. Russell McCauley, Manheim.

LUZERNE COUNTY

P. L. Drum, Wilkes-Barre.
Miss Marian Littleton, Kingston.
F. H. Parry, Wilkes-Barre.

PHILADELPHIA COUNTY

Alex F. Hamell, Phila., 5 S. 36th St.
Thomas J. Reilly, Phila., 1640 Fairmount Ave.
Thos. B. Ward, Jr., Phila., 261 N. Broad St.

UNION COUNTY

T. G. Lewis, Lewisburg.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for terms of four years to compute from the date set opposite their names:

PHILADELPHIA COUNTY

Mrs. Pauline Fuiman, Phila., 1209 Spruce St., March 18, 1937.

BEAVER COUNTY

Joseph A. Tokar, Aliquippa, March 22, 1937.

PHILADELPHIA COUNTY

Wm. B. Mills, Phila., S. Broad St., March 27, 1937.

ALLEGHENY COUNTY

W. T. Campbell, Pittsburgh, 1443 Henry W. Oliver Bldg., March 28, 1937.
Ross M. Blair, Pittsburgh, 210 Grant St., April 16, 1937.

DAUPHIN COUNTY

John H. Alricks, Harrisburg, April 25, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

BLAIR COUNTY

Miss Edith Ergler, Altoona, March 18, 1937.

LANCASTER COUNTY

Miss M. Edith Hahn, Lancaster, March 23, 1937.

CLEARFIELD COUNTY

William P. Cornely, Bigler Twp., Madera, March 25, 1937.

PHILADELPHIA COUNTY

Albert P. Finney, Phila., N. E. Cor. H & Potter Sts., March 25, 1937.

LEBANON COUNTY

H. F. King, Heidelberg Twp., Myerstown, March 28, 1937.

PHILADELPHIA COUNTY

Alfred P. Orleans, Phila., 4900 N. 8th St., March 30, 1937.
William Kurz, Phila., 6337 Homer St., March 31, 1937.

COLUMBIA COUNTY

Mrs. Annie Ansbach, Berwick, April 4, 1937.

PHILADELPHIA COUNTY

Nathan Goldsmith, Phila., 615 Snyder Ave., April 16, 1937.

LACKAWANNA COUNTY

Dalbys L. Fickes, Scranton, April 26, 1937.

PHILADELPHIA COUNTY

Miss Anna R. Kirschner, Phila., 5232 Heston St., May 3, 1937.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES.

That Rule 38 which requires nominations made by the Governor to lie on the table one day be dispensed with, and the Senate do now resolve itself into executive session, for the purpose of acting on the foregoing nominations,

Which was agreed to.

Whereupon,

At 11:40 p. m. a motion was made by Mr. RICE.

That the Senate do advise and consent to said nomination of Curtis Bok for President Judge of the Court of Common Pleas Number Six of Philadelphia County.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bean,	Haluska,	Lanius,	Roberts,
Buckman,	Henney,	Law,	Rodgers,
Chapman,	Heyburn,	Mallery,	Ruth,
Cavalcante,	Homsher,	McCreesh,	Salus,
Dando,	Howell,	McGinnis,	Scarlett,
DiSilvestro,	Huffman,	Mundy,	Shapiro,
Ealy,	Jacobs,	Pierson,	Sones,
Eroe,	Jaspan,	Pytko,	Stiefel,
Frey,	Kahle,	Rankin,	Thompson,
Gelder,	Kilgallen,	Reed,	Wolfenden,
Gilson,	Kunkel,	Rice,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

At 11:50 p. m. a motion was made by Mr. RICE.

That the Senate do advise and consent to the foregoing nominations excepting the nomination already confirmed.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bean,	Haluska,	Lanius,	Roberts,
Buckman,	Henney,	Law,	Rodgers,
Cavalcante,	Heyburn,	Mallery,	Ruth,
Chapman,	Homsher,	McCreesh,	Salus,
Dando,	Howell,	McGinnis,	Scarlett,
DiSilvestro,	Huffman,	Mundy,	Shapiro,
Ealy,	Jacobs,	Pierson,	Sones,
Eroe,	Jaspan,	Pytko,	Stiefel,
Frey,	Kahle,	Rankin,	Thompson,
Gelder,	Kilgallen,	Reed,	Wolfenden,
Gilson,	Kunkel,	Rice,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILL INTRODUCED

Mr. HEYBURN read in his place and presented to the Chair Senate Bill No. 581, enttiled:

An Act to reenact and further amend the act, approved the second day of January, one thousand nine hundred and thirty-four (P. L. 174, 1933-34), entitled as amended "An act relating to milk and the products thereof; declaring an emergency with respect to their production and marketing; creating a Milk Control Board; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacture, processing, storage, distribution, delivery, and sale of milk and the products thereof; authorizing the board, with the approval of the Governor, to fix prices to be paid or charged for milk and the products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring licensees to furnish bonds for the protection of producers; authorizing the examination of the business, papers, and affairs of, and requiring the filing of reports by, licensees, other milk dealers and producers, and permitting with limitations the dissemination of information obtained therefrom; authorizing the issuance of subpoenas by the board or its agents, and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board; providing for appeals to the courts from decisions of the Milk Control Board; imposing penalties; and making an appropriation;" making the Milk Control Board a permanent agency; changing the personnel of said board, and providing for the appointment of the members thereof; terminating the terms of the present members of the board; further prescribing the powers of said board; providing for compliance committees of producers; prescribing the powers of such committees, and providing for the financing of such committees by a charge imposed upon producers; regulating the price fixing powers of the board; further regulating appeals; providing for the bonding of milk dealers; regulating agricultural cooperative association and corporations; and making an appropriation.

Which was committed to the Committee on State Boards.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that all bills reported out at today's session be read the first time.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 153, entitled:

An Act to amend the act approved the twentieth day of March, one thousand nine hundred and thirteen (P. L. 6), entitled "An act to prohibit the making of dissemination of false or misleading statements or assertions concerning any merchandise, securities, or services, and providing penalties for the violation thereof," by including display or placed advertising, and changing the penalties prescribed, and the manner of proving violations.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 209 (House Bill No. 241), entitled:

bailable criminal or quasi criminal prosecutions desertion and non-support and surety of the peace cases bail may be entered on Sunday.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 231, entitled:

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors, where there is no evidence of fraud or conspiracy, and to authorize, ratify, confirm and validate, payments on such contracts by the school district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 274 entitled:

An Act relating to statutory laws; prescribing an enacting clause for statues; fixing the effective date and time of statues hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statues; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, reenactments and repeals of statutes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 311 entitled:

An Act authorizing the recording and copying of documents, plants, papers and instruments of writing by photostatic, photographic or other mechanical process; and relating to the effect and use of such copies and records.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 503 (House Bill No. 1160), entitled:

A Supplement to Act No. 31-A approved the twelfth day of July one thousand nine hundred thirty-five (One Thousand Nine Hundred Thirty-five Appropriation Acts page twenty-five) entitled "An act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for Mothers' Assistance Pensions for the Blind and Old Age Assistance."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. ROBERTS. Mr. President, I move that the Senate do now adjourn until twelve o'clock noon tomorrow.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 p. m. until twelve o'clock noon, tomorrow, Tuesday, March 16, 1937.

HOUSE OF REPRESENTATIVES

MONDAY, March 15, 1937.

The House met at 9:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain Rev. EPHRIAM Z. GALLAHER, offered the following prayer:

We are happy this evening, our Heavenly Father, to again hear the sound of the gavel and the call to order by the Speaker and we thank Thee that we are able to respond to this call. We ask Thy blessing upon every one present, found in their accustomed place. We ask Thy blessing upon those who are unable to be here, who are absent. We ask Thy blessing upon the family of every member and upon the employes of the House, left at home. Grant us wisdom from Thee that all proceedings be done to Thy honor and Thy glory. In His name and for His sake we ask it. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, March 10, 1937.

The Clerk proceeded to read the Journal of Wednesday, March 10, 1937, when, on motion of Mr. IMBRIE the further reading was dispensed with and the Journal approved.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

HIGHWAY FUNDS

A communication from the Scranton City Council endorsing House Bill No. 896, returning to municipalities a portion of motor vehicle funds.

Referred to the Committee on Highways.

ALL-WEATHER ROUTE

A communication from the Board of Governors of the Washington County Motor Club endorsing construction of an all-weather route between Pittsburgh and Harrisburg.

Referred to the Committee on Highways.

PRICE DIFFERENTIAL

Resolutions from the Pittsburgh Central Labor Union and the Central Labor Union of Philadelphia opposing price differential affecting Milk and Ice Cream Salesman, Drivers and Dairy Employes.

Referred to the Committee on Agriculture.

REVISION OF TAXES

A communication from the County Commissioners of Washington County opposing passage of Senate Bill No. 197.

Referred to the Committee on Counties.

PUBLIC UTILITIES

A communication from the Weekly Newspaper Association of Montgomery County opposing provision in House Bill No. 851, controlling legitimate and proper expenses for the promotion of the business and interests through advertising.

A communication from the Commissioners of Water Works, Tamaqua, opposing provision in House Bill No. 851, giving the Public Utilities Commission control over municipal, water, light, gas and other utilities owned and operated by municipalities.

Referred to the Committee on Public Utilties.

CIVIL SERVICE

A resolution from the Central Labor Union of Philadelphia, urging favorable action on House Bills No. 584 and 589

Referred to the Committee on State Government.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 276.

An Act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number 102 approved January thirteenth one thousand nine hundred thirty-seven

SENATE BILL No. 52.

An Act relating to interstate cooperation; creating the Pennsylvania Commission on Interstate Cooperation, as well as committees on interstate cooperation of the Senate and of the House of Representatives; defining the powers and duties of said commission and of said committees; and imposing duties on the Governor and the Secretary of the Commonwealth.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMITTEE APPOINTMENTS

The SPEAKER. The Chair wishes to announce that in accordance with the provisions of House Resolution No. 14, Printer's No. 40, he has appointed the following members of the House to serve as members of the Joint Legislative Committee to investigate and determine the advisability of centralizing all State bureaus, departments and agencies located in Philadelphia and Pittsburgh into one central building in each city: Messrs. O'Keefe, Ominsky, Gerard and Hering.

Pursuant to the provisions of Senate Bill 203, Printer's No. 61, (House Bill 995), the Chair announces the following appointments on the part of the House to the Joint Legislative Commission to investigate the courts in the various counties of the Commonwealth and the Municipal Court of Philadelphia, with special reference to the trial and disposition of criminal cases, and the parole of persons guilty of crime: Messrs. Achterman, Bierly, Hagerty and Woodside.

REPORTS FROM COMMITTEES

Mr. HARKINS, from the Committee on Judiciary General, reported as committed, House Bill No. 673, entitled:

An Act regulating and prescribing the computation and running of sentences for criminal offenses.

Mr. THOMAS, from the Committee on Education, reported as committed, House Bill No. 825, entitled:

An Act to validate contracts for the erection and construction of school buildings, additions to; and improvements of existing school buildings; and improvements of the grounds appurtenant to the same; and orders for extra work and material in connection therewith; and to authorize payment therefor by the school districts where there is no evidence of fraud or conspiracy.

Mr. O'KEEFE, from the Committee on Ways and Means, reported as committed, Senate Resolution No. 4.

STATEMENT BY MR. TROUT.

Mr. TROUT. Mr. Speaker and members of the House, I take it that you are as sincerely interested as I am in seeing to it that every penny of taxes levied in the name of unemployment relief shall find its way into the pockets of the needy.

We all agree it is our bounded duty to provide food and shelter for our fellow citizens out of work through no fault of their own.

I have questioned the authors of certain tax bills recently before us and have assured that their purpose is to raise money for unemployment relief.

But not one of them attempts to safeguard the funds so provided.

All taxes are to be thrown alike into the General Rund and spent indiscriminately as needs arise or desires dictate.

I think this is wrong. I believe when a citizen contributes to unemployment relief he has a right to be assured that the money shall be spent for that purpose, and none other. I believe, also, that those on relief are entitled to know that this money shall be at all times available to meet their needs.

To that end, in a bill I am about to present, I propose to set up in the State Treasury an Unemployment Relief Fund into which all money resulting from unemployment relief taxes shall be paid, to an amount slightly in excess of the sum the Governor in his budget says will be needed; namely, cigarette tax, estimated at $19,500,00; corporation net income $35,000,000; manufacturers tax $15,000,000; gross receipts tax $9,000,000, and emergency gasoline tax $23,000,000, a total of $101,500,000, and no money shall be expended from this fund for other than unemployment relief purposes.

This is slightly more than the $99,000,000 fixed by the Governor, but it is better to have a little more than not enough.

The Legislature sets aside a special fund for the feeding and protection of birds and beasts in our fields and forests. It creates a special fund for the feeding and protection of fish. And it holds these funds sacred. I maintain that we owe at least as much to our unemployed people.

We create a special highway fund and are righteously indignant when it is invaded. How much more important is it to safeguard the money we raise to feed the hungry?

The measure I am about to introduce is designed to prevent the raiding of relief funds and to protect as far as possible for the unemployed the moneys we are setting aside for them.

The integrity of our promises to the needy and the in-

terests of the taxpayers alike demand the prompt consideration of the bill which I herewith present.

STATEMENT BY MR. FINNERTY

Mr. FINNERTY asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, the purpose of this statement at this time is to invite you all to be present in the hall of the House tomorrow afternoon between the hours of two and three o'clock, in the discretion of the Speaker. We are going to celebrate St. Patrick's Day. You may go back in history as far as you wish and you will always find that every Irish celebration has a sprinkling of mirth and music and this celebration will follow along those same lines. The singing will be led by the All American Quartette, members of this House. You have heard them before and you know what they can do. The committee will supply song sheets and we expect every one to join in the singing—not that the American Quartette need that help, because they don't. We are going to have an address by a gentleman well able, well qualified to address you. It will be worth your while to come here and listen to him. It is none other than the Commissioner of Insurance, the Honorable Owen Hunt. We would like everybody to be present. There will be no interrogation about your nationality, whether you are Irish or any other nationality. Come and join with us in the singing. We are going to have one surprise number. This number, I am sure, will be delightful as well as enjoyable. I will let you have until tomorrow afternoon to guess what the number will be and I am sure you will be surprised. We are looking for all of you to be present. We will consume about a half hour's time and every minute will be full of dynamite. So everybody be present tomorrow afternoon.

QUESTION OF PERSONAL PRIVILEGE

Mr. VAN SICKLE. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Northampton will state his question of personal privilege.

Mr. VAN SICKLE. Mr. Speaker, on Wednesday last I made a request for the unanimous consent of the House to retain House Bill No. 1183 within the control of the House. I at this time withdraw that request and ask that the bill take its usual course.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be noted in the Journal. The bill will take its usual course and be transmitted to the Senate by he Clerk.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1156 entitled:

An Act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1159 entitled:

An Act to amend section one thousand six of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties, and repealing certain acts and parts of acts," as amended, by providing further with regard to limitations upon loans to one corporation or person.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 370 entitled:

An Act relating to the business of selling or leasing furniture and household articles on the installment or deferred payment plan and prohibiting the joining in one agreement of sale or lease of articles purchased or leased at different times.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 749 entitled:

An Act requiring county commissioners to provide at the expense of the county telephone typewriter and stenographic services for the county superintendent of schools.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 965, entitled:

An Act to further amend the act, approved the sixteenth day of April, one thousand nine hundred and twenty-five (P. L. 244), entitled "An act applying to third class counties only, and regulating the selection, drawing, and summoning of all jurors and talesmen, and defining their

qualifications in such counties; creating a jury board and defining its powers and procedure; providing for the appointment of a clerk to the jury board and fixing his maximum salary; providing for the custody of the jury wheel, and the filing and custody of jury lists; providing for the public drawing of jurors and the methods thereof; giving the trial judge the right to excuse jurors; prescribing the time of challenging jurors or the array, and regulating the procedure if array is quashed; repealing all acts or parts of acts inconsistent therewith," by abolishing the jury board and transferring its powers and duties to the jury commissioners.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 107, entitled:

An Act to safeguard the lives, health and means of livelihood of employes and the property of owners of mines from accumulations of water or poisonous gases, in partially or temporarily abandoned mines; by requiring the remedying or elimination of such conditions by, or imposing the cost thereof on, the owners, operators or lessees of such mines; conferring powers and imposing duties on the Department of Mines; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1235, entitled:

An Act to amend section four hundred seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by providing the method of designating, and the qualifications of, the depositories selected for the deposit of funds of counties of the second class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 831, entitled:

An Act providing for the degree of care to be exercised by a pedestrian, operator and driver of a motor or other vehicle at the crossing of a highway and a railroad or railway at grade in certain cases; and the proof of negligence and contributory negligence in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1075, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing the district attorney in counties of the third class to purchase and maintain police radio equipment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 931, entitled:

An Act regulating the sale exchange removal and installation of certain plumbing fixtures in cities of the first class

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1223, entitled:

An Act to amend section one of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three, (P. L. 851), entitled "An act fixing the pay and mileage of jurors and witnesses;" increasing the pay and reducing the mileage of jurors and witnesses.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1085, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," changing the manner of creation of townships of the second class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1192, entitled:

An Act to amend section one of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, seven hundred nintey-six), entitled "An act providing for the preservation of the records of banks and trust companies, trust companies, saving banks, and private banks; and imposing penalties for violations," to permit the preservation of photographs, or the means of making or reproducing photographs of such records in lieu thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1241, entitled:

An Act authorizing the recorder of deeds of any county of the third class to record or re-record, by a photographic or photostatic process or method, all papers required or authorized to be recorded or re-recorded by him; fixing the fees for such recording and re-recording; making such photographic or photostatic record or re-record or any photographic or photostatic exemplification thereof, legal evidence; authorizing the county commissioners to contract, purchase and pay for the necessary apparatus, equipment and supplies; authorizing the employment of skilled employes and assistants to operate the same; and providing for the fixing and limitation of their compensation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1239, enittled:

An Act relating to counties of the first class and the duties of the prothonotaries of the several courts of common pleas in connection with the collection of certain taxes on writs and on entries and transcripts of judgments payable to the Commonwelth, and making provision for the disposition of the compensation therefor heretofore received by such pronthonotaries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1170, entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance, and protesting of bills, notes, drafts, checks, and other negotiable paper on such days," by authorizing certain additional bank holidays.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1190, entitled:

An Act to amend section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended, increasing the amount of the contracts for which advertising is required.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 918, entitled:

An Act to amend section five hundred forty-seven as amended, and sections eight hundred two and nine hundred two of, and to add section nine hundred two to the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for and regulating the making of the annual budget on a uniform form prepared by representatives of the township supervisors, the Department of Highways, and the Department of Internal Affairs; requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1162, entitled:

An Act to amend section forty-one, (a) 1, (3) of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonus, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators, therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, providing that fiduciaries may invest trust funds in the bonds or other interest bearing obligations of housing authorities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 653, entitled:

An Act to amend section five hundred thirty as amended, and section five hundred thirty-two, of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending revising, consolidating, and changing the law relating thereto;" fixing the length of the term of certain officers appointed to fill vacancies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 713, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departmets, boards, and commissions; defining the powers and duties of the Governor and other executive officers, and of the several administrative departments, boards, commissions, and officers, fixing the salariese of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be de-

termined," defining the powers and duties of the Department of Internal Affairs in respect to the Pennsylvania system of coordinates.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1217, entitled:

An Act to amend subsection (a) of section nine hundred three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within this Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; and making an appropriation and providing for refunds," as amended, changing the gross weight permitted for certain vehicles.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1005, entitled:

An Act to amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the incurring or refunding of indebtedness, the issuing of bonds by school districts,, and the retiring of indebtedness; making payroll obligations preferential claims against the district; providing for penalties for failure to comply with any part of the act; and repealing provisions of state laws inconsistent with this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. CHERVENAK. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 678, entitled:

An Act to amend paragraph I of section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three, (P. L. 103), entitled "An act concerning townships of the second class and amending, revising, consolidating, and changing the law relating thereto;" authorizing township supervisors to enter into ten year contracts for the purpose of lighting and illuminating the streets, highways and other public places.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1120 (Senate Bill No. 152), entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as amended, extending the retirement system of counties of the second class to additional employes; declaring certain persons ineligible to receive retirement allowances; and generally clarifying the provisions of the law governing such retirement systems.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1157, entitled:

An Act to amend section one, section three as amended, and sections four, five and nine as added, of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream, artificial or natural body of water, or non-tidal waters of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties," extending fees; providing for new license plates each license year, and fixing license years; and regulating the installation and use of mufflers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1130, entitled:

An Act to amend sections fifty and seventy-two as amended, sub-section (b) of section one hundred ninety-one, section two hundred two, sections two hundred twenty and two hundred twenty-six as amended, sections two hundred twenty-eight and two hundred fifty-six, and section two hundred eighty-five as amended, of, and to add sections two hundred eighty-two and two hundred eighty-three to the act,, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," further regulating the taking of fish; eliminating the right to use eel chutes, changing certain penalties and providing now penalties; requiring certain persons to possess fishing licenses; providing for the regulating the revocation of fishing licenses; providing for the payment over of fines collected, and the return of fines erroneously collected; vesting certain additional powers in the Board of Fish Commissioners; elminating certain restrictions on the use of license fees; regulating closed seasons in boundary

lakes; and conferring additional police powers on fish wardens.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 793, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven. (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the requirements for free transportation of pupils; removing certain exemptions from the compulsory attendance act; providing for standards for vehicles used; requiring public liability insurance coverage; and authorizing the withholding of reimbursement in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1018, as follows:

An Act to amend section two thousand eight hundred one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to require grave premits and to impose permit fees

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylbania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand eight hundred one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and sonsolidating the law relating to boroughs" is hereby amended to read as follows

Section 2801 Powers of Borough Permit fees Boroughs may prohibit within their limits or within any described territory within such limits the burial or interment of deceased persons and may regulate the depth of graves Boroughs may require those in charge of cemeteries and burial grounds to secure grave permits and to charge a fee for such permits not exceeding one dollar ($1.00) for each grave to cover the cost of inspection

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1167, as follows:

An Act to further amend sections nine and eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-five) entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation" as amended making the time for taking possession of any such toll bridge discretionary with the Secretary of Highways providing for the transfer in certain cases of funds from the Motor License Fund to the Toll Bridge Fund and the reimbursement thereof to the Motor License Fund from the Toll Bridge Fund out of proceeds of the sale of certain authorized bonds further providing for the payment of the cost of acquiring such bridges further regulating the collection of tolls and reimbursing the Commonwealth for the cost of acquiring such bridges further providing when such bridges shall be free of tolls and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections nine and eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-five) entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and and charges and making an appropriation" as amended by the act approved the second day of January one thousand nine hundred thirty-four (Pamphlet Laws two hundred five) be and the same is hereby further amended to read as follows

Section 9 As soon as the Secretary of Highways and said owners shall have agreed upon the price of any such bridge or as soon as the Secretary of Highways shall have determined to acquire any such bridge by condemnation proceedings the Secretary of Highways [if funds sufficient for the purchase of the bridge are available in the Toll Bridge Fund shall] may at once take possession of such bridge in the name of the Commonwealth of Pennsylvania

The purchase price agreed upon for any such bridge or the amount of any award or verdict under condemnation proceeding for the acquisition of any such bridge shall be paid out of moneys in the Toll Bridge Fund by the State Treasurer upon requisition of the Secretary of Highways

Should there be no funds or insufficient funds in the Toll Bridge Fund to meet any such requisition then the amount of the purchase price agreed upon for any such bridge or the amount of any award or verdict under condemnation proceedings for the acquisition of any such bridge or so much thereof as shall be necessary to increase the amount of moneys in the Toll Bridge Fund to an amount sufficient to meet such requisition and make such payment shall be transferred to the Toll Bridge Fund from the Motor License Fund by the State Treasurer and for such purposes so much money as may be necessary is hereby specifically appropriated out of the Motor License Fund Such amounts of money as shall be so transferred from the Motor License Fund to the Toll Bridge Fund for such purposes shall be reimbursed to the Motor License Fund out of the Toll Bridge Fund from time to time as the same become available therein from the proceeds realized from the sale of the bonds authorized by law to be issued and sold by the Commonwealth to defray the cost of the acquisition of toll bridges wholly within the Commonwealth

Section 11 The Secretary of Highways upon acquiring any such toll bridge is hereby directed to continue the collection of tolls and charges on such bridge or bridges or reconstructed bridges until the Commonwealth has been reimbursed to the full extent of the original cost of acquiring any and all of such bridges or as many thereof as may be acquired by the Secretary of Highways within his discretion and in any event as may be acquired at a cost not exceeding in the aggregate the authorized sum of ten million dollars together with such interest thereon [at the rate not exceeding six per centum] as shall have been expended by the Commonwealth and the cost of compensation of toll collectors All tolls and charges collected by the Secretary of Highways shall be paid into the Motor License Fund The Department of Highways shall

reconstruct maintain and repair such bridges in the manner provided by law relating to State highways and bridges In case of the reconstruction of any such bridge the Secretary of Highways with the approval of the Governor may reconstruct such bridge on the same location or on a location within one mile thereof

Whenever the tolls collected from [all of] such bridges as may be so acquired after deduction of all moneys expended by the department for the cost of compensation of toll collectors shall have become sufficient to reimburse the Commonwealth in full for the cost of acquiring all of such bridges as may have been so acquired with interest thereon as aforesaid then all of such bridges so acquired shall become and be thereafter free bridges Such bridges shall thereafter remain in the charge and be under the control of the Department of Highways and shall be thereafter maintained and kept in repair and be rebuilt by the Commonwealth in accordance with the laws relating to State highways and bridges and the State shall take over and succeed to all agreements made with any public service company for the use by the public service company of such bridges The cost of such reconstruction maintenance and repair of said bridge after the same have been freed shall be paid out of moneys appropriated to the Department of Highways for the construction reconstruction and improvement of State highways

The Secretary of Highways is hereby authorized to adjust re-adjust and fix from time to time the amount of tolls and charges on such bridge or bridges as may be acquired under the provisions of this act for the purpose of causing each such bridge so acquired to bear as nearly as conditions and traffic will permit its proportionate share of the aggregate annual revenues to be received by the Commonwealth from toll bridges so acquired based on the cost thereof

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 114, as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring certain school districts to merge with other districts and thereafter to function as a part of the districts with which they have been merged creating a county board of school directors for school districts under the direction of a county superintendent defining its powers and duties further regulating the affairs of certain school districts conferring powers and imposing duties on the Department of Public Instruction the State Council of Education and county superintendents of schools and imposing certain expenses on counties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one hundred and eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 108 (a) From and after the beginning of the first school year as herein provided for the school district herein established all independent school districts as they now exist shall be abolished and the lands comprising the same shall revert to the school districts hereby established in which they are located and all land heretofore taken from one school district and annexed to another whether by act of Assembly or order of the court or otherwise be and hereby is made a part of the school district hereby established in which such land is located so that the boundary lines of the several school districts as established by this act shall be co-terminous with the boundary lines of the several cities incorporated towns boroughs and townships in this Commonwealth as they then exist or may hereafter be created changed or extended Provided That independent school districts may be created as hereinafter provided

(b) From and after the first day of July one thousand nine hundred and thirty-eight all school districts now existing in which no teacher has been employed prior to the first day of January one thousand nine hundred and thirty-seven for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven (1936-1937) shall be merged with other districts and the lands comprising the same together with any property or equipment owned by any such district shall become a part of and belong to such district or districts as the court of common pleas of the county in which the property is located shall determine In like manner all school districts employing prior to the first day of January one thousand nine hundred and thirty-seven for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven (1936-1937) five teachers or less shall be merged with other districts on and after the first day of July one thousand nine hundred and forty-one In any such instance in which a school district is merged with another district or districts by the terms of this act each school director of the district which is discontinued shall automatically become a member of the board of school directors within the district to which the territory in which he resides has been annexed and he shall continue to serve as a member of the said board until his term of office has expired

(c) The provisions of clause (b) of this section shall not apply in the case of any school district affected if the district has since the first day of January one thousand nine hundred and thirty-seven and not later than the first day of July one thousand nine hundred and thirty-seven obtained from the State Council of Education the approval of a plan of consolidation of two or more districts as a union district and has actually accomplished and completed such a consolidation before the effective date set forth in clause (b) of this section

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. BROWNFIELD. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1204, as follows:

An Act relating to counties of the first class and the duties of the treasurers thereof in connection with the collection of certain taxes fees license taxes and license fees payable to the Commonwealth and making provision for the disposition of the compensation therefor heretofore received by such treasurers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That county treasurers in counties of the first class from and after the effective date of this act shall cease to be agents of the Commonwealth any other provision of any act of Assembly to the contrary notwithstanding for the collection of mercantile license taxes auctioneers' brokers' agents' and factors' license taxes license fees payable by persons keeping for profit shooting galleries suffleboard rooms billiard or poolrooms bowling alleys and similar alleys and places by the owners or lessees of places of amusement by hawkers and peddlers by owners of dogs by persons operating or keeping kennels by applicants for fishing licenses hunters' licenses and all other taxes or fees payable to the Commonwealth which it is now their duty to collect but in all other respects such treasurers shall continue to collect such taxes fees license taxes and license fees as heretofore and to exercise all of the powers now conferred upon them by law

Section 2 All fees and commissions heretofore retained by county treasurers in counties of the first class for their own use for services performed by them as agent of the Commonwealth in collecting the taxes fees license taxes and license fees set forth in section one hereof shall after the effective date of this act be paid into the treasuries of their respective counties at the times such treasurers are required by law to make return of such taxes fees license taxes and license fees to the Department of Revenue of the Commonwealth

Section 3 All acts or parts of acts inconsistent herewith are hereby repealed

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1203, as follows:

An Act relating to counties of the first class and the duties of the recorders of deeds thereof in connection with the collection of certain fees and taxes payable to the Commonwealth and making provision for the disposition of the compensation therefor heretofore received by such recorders of deeds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That recorders of deeds in counties of the first class from and after the effective date of this act act shall cease to be agents of the Commonwealth any other provision of any act of Assembly to the contrary notwithstanding for the collection of fees or taxes payable to the Commonwealth upon the recording of deeds mortgages and other instruments in writing and upon the commissions of public officers but in all other such recorders of deeds shall continue to collect such fees or taxes as heretofore and to exercise all of the powers now conferred upon them by law

Section 2 All fees and commissions heretofore retained by recorders of deeds in counties of the first class for their own use for services performed by them as agents of the Commonwealth in collecting the fees or taxes set forth in section one hereof shall after the effective date of this act be paid into the treasuries of their respective counties at the times such recorders of deeds are required to make return of such fees or taxes to the Department of Revenue of the Commonwealth

Section 3 All acts or parts of acts inconsistent herewith are hereby repealed

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1095, as follows:

An Act empowering municipalities to refund improvement bonds based solely on assessments for grading streets and sewer improvement and imposing no municipal liability by a new issue of bonds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where any municipality has issued improvement bonds based solely upon assessments for any grading street or sewer improvements and imposing no municipal liability and such bonds have matured or are about to mature and become due and payable and such assessments and the liens filed thereon remain unpaid in whole or in part for any reason whatever it shal be lawful for such municipality for the purpose of redeeming exchanging or paying off any or all of such bonds to issue and exchange or sell registered or coupon bonds based solely upon the assessments and liens filed for such improvements which remain unpaid and the lien whereof has not been lost which bonds shall impose no municipal liability Such bonds shall bear a rate of interest not exceeding the rate expressed in the bonds to be redeemed exchanged or paid off shall be redeemable at any time not exceeding ten years from the date thereof and shall not exceed in the aggregate the amount of bonds to be so redeemed exchanged or paid off Such bonds shall be exempt from taxation except for state purposes Provided however That all moneys collected which are by law made applicable to the redemption of the issue of bonds proposed to be refunded shal first be applied to the payment of the principal of such bonds and the balance of such issue only shall be redeemed by the issue of new bonds

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 732, entitled:

An Act providing for and regulating the appointment promotion and reduction in rank and removal of paid members of the Bureau of Police Bureau of Detectives Police Women Bureau of Electricity in connection with police departments Police Telephone Operators and their assistants and Police Radio Operators and their assistants in counties cities boroughs towns and townships creating a county civil commission in each county the members thereof to receive salaries to be payable by the counties defining the powers and duties of such civil service commissions imposing certain duties and expenses on the counties cities boroughs towns and townships imposing penalties and repealing inconsistent laws

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in

Geenral Assembly met and it is hereby enacted by the authority of the same That

Section 1 Appointees in Police Departments in all Counties Cities Boroughs Towns and Townships Placed Under Civil Service Hereafter all appointments to and promotions in the Bureau of Police Bureau of Detectives Police Women Bureau of Electricity in connection with the police departments Police Telephone Operators and their assistants and Police Radio Operators and their assistants and in all other agencies connected with the police protection work in any county city borough town or township shall be made only according to qualifications and fitness to be ascertained by examinations which so far as practicable shall be competitive as hereinafter provided The provisions of this act shall be construed to include each and every appointment in the above enumerated bureaus departments and agencies except superintendent of police which position shall be filled by a member of the Police Bureau who has had at least ten years experience in the police department

No person shall hereafter be appointed re-instated promoted or discharged as a paid employe in any of the aforesaid bureaus departments or agencies except in accordance with the provisions of this act

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. SAMUEL A. WEISS. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of a public hearing and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 744, as follows:

An Act expressing assent of the General Assembly of the Commonwealth of Pennsylvania to the provisions and purposes of the Act of Congress approved the twenty-ninth day of June one thousand nine hundred thirty-five (Public No 182 74th Congress)

Whereas There has been enacted by the Senate and House of Representatives of the United States of America in Congress assembled an act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges approved the twenty-ninth day of June one thousand nine hundred thirty-five (Public No 182 74th Congress) and

Whereas The provisions of the act and the purpose of the grants of money authorized by the act are made subject to the legislative assent of the several states and territories therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the assent of the General Assembly of the Commonwealth of Pennsylvania required by the said act be and the same is hereby given

Section 2 This act shall become effective immediately upon its finall enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 921, entitled:

An Act to enable cities of the first second and second class A incorporated towns borough and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings used for human habitation and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in addition to other remedies provided by law and in order to promote the public health safety morals and the general welfare all cities of the first second and second class A incorporated towns boroughs and townships of the second class in this Commonwealth are hereby authorized and empowered to enact and enforce suitable ordinances to govern and regulate the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings or parts of buildings constructed erected altered designed or used in whole or in part for human habitation and to the sanitation and inspection of land appurtenant thereto and the said ordinances may provide proper penalties not exceeding five hundred dollars ($500) for the violation of their provisions

On the question,

Will the House agree to the section?

Mr. OSTROFF. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 2, line 3 by striking out at the end of the line the following: "[or parts of build-]"

Amend section 1, page 2, by striking out line 4.

Amend section 1, page 2, line 5 by striking out at the beginning of the line the following: "[or in part for human habitation]"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second, third and fourth sections were separately read and agreed to as follows:

Section 2 In case any building or structure is constructed reconstructed altered repaired converted or maintained or any building or land is used in violation of any ordinance enacted under authority conferred hereby the corporate authorities of any city of the first second and second class A incorporated town borough or township of the second class in addition to the penalties provided by ordinances enacted herewith may institute appropriate actions or proceedings at law or in equity to prevent and restrain such unlawful construction reconstruction alteration repairs conversion maintenance or use and to restrain correct or abate such violation and to prevent the occupancy of said building or structure

Section 3 The ordinances enacted pursuant to this act shall not be inconsistent with the provisions of any statute governing the same matter but all regulations prescribed bysuch ordinances which are additional or supplementary to the statute law and not inconsistent therewith or enacted for the purpose of carrying into effect the provisions of the statute law shall be valid and binding

Section 4 The following acts are hereby repealed

The act approved the eleventh day of May one thousand nine hundred twenty-seven (Pamphlet Laws 964) entitled "An act to enable cities incorporated towns boroughs and townships of the first class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings used for human habitation and land appurtenant thereto and providing for the enforcement of such ordinances

The act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws 1063) entitled "An act creating in cities of the first class a Bureau of Building Inspection regulating the erection enlargement alteration repair moving removal demolition and inspection of buildings and other structures and the erection encroachment extension repair inspection and use of party walls defining certain words and terms used repealing conflicting legislation and providing penalties for violations of this act"

The fifth section was read as follows:

Section 5 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the section?

Mr. OSTROFF. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 5, page 3, by striking out lines 21 and 22.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to enable cities of the first, second and second class A, incorporated towns, boroughs, and townships of the second class to govern and regulate by ordinance the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings used for human habitation and land appurtenant thereto; providing for the enforcement of such ordinances; and repealing existing laws.

On the question,

Will the House agree to the title?

Mr. OSTROFF. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend page1, line 6 of the title, by striking out at the end of the line the word: "[used]"

Amend page 1, line 7, of the title, by striking out at the beginning of the line the following: "[for human habitation]"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1119, as follows:

An Act to amend section one and sections two and eleven as amended of and to add section five and one-tenth to the act approved the thirteenth day of March one thousand nine hundred and seventeen (Pamphlet Laws 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by further regulating the practice of optometry and providing for the licensing of optometric eye specialists having the right to treat the human eye

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the practice of optometry is hereby defined to be the employment of any means other than the use of drugs for the measurement of the powers of vision and the adaptation of lenses for the correction and aid of the vision of human beings

The term "optometrist" shall mean one licensed as provided in this act to engage in the practice of optometry

The term "optometric eye specialist" shall mean one licensed as provided in this act to engage in the practice of optometry and to practice all the arts and sciences necessary for the treatment and diagnosis of diseases of or injuries to and the complete care of the human eye but shall not include the making of any tests or diagnosis or the giving of any treatments other than for the eyes

Section 2 That section two of said act as amended by the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 260) is hereby further amended to read as follows

Section 2 That on and after January first one thousand nine hundred and eighteen it shall not be lawful for any person in this Commonwealth to engage in the practice of optometry or to hold himself out as a practitioner of optometry or to attempt to determine by an examination of the eye the kind of glasses needed by any person or to hold himself out as a licensed optometrist or optometric eye specialist when not so licensed or to

hold himself out as able to examine the eyes of any person for the purpose of fitting the same with glasses excepting those hereinafter exempted unless he has first fulfilled the requirements of this act and has received a certificate of licensure from the Board of Optometrical Education Examination and Licensure created by this act nor shall it be lawful for any person in this Commonwealth to represent that he is the lawful holder of a certificate of licensure such as is provided for in this act when in fact he is not such lawful holder or to impersonate any licensed practitioner of optometry or any optometric eye specialist

Any person violating the provisions of this section shall be deemed to be guilty of a misdemeanor and shall upon conviction be subject upon his first offense to a fine of not more than five hundred dollars or imprisonment for not more than six months in the county prison or both or either at the discretion of the court and upon conviction on second or later offenses shall be subject to a fine of not less than five hundred dollars nor more than one thousand dollars and imprisonment for not less than six months nor more than one year at the discretion of the court

Section 3 That said act is amended by adding thereto after section five a new section to read as follows

Section 5.1 (a) Every person desiring to be licensed as an optometric eye specialist shall in lieu of the course in optometry hereinbefore provided in section five of this act have completed a course of optometry and graduated from a school or college of optometry recognized by the Department of Public Instruction as recommended by the Board of Optometrical Examiners Said course shall consist of instruction covering the entire field of ocular science including ocular pathology therapeutics and clinics and shall be of the same length in hours and years but in no case less than four years as in approved schools or colleges of medicine and surgery osteopathy or dentistry

(b) Every person now licensed after examination to practice optometry who shall desire to be licensed as an optometric eye specialist shall present to the State Board of Optometric Examiners a certificate from a school or college of optometry recognized by the Department of Public Instruction as recommended by the Board certifying that such person has satisfactorily completed at least two years' additional training of not less than one thousand hours in ocular pathology therapeutics and clinics and other subjects not covered in any previous training

(c) On and after June thirty-first one thousand nine hundred and thirty-seven all candidates for examination for licensure as provided in this act shall submit proof of having the education requirements set forth in subdivision (a) of this section and shall upon satisfactorily passing such examinations be licensed as optometric eye specialists

Section 4 That section eleven of said act as amended by the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 659) is hereby further amended to read as follows

Section 11 Nohting in this act shall be construed as conferring on the holder of any certificate of licensure issued by said board the title of doctor oculist ophthalmologist or any other word or abbreviation indicating that he is engaged in the practice of medicine or surgery or except in the case of an optometric eye specialist that he is engaged in the treatment or diagnosis of diseases of or injuries to the human eye or has the right to use drugs or medicines in any form for the treatment or examination of the human eye The title "Doctor" or the abreviation "Dr" shall not be used before the name of any registered optometrist or optometric eye specialist without the word "optometrist" or "optometric eye specialist" following the name

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LONG. Mr. Speaker, I move that this bill be recommitted to the Committee on State Boards for the purpose of a public hearing.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 645, as follows:

An Act to authorize cities boroughs towns townships counties and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks playgrounds streets and other improvements and facilities by exercising certain other powers and by making agreements relating to such aid to authorize cities boroughs towns townships and counties to contract with respect to the sums to be paid them for improvements services and facilities to be provided for the benefit of housing projects and the occupants thereof to authorize certain cities and counties to make an appropriation for the first years' administrative expenses of housing authorities and to authorize certain cities boroughs towns and counties to pay moneys to housing authorities

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same that this Act may be referred to as the "Housing Cooperation Law"

Section 2 Finding and Declaration of Necessity It has been found and declared in the Housing Authorities Law that there exists in this Commonwealth unsafe and unsanitary housing conditions and a shortage of safe and sanitary dwelling accommodations for persons of low income that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment public health and safety fire and accident protection and other public services and facilities and that the public interest requires the remedying of these conditions it is hereby found and declared that the assistance herein provided for the remedying of the conditions set forth in the Housing Authorities Law constitutes a public use and purpose and an essential governmental function for which public moneys may be spent and that the provisions hereinafter enacted are necessary in the public interest

Section 3 Definitions The following terms whenever used or referred to in this act shall have the following respective meanings unless a different meaning clearly appears from the context

(a) "Federal Government" shall mean the United States of America the Federal Emergency Administration of Public Works or any other agency or instrumentality corporate or otherwise of the United States of America

(b) "Housing Authority" shall mean any housing authority created pursuant to the Housing Authorities Law of this Commonwealth

(c) "Housing Project" shall mean any work or undertaking of a housing authority pursuant to the Housing Authorities Law or any similiar work or undertaking of the Federal Government

(d) "State Public Body" shall mean any city borough town township county municipal corporation commission district authority other subdivision or public body of this Commonwealth

Section 4 Cooperation in Undertaking Housing Projects For the purpose of aiding and cooperating in the planning undertaking construction or operation of housing projects located within the area in which it is authorized to act any State Public Body may upon such terms with or without consideration as it may determine

(a) Dedicate sell convey or lease any of its property to a housing authority or the Federal Government

(b) Cause parks playgrounds recreational or community facilities or any other works which it is otherwise empowered to undertake to be furnished adjacent to or in connection with housing projects

(c) Furnish dedicate close pave install grade regrade plan or replan streets roads roadways alleys sidewalks or other places which it is otherwise empowered to undertake

(d) Enter into agreements extending over any period with a Housing Authority or the Federal Government respecting action to be taken by such State Public Body pursuant to any of the powers herein granted and

(e) Do any and all things necessary or convenient to aid and cooperate in the planning undertaking construction or operation of such housing projects

(f) With respect to any housing project which a housing authority has acquired or taken over from the Federal Government and which the housing authority by resolution has found and declared to have been constructed in a manner that will promote the public interest and afford necessary safety sanitation and other protection no State Public Body shall require any changes to be made in the housing project or the manner of its construction or take any other action relating to such construction

(g) In connection with any public improvements made by a State Public Body in exercising the powers herein granted such State Public Body may incur the entire expense thereof Any law or statute to the contrary notwithstanding any sale conveyance lease or agreement provided for in this section may be made by a State Public Body without appraisal public notice advertisement or public bidding

Section 5 Contracts for Payments to City Borough Town Township or County In connection with any housing project located wholly or partly within the area in which it is authorized to act any city borough town township or county may contract with a housing authority or the Federal Government with respect to any sums which the housing authority or the Federal Government may agree to pay during any year or period of years to the city borough town township or county for the improvements services and facilities to be provided by it for the benefit of said housing projects or the persons residing on or occupying such premises but in no event shall the amount of such payments exceed the estimated cost to the city borough town township or county of the improvements services or facilities to be so supplied however that the absence of a contract for such payments shall in no way relieve cities boroughs towns townships and counties from the duty to furnish for the benefit of said housing project and the persons residing or occupying said premises customary improvements and such services and facilities as cities boroughs towns townships and counties respectively usually furnish without a service fee

Section 6 Advances to Housing Authority When any housing authority which is created to operate within any city or county becomes authorized to transact business and exercise its power the city council or the county commissioners as the case may be may make an estimate of the amount of money necessary for the administrative expenses and overhead of such housing authority during the first year thereafter and may appropriate such amount to the authority out of any moneys in such city or county treasury not appropriated to some other purposes The moneys so appropriated shall be paid to the authority as a donation Any city borough town or county located in whole or in part within the field of operation of a housing authority shall have the power from time to time to lend or donate money to the authority

Section 7 Supplemental Nature of Act The powers conferred by this act shall be in addition and supplemental to the powers conferred by any other law

Section 8 Severability If any provision of this act or the application of such provision to any person or circumstances shall be held invalid the remainder of the act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby

Section 9 Repeal of Inconsistent Acts All acts or parts of acts inconsistent with this act are hereby repealed

Section 10 Effective Date This act shall take effect immediately

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1053, entitled:

An Act to amend section one as re-enacted sections two and three as amended sections four and five and section six as amended of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania providing further for the distribution and use of unclaimed human bodies fixing the time for the claiming and distribution of bodies and the duties of carriers of bodies requiring those receiving bodies to give bond and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" as re-enacted by section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 849) is hereby amended to read as follows

Section 1 The professors associate professors and assistant professors in the department of anatomy the professors of surgery and of pathology [the demonstrators of anatomy and the demonstrators of surgery] of the medical and dental schools and the medical and dental colleges of this Commonwealth which are now or may hereafter become incorporated [together with one representative from each of the unincorporated schools of anatomy or practical surgery within this Commonwealth in which they are or from time to time at the time of the appointment of such representatives shall be not less than five scholars] and the Secretary of Health of this Commonwealth shall be and hereby are constituted a board for the distribution and delivery of dead human bodies hereinafter described to and among such institutions and persons as under the provisions of this act are entitled thereto [The professor of anatomy in the University of Pennsylvania at Philadelphia shall call a meeting of said board for organization at a time and place to be fixed by him within thirty days after the passage of this act]

The said board shall have full power to establish rules and regulations for its government and to appoint and remove proper officers and shall keep full and complete minutes of its transactions and records shall also be kept under its direction of all bodies received and distributed by said board and of the persons to whom the same may be distributed which minutes and records shall be open at all times to the inspection of each member of said board and of any district attorney of any county with this Commonwealth The said board shall have full power to enter into contracts make purchases nad perform such other acts as are necessary for the proper performance of its duties

The name of said board of distribution shall be Anatomical Board of the State of Pennsylvania

On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. TRONZO. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Health and Sanitation for the purpose of amendment.

The motion was agreed to.

BILL ON THIRD READING

Mr. YOURISHIN. Mr. Speaker, I desire to call up at this time, House Bill No. 1164, Senate Bill No. 4, Printer's No. 76, on page 17 of today's calendar, bills on third reading postponed.

Agreeably to order,
The bill having been called up from the postponed calendar by Mr. YOURISHIN.

The House resumed the consideration on third reading of House Bill No. 1164 (Senate Bill No. 4), entitled:

An Act prohibiting the employment of mine workers in the bituminous coal mines unless certificated by a miners' examining board providing for the appointment of such boards and defining their powers and duties and providing penalties

On the question,
Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Mines and Mining for the purpose of amendment.

On the question,
Will the House agree to the motion?

QUESTION OF INFORMATION

Mr. TURNER. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Delaware will state his question of information.

Mr. TURNER. Mr. Speaker, can a bill on third reading, postponed, be amended in committee?

The SPEAKER. The Chair wishes to advise the gentleman that a bill on third reading postponed calendar can be recommitted and amended in committee. The bill has not been agreed to on third reading.

On the question recurring,
Will the House agree to the motion?
It was agreed to.

BILLS ON THIRD READING

Agreeably to order,
The House proceeded to the third reading and consideration of House Bill No. 1189, entitled:

An Act to amend section six of the act, approved the ninth day of July, one thousand nine hundred thirty-five (Pamphlet Laws six hundred thirty-seven), entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to, and expenditures in, cities of the first class and the various second-class townships of the Commonwealth for the maintenance, construction and reconstruction of city and townships streets, roads, and bridges during the calendar years one thousand nine hundred thirty-six, and one thousand nine hundred thirty-seven; requiring townships to reduce their tax rates for road and street purposes for said years; and providing for the use and maintenance of road building machinery and equipment, belonging to such townships, by the Department of Highways in carrying out the purposes of this act," providing for the unexpended balance of the funds to be added to the appropriation made by any other act for the same purpose.

On the question,
Will the House agree to the bill on third reading?
It was agreed to,
On the question,
Shall the bill pass finally?

Mr. PERRY. Mr. Speaker and members of the House, before Novemer 3rd of last year the Speaker and perhaps many more members of this House pledged to the people of their respective communities an effort to reduce and lighten the burden of oppressive taxation that is being imposed by local authorities upon real estate. This bill, which is now up for final passage by this House, is tangible evidence of whether those pledges were just political hooey upon our part or whether it was a solemn covenant which we gave our people and which we will now fulfill.

This bill, House Bill No. 1189, Printer's No. 248, is an innocent looking bill and it is apparently a harmless bill inasmuch as it is intended only to amend an existing law, and yet when we study it and become familiar with the purposes and intent of the act which it seeks to amend we realize, when boiled down, it means that this Legislature is repudiating a promise and taking back from the people of second class townships of this Commonwealth approximately two million dollars, which was intended to be used and appropriated for the sole purpose of reducing local taxation. So, in reading this bill, it is only necessary to read the amending clause and have a knowledge of the act which it is intended to amend.

Back in 1935, this Legislature in the hope and intent to give to the people at home some relief from the oppressive burden of local taxation passed and made into law an act known as the Furman Act, by which ten million dollars was appropriated from the Highway Fund, one million dollars for the use of cities of the first class, and nine million dollars for the use of townships of the second class, upon the sole condition that the supervisors of some fifteen hundred townships of the second class should reduce their road taxes proportionately, and in that bill it was provided that all unexpended proportions of this nine million dollars, which according to the Governor's budget (as it appears upon page 47) $2,625,000—according to the Furman Act of 1935, passed by this Legislature, the $2,625,000 was to be paid over on March 1, 1938, to the townships to be expended by them for the purpose set forth in the Act, and the purpose set forth in the Act is that the township supervisors by reason of that State-aid might reduce your people's local taxes proportionately. Acting on the strength of that provision, relying upon the integrity of the agreement with the Department, and depending on the solemnity of an appropriation made by this House many of those township supervisors have reduced their taxes and thereby lessened the possibility of receiving any local aid in keeping up their roads. This money was to have been

paid over to them in March of 1938. The intent, the purpose and the result of this bill will be to cancel and to violate that agreement, will be to sacrifice the interest of the local townships, because it is proposed to strike out by this bill that portion of the Furman Act of 1935 that would have permitted the payment of $2,625,000 to the township supervisors and to be added to the appropriation made by another act appropriating funds for the same purpose for the years 1938 and 1939 which may be enacted. It can truthfully be said that that may not be enacted.

In other words, Mr. Speaker and members of this House, summarizing this bill we have a bill that in two years time is directly violating and cancelling not only an agreement made between a Department and the supervisors themselves but violating an Act of this Assembly by which an appropriation was made and on the strength of which township supervisors have reduced their means of income for the keeping up of the roads. Now we are going to take away from those gentlemen who have relied upon your word and my word $2,625,000, and we are going to tell them, "Now, get along the best you can." That is the answer they wish us to give to the people of the Commonwealth to whom we pledged, on November 3rd, our honor to reduce local taxes.

MOTION TO RECOMMIT

Mr. PERRY. Mr. Speaker, I move that this bill be recommitted to the Committee on Highways for the purpose of a public hearing.

On the question,

Will the House agree to the motion?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Blair, Mr. Perry.

The SPEAKER. Will the gentleman from Blair permit himself to be interrogated?

Mr. PERRY. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, did I understand the gentleman to say that $2,625,000 were to be returned to the township supervisors to be expended according to the Furman Act?

POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Delaware will state his point of order.

Mr. TURNER. Mr. Speaker, the gentleman is discussing the bill and not the question to recommit. I dislike, Mr. Speaker, to raise the question against my friend from York but as he raised the same question on me the other day I have no other alternative.

The SPEAKER. The point of order raised by the gentleman from Delaware is well taken. The only question before the House at this time is the motion to recommit.

Mr. HERBERT B. COHEN. Mr. Speaker, I will withdraw my request to interrogate the gentleman from Blair. I desire to discuss the motion to recommit and shall preface my remarks by indicating to the membership of this House that where an individual discusses the merits of the bill prior to making a motion to recommit he apparently gains an advantage over the membership of this House, that under the circumstances should not deprive an individual, who wishes to discuss a motion to recommit, of an opportunity of discussing the very same thing that the gentleman has discussed prior to making the motion. I wish to oppose the motion to recommit without discussing the merits of the bill. Apparently this bill has been fully discussed in the Committee on Highways and I will ask the membership of this House to vote "no" on the motion to recommit.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. TURNER and Mr. FRANCES BAKER were as follows:

YEAS—47

Atkins,	Imbrie,	Schrock,	VanAllsburg,
Baker, F. T.,	Kline,	Schumacher,	Wall,
Boose,	Leisey,	Serrill,	Wampole,
Boyer,	Longaker,	Simpson,	Watkins,
Cadwalader,	Mallen,	Sloan,	Webster,
Davies,	McDevitt,	Snyder,	Weidemann,
Eckels,	McKinney,	Sollenberger	Wilson,
Fiss,	Merrell,	Sproul,	Winner,
Gillette,	Muir,	Stewart,	Wood,
Habbyshaw,	Peale,	Stockham,	Woodside,
Hall,	Perry,	Trout,	Yeakel,
Huntley,	Royer,	Turner,	

NAYS—140

Achterman,	Dyson,	Long,	Rothenberger,
Alexander,	Elpern,	Lopresti,	Sarraf,
Allen,	Falkenstein,	Marino,	Scanlon,
Allmond,	Finnerty,	McArdle,	Schor,
Arnold,	Fitch,	McCullough,	Schrope,
Aukerman,	Flanagan,	McDermott,	Shaw,
Baker, J. J.,	Flannery,	McElroy,	Shea,
Balthaser,	Flinchbaugh,	McGee,	Shoemaker,
Bierly,	Ganser,	McShane,	Shugarts,
Blank,	Gerard,	Melchiorre,	Siegel,
Bohn,	Gorski,	Mellott,	Simon,
Boles,	Haberlen,	Mihm,	Skale,
Bradley,	Hagerty,	Moomaw,	Smith, James A.,
Brancato,	Hamilton, F. P.,	Mooney,	Smith, John A.,
Brigerman,	Harkins,	Moran,	Spengler,
Broad,	Harmuth,	Moul,	Stank,
Brown,	Hays,	Munley,	Toole,
Brownfield,	Fering,	Murrin,	Tumelty,
Burrows,	Hess,	Nagel,	Valibus,
Caesar,	Hetrick,	O'Brien,	VanSickle,
Caputo,	Hindman,	O'Connor,	Vogt,
Chervenak,	Hirsch,	O'Keefe,	Wagner,
Coakley,	Holland,	Ominsky,	Walsh,
Cohen, H. B.,	Holmes,	O'Neill,	Weiss, D. H.,
Cohen, R. E.,	Holstrom,	Ostroff,	Weiss, S. A.,
Coleman,	Hontz,	Patterson, J. W.,	Welliver,
Coolahan,	Horting,	Pearson,	Welsh,
Corrigan,	Jirolanio,	Pershing,	Westrick,
Costanzo,	Keenan,	Powers,	Whalen,
Decker,	Kelso,	Preston,	Whitenight,
DeNote,	Kilroy,	Readinger,	Wright,
Dickinson,	Kroll,	Reese,	Yanoshat,
Dougherty,	LaRue,	Reising,	Yourishin,
Downey,	Levy,	Richter,	Zappala,
Dubbs,	Lewis,	Robinson,	Furman,

So the question was determined in the negative and the motion was not agreed to.

On the question recurring.

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Blair, Mr. Perry.

The SPEAKER. Will the gentleman from Blair permit himself to be interrogated.

Mr. PERRY. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to ask the gentleman from Blair, if under his interpretation of the prior act, the act that this bill seeks to amend, $2,625,000 was to be returned to the townships on the first of March, 1938.

Mr. PERRY. Mr. Speaker, in answer to the gentleman from York, I would say that in that bill, together with the

statement made in the Governor's budget, on page 47, it was estimated that had that bill been complied with, $2,625,000 would have been turned over to the supervisors of the townships of the second class.

Mr. HERBERT B. COHEN. Mr. Speaker, may I ask the gentleman from Blair for what purpose that money would be used.

Mr. PERRY. Mr. Speaker, according to the title of the bill it would have been for the reduction of taxes, because under the bill it was first required that the township supervisors, in fixing the tax levies for the years 1936 and 1937, should reduce the State tax levy for road and street purposes by an amount approximately equivalent to the amount to be expended by such townships under the provisions of this act.

Mr. HERBERT B. COHEN. Mr. Speaker, the gentleman from Blair says this money was to be utilized to reduce taxes. May I ask the gentleman from Blair, was not this money to be utilized in the maintenance of township roads which, in turn, would reduce the taxes.

Mr. PERRY. Mr. Speaker, in answer to the gentleman from York may I quote the title of the Act of 1935 set forth in this bill amending the Act which says: "requiring townships to reduce their tax rates for road and street purposes for said years," and do other things.

Mr. HERBERT B. COHEN. May I ask the gentleman from Blair, Mr. Speaker, was not $2,625,000 to be utilized under the Furman Act for the maintenance of township roads which would relieve the townships of that maintenance, and therefore, reduce the taxes of the townships.

Mr. PERRY. I would say, Mr. Speaker, that that was not, to the best of my knowledge the intent of an agreement entered into when this bill was passed in 1935 between Messrs. Ingham and Keeley and Mr. Thompson representing the State Association as town supervisors. The definite understanding and agreement, I was informed at that time, being that the unexpended portions were to be returned to the township supervisors for use by them.

Mr. HERBERT B. COHEN. Mr. Speaker, may I ask the gentleman from Blair for what purpose was this $2,625,000 to be utilized by the township supervisors?

Mr. PERRY. Mr. Speaker, not having been here in the Legislature at the time but having read the newspapers I inferred that it was for the purpose of reducing local taxation.

Mr. HERBERT B. COHEN. Mr. Speaker, may I ask the gentleman from Blair how the taxes were to be reduced.

Mr. PERRY. Mr. Speaker, may I again quote and requote a section of the Act passed, which explains it much better by saying that the proper officials of each township if they have not previously done so shall at the time of fixing the tax levies for the years 1936 and 1937 reduce said tax levy for road and street purposes by an amount approximately equivalent to be expended by said townships under this act.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, we have indulged in a little bit of equivocation here. If the gentleman from Blair had read the full title of the Act and had called the attention of the membership of the House to just exactly what the Act of 1935 did, I feel sure that this is all that would have been required in order to get a direct and full answer to the interrogations which I submitted to him, which he apparently failed to do. This act of 1935 contains these words in the title: "An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditures in cities of the first class and the various second class townships of the Commonwealth for the maintenance construction and reconstruction of city and township streets, roads and bridges during the calendar years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven requiring townships to reduce their tax rates for road and street purposes for said years" and requiring a commensurate reduction in the taxes.

Now apparently when the gentleman from Blair says that this money shall go to the township supervisors for their own use, he does not mean that the township supervisors were going to stick all this money in their pockets and have a good time and go out on a spree, but they were going to use that money for the maintenance of the roads. I would like to have further interrogated the gentleman from Blair if he should have given me a direct answer to the question which I would have submitted. I would have liked to asked him if the $2,625,000, which was to be returned on March 1, 1938, was to be used in the maintenance of roads, why did the township supervisors require the $2,625,000 if the Commonwealth is taking over the entire maintenance of all the township roads. I cannot believe that the gentleman from Blair desires that the township supervisors ought to have this $2,625,000 as a play thing. That money was provided by the Commonwealth for the maintenance of the roads and if the Commonwealth takes over the entire maintenance there is no reason why the township supervisors should have the $2,625,000. I think that is the real explanation of this Act. With the passage of the Act it takes over the entire maintenance of the township roads and of course the townships will be thereby relieved of the taxes for all road purposes in the township. I feel sure that we would be derelict in our duty if we were not to amend the Act of 1935 so as to utilize the $2,625,000 for the purposes of the Commonwealth rather than for the purposes of the township supervisors. That tax would be nothing when the State takes over the entire maintenance.

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from York whether under House Bill No. 1189 the State takes over all of the township roads.

Mr. HERBERT B. COHEN. Mr. Speaker, the State does not, but it has been duly publicized that the program of the present State Highway Department is to take over all the township roads, and I can assure the gentleman from Delaware that if the State does not take over the maintenance of all the township roads, there will be no necessity to pass House Bill No. 1189 and the Department of Highways will not press for its passage.

Mr. TURNER. Mr. Speaker, is it not true that once before this House passed a resolution telling the townships that they were going to give them a certain amount of money for their roads and then failed to carry out that agreement?

Mr. HERBERT B. COHEN. Mr. Speaker, that must have been under the Pinchot Administration.

Mr. TURNER. Mr. Speaker, was that not true in 1935?

Mr. HERBERT B. COHEN. I do not know, Mr. Speaker.

Mr. TURNER. Mr. Speaker, as a matter of fact that did happen in the Session of 1935. Therefore, I would like to further interrogate the gentleman from York.

Mr. Speaker, if the State intends to take them over why not allow this bill to remain until such time as we have the proper legislation before us and know that such legislation will pass the legislature.

Mr. HERBERT B. COHEN. Mr. Speaker, it is just a matter of procedure. The bill can lie over in the Senate. There is no necessity for holding one bill up after having advanced it so far and then pulling it out, and then advancing another bill so far and pulling it out. It is a part of an entire program and you can't pass that entire program instanter.

Mr. TURNER. Mr. Speaker and members of the House, the gentleman from York a few minutes ago accused my colleague from Blair of some sort of action in reference to the interpretation of the act. I can't remember the exact words that he used but he said, at least, that we were trying to duck around the question. Now it seems to me that the answers of the gentleman from York to the interrogation I have made are a full confirmation of what the gentleman from Blair has just said, to wit, that so far as this act is concerned the gentleman from Blair is correct. At some time in the nebulous future when the Highway Department gets around to it and it is finally decided by the Administration that we are going to take over all the township roads, then such a bill may start on its way in the Legislature, and whether it is passed or not is another matter. Therefore, I think the gentleman from Blair was perfectly right in his request that this bill be recommitted, but since that motion has been voted down, I say that this bill should not be passed until we know exactly what is going to be done, so that the second class townships will know this time that they are not being fooled.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—144

Achterman,	Dubbs,	Lopresti,	Scanlon,
Alexander,	Dyson,	Lovett,	Schor,
Allen,	Elpern,	Marino,	Schrope,
Allmond,	Falkenstein,	McArdle,	Shaw,
Arnold,	Finnerty,	McCullough,	Shea,
Aukerman,	Fitch,	McDermott,	Shoemaker,
Baine	Flanagan,	McElroy,	Shugarts,
Baker, J. J.,	Flannery,	McGee,	Siegel,
Balthaser,	Flinchbaugh	McShane,	Simon,
Bierly,	Ganser,	Melchiorre,	Skale,
Blank,	Gerard,	Mellott,	Smith, James A.,
Bohn,	Gorski,	Mihm,	Smith, John A.,
Boles,	Haberlen,	Moomaw,	Spengler,
Boltz,	Hagerty,	Mooney,	Stank,
Bradley,	Hamilton, F. P.,	Moran,	Thomas,
Brancato,	Harkins,	Moul,	Thompson,
Brigerman,	Harmuth,	Munley,	Toole,
Broad,	Hays,	Murrin,	Tronzo,
Brown,	Hering,	Nagel,	Tumelty,
Brownfield,	Hess,	O'Brien,	Valibus,
Burrows,	Hetrick,	O'Connor,	VanSickle,
Caesar,	Hindman,	O'Keefe,	Vogt,
Caputo,	Hirsch,	Ominsky,	Wagner,
Chervenak,	Holmes,	O'Neill,	Walsh,
Coakley,	Holstrom,	Ostroff,	Weiss, D. H.,
Cohen, H. B.,	Hontz,	Patterson, C. S.,	Weiss, S. A.,
Cohen, R. E.,	Horting,	Patterson, J. W.,	Welliver,
Coleman,	Jirolanio,	Pearson,	Welsh,
Coolahan,	Keenan,	Piole,	Westrick,
Corrigan,	Kelso,	Powers,	Whalen,
Costanzo,	Kilroy,	Preston,	Whitenight,
Decker,	Kroll,	Readinger,	Wright,
DeNote,	LaRue,	Reese,	Yanoshat,
Dickinson,	Levy,	Reising,	Yourishin,
Dougherty,	Lewis,	Richter,	Zappala,
Downey,	Long,	Robinson,	Furman,

NAYS—52

Atkins,	Kane,	Rothenberger,	Trout,
Baker, F. T.,	Kline,	Royer,	Turner,
Boose,	Leisey,	Schrock,	VanAllsburg,
Boyer,	Longaker,	Schumacher,	Wall,
Cadwalader,	Lyons,	Serrill,	Wampole,
Davies,	Mallen,	Simpson,	Watkins,
Eckels,	Matthews, J. F.,	Sloan,	Webster,
Fiss,	McDevitt,	Snyder,	Weidemann,
Gillette,	McKinney,	Sollenberger,	Wilson,
Habbyshaw,	Merrell,	Sproul,	Winner,
Hall,	Muir,	Stewart,	Wood,
Huntley,	Peale,	Stockham,	Woodside,
Imbrie,	Perry,	Strode,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE ON HOUSE BILL No. 1109

Mr. SNYDER filed the following reason for his vote:

I am voting against House Bill No. 1189 because many townships that did not have relief labor could not avail themselves of balances due them from the Parkinson and Furman Acts for P. W. A. road improvements, and consequently will lose the above amount which was due them

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 855, entitled:

An Act to authorize the Secretary of Highways to disregard terminal points in relocating State Highway Routes under certain conditions.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Fayette, Mr. Arnold.

The SPEAKER. Will the gentleman from Fayette permit himself to be interrogated?

Mr. ARNOLD. Mr. Speaker, I will.

Mr. TURNER. Mr. Speaker, it is our understanding that under this bill it merely provides that where a road has been relocated in another state or in a county or township and the State route ends at the line of a township, county or state in which the first road is to be relocated, this bill will give to the Secretary of Highways the right to relocate the road so that the terminal points will come together.

Mr. ARNOLD. Mr. Speaker, as I understand the act that is correct.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McGee,	Siegel,
Allen,	Flinchbaugh,	McKinney,	Simon,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre.	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Harkins,	Muir,	Stewart,
Bohn,	Harmuth,	Munley,	Stockham,
Boles,	Hays,	Murrin.	Strode,
Boltz,	Hering,	Nagel,	Thomas,
Boose,	Hess,	O'Brien,	Thompson,
Boyer,	Hetrick,	O'Connor,	Toole,
Bradley,	Hindman,	O'Keefe,	Tronzo,
Brancato,	Hirsch,	Ominsky,	Trout,
Brigerman,	Holland,	O'Neill,	Tumelty,
Broad,	Holmes,	Ostroff,	Turner,
Brown,	Holstrom,	Patterson, C. S.,	Valibus,
Brownfield,	Hontz,	Patterson, J. W.,	VanAllsburg,
Burrows,	Horting,	Peale,	VanSickle,
Cadwalader,	Huntley,	Pearson,	Vogt,
Caesar,	Imbrie,	Perry,	Wagner,
Caputo,	Jirolanio,	Pershing,	Wall,
Chervenak,	Kane,	Piole,	Walsh,
Coakley,	Keenan,	Powers,	Wampole,
Cohen, H. B.,	Kelso,	Preston,	Watkins,
Cohen, R. E.,	Kilroy,	Readinger,	Webster,
Coleman,	Kline,	Reese,	Weidemann,
Coolahan,	Kroll,	Reising,	Weiss, D. H.,
Corrigan,	LaRue,	Richter,	Weiss, S. A.,
Costanzo,	Leisey,	Robinson,	Welliver,
Davies,	Levy,	Rothenberger,	Welsh,
Decker,	Lewis,	Royer,	Westrick,
DeNote,	Long,	Ruffennach,	Whalen,
Dickinson,	Longaker,	Rush,	Whitenight,
Dougherty,	Lopresti,	Sarraf,	Wilson,
Downey,	Lovett,	Scanlon,	Winner,
Dubbs,	Lyons,	Schor,	Woodside,
Dyson,	Mallen,	Schrope,	Wright,
Eckels,	Marino,	Schumacher,	Yanoshat,
Elpern,	Matthews, J. F.,	Serrill,	Yeakel,
Falkenstein,	McArdle,	Shaw,	Yourishin,
Finnerty,	McCullough,	Shea,	Zappala,
Fiss,	McDermott,	Shoemaker,	Furman,
Fitch,	McDevitt,		

NAYS—3

Schrock,	Simpson,	Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 988, entitled:

An Act to amend section eight hundred seventy-four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties to rent and lease road machinery.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. JAMES W. PATTERSON. Mr. Speaker, I desire to interrogate the gentleman from Washington, Mr. Patterson.

The SPEAKER. Will the gentleman from Washington permit himself to be interrogated?

Mr. CLIFF S. PATTERSON. Mr. Speaker, I will.

Mr. JAMES W. PATTERSON. Mr. Speaker, in view of the fact that on Wednesday last, when this bill was up for third reading and final passage, several members were absent I desire to ask the gentleman from Washington, Mr. Patterson the same question that I asked him at that time, that is, will not the passage of this bill place the county commissioners in the position of renting road machinery in direct competition with private business.

Mr. CLIFF S. PATTERSON. Mr. Speaker, I would not say "direct competition." It gives them the right to rent their equipment to political subdivisions.

Mr. JAMES W. PATTERSON. Mr. Speaker, I desire to ask the gentleman that if these political subdivisoins could not rent the equipment from the commissioners they would, of necessity have to rent the equipment from private companies.

Mr. CLIFF S. PATTERSON. That is right, Mr. Speaker.

Mr. JAMES W. PATTERSON. Mr. Speaker, will the gentleman state that he believes it is good practice for this House to pass legislation that places political subdivisions in the Commonwealth in competition with their taxpayers.

Mr. CLIFF S. PATTERSON. Mr. Speaker, in answer to that question, I would say it all depends with whom they are in competition.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—153

Alexander,	Flinchbaugh,	McDermott,	Siegel,
Allen,	Ganser,	McDevitt,	Simon,
Allmond,	Gillette,	McElroy,	Skale,
Arnold,	Gorski,	Melchiorre.	Sloan,
Atkins,	Habbyshaw,	Merrell,	Smith, James A.,
Baine	Haberlen,	Mihm,	Smith, John A.,
Baker, F. T.,	Hagerty,	Moomaw,	Sollenberger,
Baker, J. J.,	Hall,	Mooney,	Spengler,
Balthaser,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Harkins,	Muir,	Stank,
Boltz,	Harmuth,	Munley,	Stewart,
Boose,	Hays,	Murrin.	Stockham,
Boyer,	Hess,	Nagel,	Thompson,
Bradley,	Hindman,	O'Connor,	Toole,
Brancato,	Hirsch.	O'Keefe,	Tronzo.
Broad,	Holmes,	Ominsky,	Trout,
Brown.	Holstrom,	O'Neill,	Turner,
Brownfield,	Hontz,	Ostroff,	Valibus,
Burrows,	Horting,	Patterson, C. S.,	VanAllsburg,
Cadwalader,	Huntley,	Peale,	Vogt,
Caesar,	Imbrie,	Pearson,	Wagner,
Caputo,	Jirolanio,	Perry,	Wall,
Coakley,	Kelso,	Powers,	Walsh,
Cohen, H. B.,	Kilroy,	Preston,	Wampole,
Cohen, R. E.,	Kline,	Readinger,	Watkins,
Coleman,	Kroll,	Reese,	Webster,
Coolahan,	Leisey,	Reising,	Weidemann,
Corrigan,	Levy,	Richter,	Weiss, S. A.,
Dickinson,	Lewis,	Robinson,	Welsh,
Dougherty,	Long,	Rothenberger,	Whalen,
Dubbs,	Longaker,	Royer,	Wilson,
Eckels,	Lopresti,	Rush,	Wood,
Elpern,	Lovett,	Schor,	Woodside,
Finnerty,	Lyons,	Schrock,	Wright,
Fiss,	Mallen,	Schumacher,	Yanoshat,
Fitch,	Marino,	Serrill,	Yeakel,
Flanagan,	Matthews, J. F.,	Shaw,	Zappala,
Flannery,	McCullough,	Shoemaker,	Furman,

NAYS—24

Aukerman,	DeNote,	LaRue,	Simpson,
Bierly,	Downey,	McArdle,	Strode,
Boles,	Dyson,	Mellott,	Thomas,
Chervenak,	Hering,	Patterson, J. W.,	Weiss, D. H.,
Costanzo,	Hetrick,	Piole,	Welliver,
Davies,	Keenan,	Schrope,	Westrick,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1161, entitled

An Act to amend section four hundred six of the act approved the ninth day of April one thousand nine hundred twenyt-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the re-settlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision for the appointment of mercantile appraisers.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Achterman,	Falkenstein,	McArdle,	Sarraf,
Alexander,	Finnerty,	McCullough,	Scanlon,
Allen,	Fitch,	McDermott,	Schor,
Allmond,	Flanagan,	McElroy,	Schrope,
Arnold,	Flannery,	McGee,	Shaw,
Aukerman,	Flinchbaugh,	McShane,	Shea,
Baine	Ganser,	Melchiorre,	Shoemaker,
Baker, J. J.,	Gerard,	Mellott,	Shugarts,
Balthaser,	Gorski,	Mihm,	Siegel,
Bierly,	Haberlen,	Moomaw,	Simon,
Blank,	Hagerty,	Mooney,	Skale,
Bohn,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boles,	Harkins,	Moul,	Smith, John A.,
Boltz,	Harmuth,	Munley,	Spengler,
Bradley,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hetrick,	O'Connor,	Toole,
Brownfield,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Valibus,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, C. S.,	Vogt,
Coakley,	Hontz,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Horting,	Pearson,	Walsh,
Cohen, R. E.,	Jirolanio,	Pershing,	Weiss, D. H.,
Coleman,	Keenan,	Piole,	Weiss, S. A.,
Coolahan,	Kelso,	Powers,	Welliver,
Corrigan,	Kilroy,	Preston,	Welsh,
Costanzo,	Kroll,	Readinger,	Westrick,
Decker,	LaRue,	Reese,	Whalen,
DeNote,	Levy,	Reising,	Whitenight,
Dickinson,	Lewis,	Richter,	Wright,
Dougherty,	Long,	Robinson,	Yanoshat,
Downey,	Lopresti,	Rothenberger,	Yourishin,
Dubbs,	Lovett,	Ruffennach,	Zappala,
Dyson,	Marino,	Rush,	Furman,
Elpern,			

NAYS—50

Atkins,	Kline,	Schrock,	Turner,
Baker, F. T.,	Leisey,	Schumacher,	VanAllsburg,
Boose,	Longaker,	Serrill,	Wall,
Boyer,	Mallen,	Simpson,	Wampole,
Cadwalader	Matthews, J. F.,	Sloan,	Watkins,
Davies,	McDevitt,	Snyder,	Webster,
Eckels,	McKinney,	Sollenberger,	Weidemann,
Fiss,	Merrell,	Sproul,	Wilson,
Habbyshaw,	Muir,	Stewart,	Winner,
Hall,	Peale,	Stockham,	Wood,
Huntley,	Perry,	Strode,	Woodside,
Imbrie,	Royer,	Trout,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 228, as follows:

An Act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores as herein defined prescribing the method and manner of collecting such tax and its disposition and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and its is hereby enacted by the authority of the same That

Section 1 Short Title This act shall be known and may be cited as the "Store Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Corporation" A corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency

"Department" The Department of Revenue of this Commonwealth

"Person" Every natural person association corporation receiver or assignee

"Store" Any store or any mercantile establishment in which or from which tangible personal property of any kind is sold The term "store" as used in this act shall be construed to mean or include only retail places of business and shall not include warehouses or establishments at which the sole business conducted is that of selling storing or distributing commodities in bulk

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 License It shall be unlawful for any person to open establish operate maintain or control any store in this Commonwealth without first having obtained and having in possession a valid license so to do from the department as hereinafter provided by each person engaged in the operation maintenance or control of such a store on the effective date of this act shall sixty (60) days within

which to obtain the first license for each such store operated maintained or controlled by him A separate license shall be procured for each store Licenses issued under this act may not be transferred or assigned Each licensee shall display each license so issued in a conspicuous place in the store for which such license is issued The licenses issued under the provisions of this act shall be annual licenses effective from June first of one year until and including May thirty-first of the year following The first licenses shall be required for the year commencing June first one thousand nine hundred and thirty-seven

Section 4 Application for License Any person desiring to open establish operate maintain or control such a store in this Commonwealth shall apply to the department for a license so to do before the first day of June of each year except as otherwise provided in section three hereof as to the first license The application for license shall be made on a form prescribed and furnished by the department and shall set forth the name of the person desiring such license the name and location of the store for which the license is desired and such other information as the department may require Each such application shall be accompanied by the proper license tax as hereinafter prescribed in this act and upon receiving the prescribed fee the department shall issue said license

Section 5 License Taxes Every person opening establishing operating maintaining or controlling one or more stores within this Commonwealth under the same general management supervision or ownership shall pay an annual license tax for the privilege of opening establishing operating maintaining or controlling such store or stores as follows

(1) Upon one store the sum of one dollar ($1.00)

(2) Upon each store in excess of one but not to exceed five stores the sum of five dollars ($5.00) for each such additional store

(3) Upon each store in excess of five but not to exceed ten stores the sum of ten dollars ($10.00) for each such additional store

(4) Upon each store in excess of ten but not to exceed fifteen stores the sum of twenty dollars ($20.00) for each such additional store

(5) Upon each store in excess of fifteen but not to exceed twenty stores the sum of thirty dollars ($30.00) for each such additional store

(6) Upon each store in excess of twenty but to exceed thirty stores the sum of fifty dollars ($50.00) for each such additional store

(7) Upon each store in excess of thirty but not to exceed fifty stores the sum of one hundred dollars ($100.00) for each additional store

(8) Upon each store in excess of fifty but not to exceed seventy-five stores the sum of two hundred dollars ($200.00) for each such additional store

(9) Upon each store in excess of seventy-five but not to exceed one hundred stores the sum of two hundred and fifty dollars ($250.00) for each such additional store

(10) Upon each store in excess of one hundred but not to exceed two hundred stores the sum of three hundred and fifty dollars ($350.00) for such additional store

(11) Upon each store in excess of two hundred but not to exceed five hundred stores the sum of four hundred and fifty dollars ($450.00) for each such additional store

(12) Upon each store in excess of five hundred stores the sum of five hundred dollars ($500.00) for each such additional store

Section 6 Ownership Two or more stores shall for the purpose of this act be considered under the same general management supervision or ownership if directly or indirectly controlled by a single person or any group of persons having a common interest in such stores or if any part of the gross revenues net revenues or profits from any such stores shall directly or indirectly be required to be immediately or untimately made available for the beneficial use or shall directly or indirectly inure to the immediate or ultimate benefit of any single person or any group of persons having a common interest therein

Section 7 Penalty Any person operating maintaining or controlling a store without a license as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) and costs of prosecution Each and every day that such violation shall continue shall constitute a separate and distinct offense

Section 8 Examination of Records Penalty The department or any duly authorized agent thereof shall have the power to examine the books records papers and files within or outside the Commonwealth of any person operating maintaining or controlling a store within this Commonwealth It shall have the power to examine witnesses under oath to verify the accuracy of any application or to ascertain whether or not any license tax is due which has not been paid Any person refusing to allow an examination of his books records papers and files as herein provided or who refuses to furnish the department with any information requested shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) and costs of prosecution Each such refusal shall be deemed a separate offense

Section 9 Disposition of Tax and Files All taxes and fines received collected or recovered under this act shall be paid into the State Treasury through the department and credited to the General Fund

Section 10 License Tax in Addition to Existing Taxes The license tax imposed by this act shall be in addition to any taxes now imposed or that may subsequently be imposed by law

Section 11 Constitutionality If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional section sentence clause or part thereof not been included therein

Section 12 Effective Date This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. JAMES W. PATTERSON. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend section 9, page 6, line 25, by striking out after the word "the" the following words "General Fund" and insert in lieu thereof the following: "State School Fund and shall be available for the payment of any appropriations made from time to time to the Department of Public Instruction for payment to school districts of the fourth class for the salaries of members of the teaching staffs of schools of such districts in accordance with the provisions of law."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1128, entitled:

An Act requiring unemployment relief orders to be presented for payment within a certain period otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and cred-

ited to the current appropriation for unemployment relief purposes.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Simpson,
Allmond,	Gerard,	Melchiorre,	Skale,
Arnold,	Gillette,	Mellott,	Sloan,
Atkins,	Gorski,	Merrell,	Smith, James A.,
Aukerman,	Habbyshaw,	Mihm,	Smith, John A.,
Baine,	Haberlen,	Mooney,	Snyder,
Baker, F. T.,	Hagerty,	Moran,	Sollenberger,
Baker, J. J.,	Hall,	Moul,	Spengler,
Balthaser	Hamilton, F. P.,	Muir,	Sproul,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boies,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.;	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Corrigan,	Lewis,	Robinson,	Weiss, D. H.,
Costanzo,	Levy,	Rothenberger,	Weiss, S. A.,
Davies,	Lewis,	Royer,	Welliver,
Decker,	Long,	Ruffennach,	Welsh,
DeNote,	Longaker,	Rush,	Westrick,
Dickinson,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Mallen,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, J. F.,	Schumacher,	Woodside,
Elpern,	McArdle,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,
Finnerty,	McDermott,	Shea,	Yeakel,
Flanagan,	McDevitt,	Shoemaker,	Yourishin,
Fiss,	McElroy,	Shugarts,	Zappala,
Fitch			Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 602, entitled:

An Act to amend section one thousand one hundred and two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one, (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," empowering directors of departments to appoint persons employed in their departments; and assigning the fire department to the department of public safety.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MOOMAW. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Luzerne, Mr. Flannery, permit himself to be interrogated?

Mr. FLANNERY. I will, Mr. Speaker.

Mr. MOOMAW. Mr. Speaker, I would like to ask the sponsor of this bill for what purpose he desires that the fire department in all third class cities be transferred to the Department of Public Safety?

Mr. FLANNERY. For the simple reason, Mr. Speaker, that the Department of Public Safety in the city that I come from has a contingent item of twenty-five dollars, and the director of that department thinks he is mighty lucky that it is twenty-five dollars and not twenty-five cents, whereas every other department has fifteen hundred dollars down to five hundred dollars as a contingent item. This department has nothing but the public comfort station; this director has one appointee in his office as a clerk. That is why.

Mr. MOOMAW. Mr. Speaker, I desire to ask the sponsor if the purpose of this bill therefore, in accordance with his answer to my other interrogation, is to give the Director of Public Safety in that particular city more appointments?

Mr. FLANNERY. No, Mr. Speaker, it is just merely in accordance with an editorial in one of our Republican papers. Surely it was not the intent of the law that the majority of members should be able to deprive the minority member or members of a fair share of all appointments.

Mr. MOOMAW. That is all, thank you, Mr. Flannery. Mr. Speaker and members of this House, while this particular measure may suit the desires of the sponsor in his home city, however I have had the privilege of talking to people from various cities of the third class who are in opposition to a measure of this kind. In some cities they have the fire department under the Department of Water of that particular city. In some cases the amount of water used is charged, and in view of the fact that such charges are some times placed against the fire department, I feel that it should be left up to the cities of the third class to determine what department they want to operate the fire department rather than make it mandatory in this Legislature. I do not come from a third class city, in fact I have no third class cities in my districts, but there have been some representatives from some third class cities who have approached me on this measure, and I believe that the third class cities themselves can best determine which department would best have control of the fire department in their individual communities. While it might suit in that particular instance, I think it is a matter of local concern in the third class cities for them to determine what department they desire to control the fire department rather than that we here at Harrisburg legislate and make it mandatory in all third class cities in this Commonwealth.

I therefore think this bill should be defeated so that that can be left up to a matter of home rule in those third class cities.

Mr. FLANNERY. Mr. Speaker and members of this House, conditions vary in different cities. The gentleman from Franklin does not come from a third class city. When he started to talk about water I just about knew where he came from. God knows the fire departments belong in the Department of Public Safety, and if there is any department that it should be in, it is the Department of Public Safety. There are quite a few of our third class cities that have it there.

My idea in this is that at times you have got to make laws to get any satisfaction or to get anywhere, and that is my idea in coming here. We have this condition, and I have taken this matter up with several members from third class cities, and they have the fire department in the Department of Public Safety and they all seem very well satisfied with this bill. Now, if the gentleman from Franklin had been at the caucus this matter would not have had to come out on the floor. It is very much easier to talk to a man's face than to talk through a "mike." So I would ask the House to go along on this bill.

Mr. JIROLANIO. Mr. Speaker and members of the House, I rise in support of this bill. In the first place you will find in practically a majority or about a majority of third class cities that the fire department lies in the Department of Public Safety and comes under the jurisdiction and direction of the director of public safety. First of all the Department of Public Safety is the particular department in which the safety of the people of a particular community lies. The safety of the people lies in the fire department. The second thing and a more important thing, it is not taking anything away from the mayor or from council. The director of public safety under this bill will not be able to make an appointment himself because if you read the provisions of this bill it says: "Provided however that persons employed in the various departments of the city shall be appointed only by the director of the department but shall be subject to the approval of council." Therefore, council being the mayor together with the members, it is not taking anything away from the city itself. Another argument advanced that nothing is being taken away from the city is that civil service today exists in third class cities relative to the fire departments, so that before they can be appointed they must first pass a civil service examination, and then after they are appointed by the director the approval lies in the hands of city council. The sole purpose of this act is to put this fire department in its proper place, and that is in the division of public safety.

Mr. WHALEN. Mr. Speaker and members of the House, the city that I come from for years has always made a habit of giving the director of safety charge of the fire department. At the present time in fact one member of council, our mayor rather, has the fire department and the police department; our director of safety is without any department or any hope of appointment. So I ask the members of this House to support this bill to correct this condition.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. AUKERMAN. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—126

Achterman,	Dyson,	Lyons,	Schor,
Alexander,	Elpern,	Marino,	Shaw,
Allen,	Falkenstein,	McArdle,	Shea,
Allmond,	Finnerty,	McCullough,	Shoemaker,
Arnold,	Fitch,	McDermott,	Shugarts,
Baine,	Flanagan,	McElroy,	Siegel,
Baker, J. J.,	Flinchbaugh,	McGee,	Simon,
Bierly,	Flannery,	McShane,	Skale,
Blank,	Ganser,	Melchiorre,	Smith, James A.,
Bohn,	Gerard,	Mellott,	Spengler,
Boltz,	Gorski,	Mihm,	Stank,
Bradley,	Haberlen,	Mooney,	Thomas,
Brancato,	Hagerty,	Moran,	Thompson,
Brigerman,	Hamilton, F. P.,	Murrin,	Toole,
Broad,	Harkins,	O'Brien,	Tumelty,
Burrows,	Harmuth,	O'Connor,	Valibus,
Caesar,	Hays,	O'Keefe,	VanSickle,
Caputo,	Hering,	Ominsky,	Vogt,
Chervenak,	Hindman,	O'Neill,	Wagner,
Coakley,	Hirsch,	Ostroff,	Wall,
Cohen, H. B.,	Holland,	Patterson, C. S.,	Walsh,
Cohen, R. E.,	Holmes,	Pearson,	Welliver,
Coleman,	Holstrom,	Piole,	Welsh,
Coolahan,	Hontz,	Powers,	Westrick,
Corrigan,	Horting,	Preston,	Whalen,
Costanzo,	Jirolanio,	Reese,	Whitenight,
Davies,	Keenan,	Reising,	Wright,
Decker,	Kelso,	Richter,	Yanoshat,
DeNote,	Kilroy,	Robinson,	Yourishin,
Dickinson,	Levy,	Rush,	Zappala,
Dougherty,	Lewis,	Scanlon,	Furman,
Downey,	Lopresti,		

NAYS—53

Atkins,	Huntley,	Perry,	Stewart,
Aukerman,	Imbrie,	Readinger,	Stockham,
Baker, F. T.,	Kane,	Rothenberger,	Trout,
Balthaser	Kline,	Royer,	Turner,
Boles,	LaRue,	Schrock,	Wampole,
Boose,	Longaker,	Schrope,	Watkins,
Boyer,	McDevitt,	Schumacher,	Webster,
Cadwalader,	McKinney,	Serrill,	Weidemann,
Eckels,	Merrell,	Simpson,	Wilson,
Fiss,	Moomaw,	Sloan,	Winner,
Gillette,	Muir,	Snyder,	Wood,
Habbyshaw,	Patterson, J. W.,	Sollenberger,	Woodside,
Hall,	Peale,	Sproul,	Yeakel,
Hess,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Ser ate for concurrence.

RESOLUTION

RECALLING HOUSE BILL No. 190 FROM THE GOVERNOR

Mr. MOOMAW offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, March 15, 1937.

Resolved (if the Senate concur), That House Bill No. 190, Printer's No. 147, entitled "An act to amend clause (f) of section two hundred eight of the act approved the fifth day of December one thousand nine hundred thirty-six (Act No. 1) entitled 'An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties,' providing for additional credits in civil service examina-

tions for persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who were honorably discharged from such service," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

STATEMENT BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, for a number of years I have sat in this House and listened to his Excellency the Governor of the Commonwealth, whoever that might be at that time, who has come before the House and delivered us a great many messages. I have always thought it was rather unfair that the members of the House did not have an opportunity to deliver messages to the Governor. I have been here at times when there would appear before the rostrum the Sergeant-at-Arms of the House, and the Speaker would recognize the Sergeant-at-Arms of the House who then would say, "The Secretary to his Excellency the Governor," and the Chair would recognize the Secretary to his Excellency the Governor, who would then hand up a message, and the Chair would then say, "The message will lie upon the table." Then at other times the Governor would come before the House and the hall would be packed and the galleries would be packed with all the people from the departments, and the friends and relatives would be here to hear him deliver his message to the Legislature. It seems to me it would be very nice sometime on the part of the Legislature if we could send the Clerk of the House over to the Governor's Office, and the reception clerk would receive the Clerk of the House and would say the "The Clerk of the House" and turn him over to the third assistant secretary of the Governor and the third assistant secretary of the Governor would turn him over to the second assistant secretary and the second assistant secretary would turn him over to the secretary to the Governor, who would say to his Excellency the Governor, "The Clerk of the House," and the Clerk of the House would then say, that he desires to deliver a message to the Governor. We could then all go to the Governor's office and have one of the broadcast microphones set up and we could have all of the newspaper men in and we could invite their wives and friends and we could go in there and deliver a message to the Governor.

Many members of the Legislature are embarrassed about delivering a message to the Governor, and so it might not be out of the way for me to go before this House tonight and deliver such a message to show you how it might be done and to deliver one of these messages to the Governor. It reads as follows:

Dear Governor:

I see by the morning papers that you have ordered the district attorneys to put all slot-machines out of business.

As one of your ever-faithful legislators I am writing to tell you some of the folks back home are all riled up the way you have butted into "Charley" Margiotti's preserves. Down at the cigar store today they were saying that just about the time Charley goes and gets himself all set as District Attorney in each of the sixty-seven counties of this grand old Commonwealth, why you rush right over his head and order all the slot machines out of business.

It's got so the boys back home don't know who is District Attorney; the one they thought they elected, friend "Charley" or yourself, and any way, they say how do you expect them to keep the Roosevelt New Deal and Earle for President Clubs going unless you let them have slot machines? Or does this here order apply only to the cursed Republicans?

If you don't watch out somebody'll get the idea mebbe you don't want "Charley" for Governor next time.

It may be, as you said in your message to the Legislature, "here we are, all liberals together," and I guess you got the idea from seeing how members are so liberal they can vote for a thirty-five million dollar tax bill without even knowing its number, but its different when they get away from the Capitol. Have you ever seen one of them dickering with the grocer for a dozen of eggs? But what's liberal about clamping down on the suckers who keep the clubs going? You ought to know, Mr. Governor, how hard it is to get a political contribution these days, unless you got a blackjack, or something.

And I feel it is my duty, Mr. Governor, as one of your ever-faithful legislators, to give you another tip. In case you sign the horse-racing bill you better think up a good explanation why it is all OK to hand $2.00 over to a bookie under the grandstand but a terrible sin to stick a nickel into a slot machine. Traveling down here today some of us was talking it over, and we voted in favor of the slot machine because you don't have to wait so long to learn you've lost your money.

Yours for more and better liberality,

JOHN Q. DEMOCRAT.

STATEMENT BY MR. HERBERT B. COHEN.

Mr. HERBERT B. COHEN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I remember when a certain member of the House had a reply to a Governor's message. I think we should carry this travesty a little bit further and say "Has his Excellency replied to the memebrs of the House?" He may be asked that, and I would do so by saying as a member of the House said in reply to the Governor's message, "I am flabbergasted."

Mr. TURNER. Mr. Speaker, the gentleman is too thin to be flabbergasted.

LEAVES OF ABSENCE

Mr. Finnerty asked and obtained leave of absence for Mr. SHEPARD.

The Speaker asked and obtained leave of absence for Mr. DONOHOE.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, February 22, 1937.

Whereas, The present Legislature is faced with the problem of raising revenues through the enactment of certain tax measures and

Whereas, The present Legislature as all past Legislatures has had presented to it the general argument that the

taxes imposed under the laws of this State were so high that they were responsible for driving many industries out of the State and

Whereas, The arguments advanced against certain types of taxation have been presented to the Legislature by persons who were the representatives of individual companies or their associations so that the members of the Legislature could not rely upon the facts and figures presented in substantiation of the arguments advanced and

Whereas, The arguments advanced have failed to set up a wide and accurate comparison state by state tax by tax so that the members of the Legislature could not clearly see the soundness of the conclusions reached and

Whereas, The members of the Legislature desire to have presented to them facts and figures gathered by persons who have no interest in the conclusion to be reached so that they may know if Pennsylvania has taxed any industry more than any of the adjacent industrial or mining states that enjoy equal economic advantages incident to the cost of the operation of any industry such as nearness to markets raw materials costs of power and available labor and

Whereas The members of the Legislature desire to be presented to them a complete set-up of all the taxes imposed upon industry both by local governments and the State and then to have similar figures compiled for the states enjoying similar economic advantages thefeore be it

Resolved (If the House of Representatives concur) That the President Pro Tempore of the Senate shall appoint three members of the Senate and the Speaker of the House of Representatives shall appoint three members of the House of Representatives who together shall constitute a Joint Legislative Committee whose duty it shall be to make a careful thorough and impartial investigation of the total tax burdens placed upon industries in Pennsylvania and other industrial and mining states and be it further

Resolved That the said Joint Legislative Committee shall conduct an investigation to ascertain the number of industrial or mining concerns which have left our State and the reason given therefor and to ascertain the total tax burdens imposed by the States to which the said industrial or mining concerns have moved and be it further

Resolved That the said Joint Legislative Committee shall conduct an investigation to ascertain the number of new industrial and mining concerns which have moved into Pennsylvania and the reasons therefor and to ascertain to what extent the question of taxation was the cause of the transfer of such industry to this State as well as to ascertain the tax burden imposed by the State from which the industry has moved and be it further

Resolved That the said Joint Legislative Committee shall have the power to engage and employ such experts and assistants as the committee shall determine are necessary and such experts and assistants and the incidental expenses in conjunction with this investigation shall be paid out of any appropriation made by the General Assembly for the purposes embodied in this concurrent resolution and be it further

Resolved That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases and be it further

Resolved That said committee shall make a report of its findings and recommendations to the General Assembly at this session as early as possible or if impossible then at the next session of the General Assembly

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 15, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, March 22d, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 22d, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

USE OF HALL OF HOUSE GRANTED

Mr. OMINSKY asked and obtained permission for the Committee on Public Utilities to hold a public hearing on House Bill No. 851 in the Hall of the House on Wednesday, March 17, 1937, at 8:00 p. m.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 742.

A Supplement to the act, approved the twentieth day of July, one thousand nine hundred thirty-five (Appropriation Acts, page seventy-one), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-five; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five," providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first, one thousand nine hundred and thirty-seven.

HOUSE BILL No. 748.

A Supplement to the act, approved the nineteenth day of July, one thousand nine hundred thirty-five (Nineteen hundred and thirty-five Appropriation Acts, page forty-one), entitled "An act making an appropriation to the Department of Welfare for Pensions for the Blind."

HOUSE BILL No. 738.

A Supplement to the act, approved the twelfth day of July, one thousand nine hundred thirty-five (1935 Appropriation Acts, page 23), entitled "An act making appropriations to the Department of Welfare to pay for the care, treatment, removal, and maintenance of the indigent insane in county and poor district hospitals."

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 68.

An Act limiting the time in which proceedings may be begun to open, revive or strike off the satisfaction of judgments satisfied by prothonotaries under the provisions of the act approved the first day of July one thousand nine hundred and thirty-five (P. L. 503), entitled "An act to protect the obligors or guarantors of bonds and mortgages, and owners of property affected thereby, and others indirectly liable for the payment thereof, and owners of mortgaged property affected thereby, by restricting the right to proceed against certain property and persons; limiting the amount of deficiency judgments; and continuing rights, duties, and obligations, established or forfeited under prior laws relating to deficiency judgments."

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 4, by inserting after the word "act" the following: "approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred and forty-three) entitled "An act to protect the owner of mortgaged property during the present emergency by limiting the amount of deficiency judgments during a certain period" and the act."

On the question,

Will the House concur in the amendments made by the Senate?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, how could a Senate bill come over here with amendments in which we are asked to concur?

The SPEAKER. This bill was recalled from the Governor by resolution, went to the Senate and was amended. The bill is now returned to the House for concurrence in those amendments.

POINT OF INFORMATION

Mr. SPROUL. Mr. Speaker, I rise to a point of information.

The SPEAKER. The gentleman will state his point of information.

Mr. SPROUL. Do the amendments include those on pages two and three of the act, Mr. Speaker.

The SPEAKER. The Chair has been informed that they are only amendments to the title upon which we are now voting.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Flanagan,	McElroy,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Mooney,	Sollenberger,
Baker, J. J.,	Hagerty,	Moran,	Spengler,
Balthaser	Hall,	Moul,	Sproul,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Thomas,
Boose,	Hess,	O'Connor,	Thompson,
Boyer,	Hetrick,	O'Keefe,	Toole,
Bradley,	Hindman,	Ominsky,	Tronzo,
Brancato,	Hirsch,	O'Neill,	Trout,
Brigerman,	Holland,	Ostroff,	Tumelty,
Broad,	Holmes,	Patterson, C. S.,	Turner,
Brown,	Holstrom,	Patterson, J. W.,	Valibus,
Brownfield,	Hontz,	Peale,	VanAllsburg,
Burrows,	Horting,	Pearson,	VanSickle,
Cadwalader,	Huntley,	Perry,	Vogt,
Caesar,	Imbrie,	Pershing,	Wagner,
Caputo,	Jirolanio,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Mallen,	Schrope,	Woodside,
Eckels,	Marino,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shoemaker,	Zappala,
Fitch,	McDevitt,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION No. 18

Mr. LONGAKER. Mr. Speaker, I desire to call up at this time Resolution No. 18, Printer's No. 117.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 8, 1937.

Whereas, Legislation is pending to amplify the powers of the Department of Forests and Waters in respect to flood control, and authorize this agency to take the necessary steps in conjunction with the Federal Government and other states to safeguard human life and property from future devastating floods; and

Whereas, Present efforts by these agencies appear to be centered in the Susquehanna, Allegheny, Monongahela and Ohio River basins; and

Whereas, The Schuylkill River also constitutes a material flood hazard as past experience on many occasions proves; and

Whereas, The Schuylkill River flows through thickly populated territory along its banks are many important industrial establishments which should be afforded like protection from floods; therefore be it

Resolved, That it is the sense of the House of Representatives that in the adoption of a comprehensive flood control program for the Commonwealth, the Water

Power Resources Board should include a survery of the Schuylkill River basin and provisions for the construction of adequate flood control works therein for the future protection of said region;

Resolved, That a copy of this resolution be transmitted to the Water and Power Resources Board by the Chief Clerk of this House.

On the question,

Will the House adopt the resolution?

It was adopted.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 552 and 333

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 552, Printer's No. 268, entitled, "An Act to amend the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" as amended by further defining the rights powers duties liabilities and immunities of building and loan associations and of their officers directors shareholders solicitors and other employes and by further regulating the merger and consolidation of building and loan associations and the creation of building and loan associations by merger consolidation or conversion and by providing for the reorganization of building and loan associations and by providing for the conversion of building and loan asociations into Federal savings and loan associations.

Also, House Bill No. 333, Printer's No. 284, entitled, "An Act to repeal the act approved the twenty-second day of June one thousand eight hundred and ninety-seven (Pamphlet Laws 178) entitled 'An act taxing certain stocks of building and loan associations for State purposes' and prescribing the effect of such repeal."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 808

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, March 10, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 808, Printer's No. 136, entitled "An Act to amend section three thousand five hundred and one as amended and sections three thousand five hundred and forty and three thousand five hundred and eighty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," vesting the legal title of waterworks in cities heretofore owning the equitable title to such waterworks; providing for the management, operation and maintenance of such waterworks; and repealing inconsistent general local and special laws"

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 205, 544, 547, 549, 550, 551 AND 566

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 10, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 205, Printer's No. 222, entitled "An Act to amend section three hundred and forty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" conferring additional powers on the controller with respect to accounts of county officers and imposing certain duties on banks banking institutions and trust companies."

House Bill No. 544, Printer's No. 50, entitled "An Act to repeal obsolete laws relating to arsenals and to Brass Cannon belonging to the Commonwealth."

House Bill No. 547, Printer's No. 45, entitled "An Act to amend section eight of the act approved the eleventh day of May, one thousand nine hundred and five, (P. L. 442), entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the Commonwealth of Pennsylvania, and for the payment of its expenses, and for providing, managing and caring for armories or the use of the National Guard of Pennsylvania, throughout the Commonwealth of Pennsylvania, and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," as amended; limiting the amount to be expended for infantry, artillery and cavalry quarters."

House Bill No. 549, Printer's No. 57, entitled "An Act authorizing cities of the first class second class and second class A to make appropriations for the support, maintenance, discipline and training of units of the National Guard; providing for the paying over, expenditure and accounting for of such appropriations; and repealing existing laws."

House Bill No. 550, Printer's No. 63, entitled "An Act to amend clause thirty-five of section two thousand four hundred three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. I. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" further regulating the appropriation of moneys for the support, maintenance, discipline and training of units of the National Guard and the expenditure and accounting for of such moneys."

House Bill No. 551, Printer's No. 62, entitled "An Act to amend section four hundred twelve of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and

consolidating the laws relating thereto", further regulating the appropriation of moneys for the support, maintenance, discipline and training of units of the National Guard and the expenditure and accounting for of such moneys."

House Bill No. 566, Printer's No. 80, entitled "An Act to reenact and amend the title and the act approved the seventh day of August, one thousand nine hundred thirty-six (P. L. 106), entitled "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, the Department of Highways and the Department of Property and Supplies," by changing the powers and duties of the Water and Power Resources Board in certain cases, the time for appeals from official plans, the setting off of benefits, the power of eminent domain, and certain riparian rights; and authorizing municipalities, counties, and townships to increase or incur indebtedness for the purposes of this act."

GEORGE H. EARLE.

RESOLUTION

Mr. WESTRICK offered a resolution which was filed with the Clerk under the rules.

REPORTS FROM COMMITTEES

Mr. ACHTERMAN, from the Committee on Ways and Means, reported as committed, House Bill No. 249, entitled:

An Act to provide revenue by taxation by an assessment of a two per centum tax from the premiums of foreign insurance companies doing what is commonly known as an automobile theft, property and accident insurance, and to provide for the distribution of the revenues of said tax by the State Treasurer to the treasurers of the several cities, boroughs, incorporated towns and townships for certain purposes.

Mr. COSTANZO, from the Committee on Judiciary General, reported as committed, House Bill No. 234, entitled:

An Act to re-enact the act, approved the eighteenth day of May, one thousand nine hundred and thirty-three (P. L. 826), entitled "An act authorizing courts of common pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs," as amended.

ANNOUNCEMENTS BY THE CLERK

A set of automobile keys was found. The owner can claim same by calling at the Chief Clerk's office.

The Department of Property and Supplies has requested that all the members remove their cars from the Plaza in front of the Capitol upon leaving after tonight's session in order that they may be able to properly remove the snow.

Reservations for the biennial dinner of the Legislative Sons of St. Patrick which will be held at the Penn-Harris Hotel tomorrow night close at midnight tonight. If you are to be numbered among the elect make your reservation at once by seeing either Mr. O'Neil or Mr. Finnerty.

Public hearing on House Bill No. 500, the Moomaw-Moran bill, before the Committee on Municipal Corporations on Tuesday, March 23 at 8:00 p. m. in the Hall of the House.

Public hearing on House Bill No. 851 before the Public Utilities Committee on Wednesday, March 17, 1937 at 8:00 p. m. in the Hall of the House.

The next meeting of the legislative committee of the Attorney General's Conference on Crime has been continued to March 23, 1937 at 8:00 p. m. in the Senate Caucus Room.

Committee meetings for tomorrow:

Aeronautics at 11:00 a. m. in Room 544.
Agriculture at 11:00 a. m. in Room 521.
Banking at 11:00 a. m. in Room 326.
Constitutional Amendments at 12:00 o'clock noon in Room 324.
Counties tomorrow after the session in Room 324.
Education at 10:00 a. m. in Room 326.
Forestry at 11:00 a. m. in Room 100.
Judiciary General at 11:00 a. m. in Room 325.
Labor after the session in Room 521.
Military Affairs at 12:30 p. m. in Room 101.
Municipal Corporations at 12:00 o'clock noon in Room 301.
Public Health and Sanitation at 12:30 p. m. in Room 544.
Cities at 11:30 a. m. in Room 101.
Appropriations at 12:00 o'clock noon in the House Caucus Room.

ADJOURNMENT

Mr. ARNOLD .Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 11:49 p. m.) the House adjourned until Tuesday, March 16, 1937, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., TUESDAY, MARCH 16, 1937. No. 30.

SENATE

TUESDAY, March 16, 1937.

The Senate met at 12:00 o'clock noon.

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the Chair.

The Chaplain, Rev. George Walker Buckner, LL. D., offered the following prayer:

PRAYER

May our wandering thoughts be stayed, our restless hearts be still a moment, that we may know that Thou art God, and there is none beside Thee. Verily, since the fool of old said in his heart "there is no God," the wagging tongues of vanity have dinned the clatter of emptiness and vaunt.

Our Father, we need Thee every hour. When we think we need Thee not, 'tis then we may know we need Thee most. Give unto us this day Thy bread of life, that we may be strong in Thee. In this meridian hour of sunshine, may we seek Thy blessing, and dedicate ourselves anew to Thee. In His name, Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RODGERS, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. Roberts asked and obtained leave of absence for the Senator from Allegheny, Mr. SIPE.

PETITIONS

The Chair cleared his table and laid before the Senate the following petitions:

ENDORSING HOUSE BILLS Nos. 584 and 589.

Petition from the Pile Drivers and Dock Wharf Builders endorsing House Bills Nos. 584 and 589.

Also a petition from the Loyal Order of Moose, Lodge No. 65, endorsing these same bills.

PETITION FOR ESTABLISHMENT OF AN ORPHANS COURT.

Petition from the Northampton County Bar Association soliciting support for the establishment of an Orphans Court in Northampton County.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

MEMBER BOARD OF TRUSTEES MOTHERS' ASSISTANCE FUND LANCASTER COUNTY

TRUSTEES PENNHURST STATE SCHOOL

TRUSTEE MOTHERS' ASSISTANCE FUND OF PHILADELPHIA COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 16, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following appointments:

MEMBER OF THE BOARD OF TRUSTEES OF MOTHERS' ASSISTANCE FUND OF LANCASTER COUNTY

(Mrs.) Laura Roye, of Columbia, until June 1, 1939, and until her successor is duly appointed and qualified, vice Mrs. Maud Markel Becker, of Columbia, resigned.

MEMBERS OF THE BOARD OF TRUSTEES OF PENNHURST STATE SCHOOL

W. Paul Youngblud, of Spring City, Chester County, for the term of four years, and until his successor is qualified.

Howard B. F. Davis, of Downingtown, Chester County, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF MOTHERS' ASSISTANCE FUND OF PHILADELPHIA COUNTY

(Mrs.) Helen S. Hood, of Philadelphia, until June 1, 1939, and until her successor is duly appointed and qualified, vice Mrs. Katharine M. Lukens, of Philadelphia, resigned.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 16, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the

term of four years to compute from the dates set opposite their names:

SUSQUEHANNA COUNTY

E. J. Tierney, Susquehanna, March 22, 1937.

NORTHAMPTON COUNTY

Claude T. Haupt, Easton, March 25, 1937.

PHILADELPHIA COUNTY

Miss Mollie Silver, 1303 Land Title Bldg., Philadelphia, March 25, 1937

LYCOMING COUNTY

F. O. Mitstifer, Loyalsock Twp., Williamsport, March 27, 1937.

FAYETTE COUNTY

W. T. Dunlop, Jefferson Twp., Newell, April 2, 1937.

NORTHAMPTON COUNTY

Ernest Turtzo, Bangor, April 2, 1937.

ALLEGHENY COUNTY

Albert J. Halter, 4779 Liberty Ave., Pittsburgh, April 4, 1937.
William George Over, 7631 Hamilton Ave., Pittsburgh, April 11, 1937.
Mrs. Elsie T. Paige, 1846 Runnette St., Pittsburgh, April 11, 1937.

WAYNE COUNTY

William B. Beach, Canaan Twp., Waymart, April 11, 1937.

WYOMING COUNTY

John E. Coyne, Falls Twp., Hoban Heights, April 11, 1937.

BEDFORD COUNTY

Miss Elizabeth Madore, Bedford, April 16, 1937.

BEAVER COUNTY

Miss Almira M. Parks, Beaver Falls, April 25, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 16, 1937.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

H. W. Powman, 435-6th Ave., Pittsurgh.
Miss G. Grace Cole, Clairton.
J. Stan. Jones, 604 American Bank Bldg., Pittsburgh.

BERKS COUNTY

Harold C. Cooney, Reading.
Miss Jane R. Popkin, Reading
Ralph C. Schumucker, Reading

BLAIR COUNTY

Miss Thelma St. John, Altoona.

BRADFORD COUNTY

Leonard L. Acla, Towanda.

CAMBRIA COUNTY

Leo J. Buettner, Johnstown.
John P. Polentes, South Fork.

DELAWARE COUNTY

Lawrence G. Kilpatrick, Haverford Twp., Upper Darby.

LUZERNE COUNTY

James M. Hagen, Wilkes-Barre.

LYCOMING COUNTY

H. Edgar Sones, Wiliamsport.

NORTHAMPTON COUNTY

George W. App, Wilson.

NORTHUMBERLAND COUNTY

James J. Smith, Sunbury.

PHILADELPHIA COUNTY

Mrs. Eva M. Bahr, 15th and Chestnut Sts., Philadelphia.
Frank C. Forderer, 2729 N. Front St., Philadelphia.
Miss Helen MacDonald, 422 S. 52d St., Philadelphia.
Miss Lida M. Marren, 918 Chestnut St., Philadelphia.
J. P. Moore, 4717 N. Broad St., Philadelphia.

VENANGO COUNTY

W. E. Crow, Oil City.
T. H. Welch, Oil City.

GEORGE H. EARLE

REPORTS OF COMMITTEES

PRELIMINARY REPORT OF THE LEGISLATIVE COMMITTEE TO INVESTIGATE THE COST OF GOVERNMENT IN THE CITY AND COUNTY OF PHILADELPHIA

Mr. SHAPIRO. Mr. President, I am requested by the Committee appointed under Concurrent Resolution Serial Number 102, to investigate functions and costs of government in the City and County of Philadelphia, to make a preliminary report in connection with three of the departments which have been examined in Philadelphia. They are the Board of Viewers, Board of Revision of Taxes and the Receiver of Taxes. A copy of this preliminary report has been laid on the desk of each of the Senators, and it is not my purpose at this time to burden the members of the Senate with a detailed report. I think, however, in order that they may be acquainted with the problem which confronted the committee, and with the gist of the report, and for the purposes of avoiding the going into details, I should say this: that we found in Philadelphia that the Board of Revision of Taxes had, as I have previously reported, spent in the neighborhood of $700,000 a year for assessing properties in Philadelphia for taxation purposes, and that as a matter of fact, there was no real assessment made; that the proceedings were costly; that the system was unscientific and certainly contrary to every modern idea of assessment; that as a result of this the City of Philadelphia was bearing an unequal and uneven distribution of taxes; that the burden was placed much more heavily on some of the citizens than on others; and that the cost was not in comparison with that in other cities.

We found, for instance, that in other cities the work which was being done in Philadelphia at a cost of some $700,000 annually was being done, on a scientific basis and a much better way, at a lower cost. In the City of Detroit, where 480,000 properties are assessed—compared to the 474,000 assessed in Philadelphia.—the work is done

at a cost of $280,000, and this work is done in a satisfactory manner, whereas in Philadelphia it costs $700,000 to do it in a most unsatisfactory manner.

By a previous Act of this Legislature the number of assessors in Philadelphia, at $5,000 each, was reduced from 80 to 40. The work of your committee has disclosed that this work can be done by fewer than 40 assessors, if modern machinery and equipment is installed; and we have recommended that the Board of Revision of Taxes be increased to seven members, to consist of a civil and a construction engineer, two real estate men of experience, two lawyers and one business man. We have recommended that they be appointed jointly by the City Treasurer and City Controller, and that they must have ten year's experience in their particular line of work. Then they in turn, are to appoint twenty-five assessors, at salaries ranging from $2,750 to $5,000 per year, and these assessors also shall be men experienced in real estate work. Their appointment must be made after competitive examinations, held under the auspices of the seven members of the Board of Revision, on questions relating to real estate ability.

Your Committee examined into the functions and cost of running the Board of Viewers, and we found that for a period of ten years the members of this Board, nine in number, have received the same amount of appropriation from City Council each year; that while in 1932 their total awards in damages amounted to $3,000,000, in 1927 they awarded damages aggregating $237,000—yet they spent $90,000 in making these awards, or, at least, the City had to pay out that much in salaries and expenses.

Your committee examined the Department of Receiver of Taxes and found that they had had some 386 employes for a period of seven years; that their total annual budget was $685,000; that in spite of the fact that $15,000 a year is spent for modern equipment, and it was installed in 1931 for the purpose of making out bills mechanically instead of by hand, there has been no reduction of personnel in that department.

Your committee also found that in addition to receiving taxes this department also read and inspected water meters, a function that was transferred from the Water Department in 1927. Our examination of other cities disclosed the fact that this function does not properly belong to the Receiver of Taxes; and we have therefore recommended that this function be retransferred, or returned, to the Department of Water in Philadelphia.

Your committee also found that in other cities, Detroit, for instance—the City Treasurer not only receives the taxes but in addition to that function he also receives and pays out the moneys in connection with the operation of a municipally-owned railway, a municipally-owned waterworks and a municipally-owned electric light and power plant. His department writes checks for some 800,000 employes, and he takes in and pays out every dolar received and expended by the City; and for those functions he spends no more than from $400,000 to $450,000 a year.

In Philadelphia the Department of the Receiver of Taxes, as I said, costs $700,000 annually, although 80 per cent. of the taxes during the year 1936 were received by mail. In view of that fact, and in view of the cost of this Department in other cities, your Committee feels that there is no necessity of a personnel of 386.

It is therefore recommended that, first, the Department of the Receiver of Taxes be abolished and the functions of that Department transferred to the City Treasurer's Office; secondly, that the membership of the Board of Revison of Taxes be increased to seven, and that the personnel of that department be appointed in the manner that I have stated; thirdly, that the Board of Viewers also be abolished, and that Juries of Viewers be appointed from the members of the Board of Revision.

We have made these recommendations, and, I might say to the members of the Senate, this report has been approved by all seven members of the Joint Legislative Committee, the minority members joining with the majority members in the findings and conclusions and recommendations contained therein; and I want to take this opportunity to pay a tribute to the minority members on the committee because of their fairness and their zeal and their help in the work of this committee notwithstanding the fact that there has been great pressure brought to bear, I am sure on both those gentlemen—as I know there has been on all the members of the Committee—by the political party in power in Philadelphia; and these men have unselfishly, and in the interest of the City and the State, performed their duty, and have joined in this preliminary report because they believe, as we all do, that the carrying out of these recommendations will result in the saving of some $990,000 a year to the City of Philadelphia.

We also found that it is unnecessary for the City of Philadelphia to maintain fifty-nine separate paymasters, that we can adopt the theory prevailing in other cities and pay all employes by check, as a result of which we shall eliminate the position of over 100 employes, as well as 59 bonds, costing some $100,000, as well as additional clerks at another $100,000; and all this work can be done by means of the installation of check-writing and addressing equipment in the offices of the City Treasurer and the City Controller.

We have been asked to submit bills to carry out these recommendations, and at the proper time the chairman of the committee will introduce, on behalf of the committee, five bills, which, if enacted into law, will carry out the recommendations of the committee.

We shall file with the Secretary, for reference, a transcript of the testimony taken during the hearings involving these three departments, together with the original copy of the preliminary report.

I should like, also, to say—as I suggested to Senator Woodward I would—that at this time the committee is not reporting on the merit system or civil service. In this preliminary report we have adopted, so far as we could without entering into any controversy on this important subject, the merit system to a certain extent; but Senator Woodward has signed this report with the understanding that the Committee will discuss and make recommendations with relation to the merit system.

(For preliminary report see Appendix)

Mr. WOODWARD. Mr. President, I pledge myself to speak entirely on the subject before us, and in order that I be not tempted to wander from it I trust I shall not be interrupted. I am one of the minority members of this Legislative Committee of which the Senator from Philadelphia, Mr. Shapiro, speaks, but I have signed the ma-

jority report because it does speak of the merit system. I was a little fearful that our active and intelligent chairman had had cold feet with regard to civil service, but I find on page 24 of the report the following:

"This Board should set up and establish competitive examinations for those applying for positions under it, and the persons appointed should be chosen from the list of those who attain the highest average in the examinations."

I also find that this is a preliminary report, and that we shall subsequently have before us the bills carrying these recommendations into effect; but I reserve the right to object if the civil service feature does not appear in the forthcoming bill.

Mr. FREY, from the Committee on Banking, reported as amended, Senate Bill No. 399, (House Bill No. 852), entitled:

An Act to re-enact and amend the act, approved the second day of July one thousand nine hundred and thirty-five (P. L. 519) entitled "An act authorizing and regulating the re-organization of banks and bank and trust companies" by extending its effective period.

Mr. REED, from the Committee on Banking re-reported as amended, Senate Bill No. 326, (House Bill No. 554), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons.

Mr. McCREESH, from the Committee on Banking, reported as committed, Senate Bill No. 291, (House Bill No. 553), entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons, authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," as amended, by providing for the creation of the Building and Loan Board, the appointment of its members, the payment of its expenses, and defining its powers and duties; and by modifying the powers and duties of the Department of Banking, and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision; and by making inapplicable said act to certain corporations.

Mr. SONES, from the Committee on Banking, reported as amended, Senate Bill No. 397, (House Bill No. 734), entitled:

An Act relating to consumer credit in amounts of one thousand dollars ($1000) or less requiring licenses from the Secretary of Banking restricting licenses to domestic business corporations fixing minimum capital requirements conferring certain powers on the Secretary of Banking limiting interest and other charges providing certain exemptions and imposing penalties.

Mr. WOLFENDEN, from the Committee on Insurance, reported as committed, Senate Bill No. 216, entitled:

An Act to amend section two hundred four of the act, approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 682), entitled "An act relating to insurance; amending revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," further regulating the adoption and use of names by insurance companies.

BILLS INTRODUCED

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 582, entitled:

An Act to amend sections two and five of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 1032), entitled "An act providing for the abatement of nuisances caused by the improper grading or defective paving or encroaching fences in alleys, in cities of the first class; for the establishment of lines and grades for, and the grading, paving or repaving of, said alleys, and the grading of private alleys hereafter laid out; and for apportioning the cost, and for the filing of liens therefor," as amended; extending the provisions of the act to the installation of concrete retaining walls, abutments, culverts and foundations heretofore or hereafter installed, and also to private streets.

Which was committed to the Committee on City Government.

Mr. RUPP read in his place and presented to the Chair Senate Bill No. 583, entitled:

An Act concerning reciprocal agreements for the interstate transportation and the support of poor and indigent persons; and to make uniform the law with reference thereto.

Which was committed to the Committee on County Government.

Also read in his place and presented to the Chair Senate Bill No. 584, entitled:

An Act requiring counties of the fourth class to establish a retirement fund for the employes of such counties and the poor districts thereof; and providing for the administration of such fund and the payment of retirement allowances therefrom.

Which was committed to the Committee on County Government.

Mr. RODGERS read in his place and presented to the Chair Senate Bill No. 585, entitled:

An Act providing for the establishment of a State Youth Commission and local Youth Commission, prescribing their powers and duties and making an appropriation.

Which was committed to the Committee on State Government.

Mr. SHAPIRO read in his place and presented to the Chair Senate Bill No. 586, entitled:

An Act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class.

Which was committed to the Committee on City Government.

Also read in his place and presented to the Chair Senate Bill No. 587, entitled:

An Act to further amend section five, and to partly repeal sections one, two, three and four of the act, approved the twenty-third day of June, one thousand nine hundred and eleven (P. L. 1123), entitled "An act establishing in each county a board of viewers; prescribing their duties; providing for their appointment as viewers, road juries, juries of view and commissioners to view land; and providing for the charges upon the respective counties upon the respective counties in the matter of salaries, costs, and expenses thereof," by providing for the appointment of boards of view from the board of revision of taxes, and abolishing the board of viewers in counties of the first class.

Which was committed to the Committee on City Government.

Also read in his place and presented to the Chair Senate Bill No. 588, entitled:

An Act to amend the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by abolishing the department of receiver of taxes; and transferring its powers and duties to the department of city treasurer; and abolishing the office of receiver of taxes.

Which was committed to the Committee on City Government.

Also read in his place and presented to the Chair Senate Bill No. 589, entitled:

An Act fixing the number, qualifications, manner of appointment, organization, and salaries of members of the board of revision of taxes in counties of the first class; providing for the appointment and compensation of a chief deputy appraiser, assistant appraisers and other employes of the board; abolishing the present assessors; and repealing general, local and special laws.

Which was committed to the Committee on City Government.

Also read in his place and presented to the Chair Senate Bill No. 590, entitled:

An Act relating to tax assessments in counties of the first class; conferring powers and imposing duties on the board of revision of taxes and its agents and employes; and repealing general, local and special laws.

Which was committed to the Committee on City Government.

Mr. HOWELL read in his place and presented to the Chair Senate Bill No. 591, entitled:

An Act dedicating and setting aside certain lands in Lackawanna and Luzerne Counties as a public park and pleasure ground; and imposing certain powers and duties in connection therewith on the Department of Forests and Waters.

Which was committed to the Committee on Forests and Waters.

Mr. DENT read in his place and presented to the Chair Senate Bill No. 592, entitled:

A Supplement to the act, approved the second day of June one thousand nine hundred fifteen (P. L. 736), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing a compulsory system and schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," as amended and reenacted, providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions and procedure related to such diseases, and making an appropriation.

Which was committed to the Committee on Labor and Industry.

BILLS OVER IN ORDER

Mr. WOODWARD. Mr. President, I ask unanimous consent that Senate Bill No. 265, on final passage, entitled:

A Joint Resolution proposing an amendment to section one Article nine of the Constitution of the Comonwealth of Pennsylvania.

Go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 264, entitled:

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Kunkel,	Rice,
Buckman,	Haluska,	Lanius,	Roberts,
Cavalcante,	Henney,	Law,	Rodgers,
Chapman,	Heyburn,	Mallery,	Rupp,
Dando,	Homsher,	McCreesh,	Scarlett,
Deitrick,	Howell,	McGinnis,	Shapiro,
Dent,	Huffman,	Mundy,	Sones,
DiSilvestro,	Jacobs,	Pierson,	Stiefel,
Ealy,	Jaspan,	Pytko,	Thompson,
Eroe,	Kahle,	Rankin,	Wolfenden,
Frey,	Kilgallen,	Reed,	Woodward,
Gelder.			

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 451 (House Bill No. 548), entitled:

An Act providing for the organization government discipline maintenance and regulation of an additional land force to be known as the Pennsylvania Reserve Militia for the defense of the Commonwealth during any war in which the United States may be engaged

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Kunkel,	Rice,
Buckman,	Haluska,	Lanius,	Roberts,
Cavalcante,	Henney,	Law,	Rodgers,
Chapman,	Heyburn,	Mallery,	Rupp,
Dando,	Homsher,	McCreesh,	Scarlett,
Deitrick,	Howell,	McGinnis,	Shapiro,
Dent,	Huffman,	Mundy,	Sones,
DiSilvestro,	Jacobs,	Pierson,	Stiefel,
Ealy,	Jaspan,	Pytko,	Thompson,
Eroe,	Kahle,	Rankin,	Wolfenden,
Frey,	Kilgallen,	Reed,	Woodward,
Gelder,			

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 153, as follows:

An Act to amend the act approved the twentieth day of March one thousand nine hundred and thirteen (Pamphlet Laws 6) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof" by including display or placard advertising and changing the penalties prescribed and the manner of providing violations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twentieth day of March one thousand nine hundred and thirteen (Pamphlet Laws 6) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whoever in a newspaper periodical circular form letter or other publication published distributed or circulated in this Commonwealth in any advertisement in this Commonwealth or by any display or placard advertising in this Commonwealth knowingly makes or disseminates or causes to be made or disseminated any statement or assertion concerning the quantity the quality the value the merit the use the present or former price the cost the reason for the price or the motive or purpose of a sale of any merchandise securities or services or concerning the method of cost of production or manufacture of such merchandise or the possession of rewards prizes or distinctions conferred on account of such merchandise or the manner or source of purchase of such merchandise or securities which is untrue or calculated to mislead shall for the first and second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) and costs of prosecution and in default of such fine and costs shall be sentenced to undergo imprisonment in the county jail for not less than ten nor more than thirty days and for a third or subsequent offense shall be guilty of a misdemeanor and on conviction be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) or by imprisonment in the county jail not exceeding sixty days or by both such fine and imprisonment

Section 2 That said act is hereby amended by adding thereto after section one a new section to read as follows

Section 2 The making or dissemination of any such statement which is untrue or calculated to mislead shall be deemed prima facie evidence of knowledge that such statement is untrue or calculated to mislead

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 209, (House Bill No. 241), entitled:

An Act providing that in all bailable criminal or quasi criminal prosecutions desertion and non-support and surety of the peace cases bail may be entered on Sunday.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 231, as follows:

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors where there is no evidence of fraud or conspiracy and to authorize ratify confirm and validate payments on such contracts by the school district

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any board school directors of any school district shall have heretofore contracted for labor materials and supplies for the school district the purchase of which by contract is authorized under the provisions of the school laws of the Commonwealth and such board of school directors has actually received such labor materials and supplies and the same are being used by the school district if the said contract does not evidence any fraud or conspiracy to violate the provisions of the school laws of the Commonwealth and the school district has not suffered any pecuniary loss as the result of such contract then such contract shall be valid and binding on the school district and payment for such labor materials and supplies by the school district is hereby authorized ratified confirmed and validated notwithstanding the fact that such contract was legally null and void by reason of the failure to advertise for bids or by reason of defect in the advertising or by reason of any other defect in compliance with or in the failure or omission to comply with the school laws of this Commonwealth regulating the award of contracts for such labor materials and supplies No board of school directors nor any members thereof shall be subject to surcharge for payments made by any board of school directors on any such contract

Section 2 This Act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered , To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. KUNKLE. Mr. President, I ask unanmious consent that Senate Bill No. 274 on second reading, entitled:

An Act relating to statutory laws; prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, re-enactments and repeals of statutes.

Go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 311, as follows:

An Act authorizing the recording and copying of documents plats papers and instruments of writing by photostatic photographic or other mechanical process and relating to the effect and use of such copies and records

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any officer or employee of the Commonwealth or of any county city borough town township school or poor district is required or authorized by law or otherwise to record or copy any document plat paper or instrument of writing he may do such recording or copying by any photostatic photographic or other mechanical process which produces a clear accurate and permanent copy or reproduction of the original document plat paper or instrument of writing

Section 2 Copies and records thus produced shall have the same effect and be admissable in evidence in like manner and under the same conditions as copies and records produced in accordance with the law in effect immediately prior to the passage of this Act

Section 3 This Act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered to Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 508, (House Bill No. 1160), entitled:

A Supplement to act No. 31-A, approved the twelfth day of July, one thousand nine hundred thirty-five (One thousand Nine Hundred Thirty-five Appropriations Acts, page twenty-five), entitled "An act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for Mothers' Assistance, Pensions for the Blind, and Old Age Assistance."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL SIGNED

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 733, entitled:

A Supplement to the act approved the twelfth day of July one thousand nine hundred and thirty-five (1935 Appropriation Acts page 23) entitled "An act making appropriations to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals."

House Bill No. 742, entitled:

A Supplement to the act approved the twentieth day of July, one thousand nine hundred thirty-five (Appropriation Acts page 71) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five" providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-seven.

House Bill No. 748, entitled:

A Supplement to the act, approved the nineteenth day of July, one thousand nine hundred thirty-five (One Thousand Nine Hundred Thirty-five Appropriation Acts, page forty-one), entitled "An act making an appropriation to the Department of Welfare for Pensions for the Blind."

Whereupon,

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the presence of the Senate signed the same.

ANNOUNCEMENTS BY THE SECRETARY

There well be a meeting of the Committee on Elections at 1:45 p. m. today, in Room 400.

Immediately following the announcement of a recess, the Committee on Pensions will meet in Room 265.

Immediately following the meeting of the Committee on Pensions, in Room 265, the Committee on Judiciary Special will meet in the same room.

The Committee on Constitutional Changes will hold a very important meeting at 4:00 p. m. today in Room 265 and the Chairman of that Committee requests that all members attend.

At 3:45 p. m. today, the Committee on Judiciary General will meet in Room 302.

The Committee on Forests and Waters will meet at 10:00 a. m. tomorrow, Wednesday, in Room 400.

The Committee on County Government will meet tomorrow morning at 11:00 o'clock, in room 402.

The Committee on Public Health will meet at 11:30 a. m. tomorrow, Wednesday, in Room 402.

RECESS

Mr. ROBERTS. Mr. President, I move that the Senate do now take a recess until four-thirty o'clock this afternoon.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 645, (Senate Bill No. 593), entitled:

An Act to authorize cities, boroughs, towns, townships, counties and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks, playgrounds, streets, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, boroughs, towns, townships, and counties to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects and the occupants thereof; to authorize certain cities, and counties to make an appropriation for the first year's administrative expenses of housing authorities; and to authorize certain cities, boroughs, towns and counties to pay moneys to housing authorities.

Which was committed to the Committee on Welfare.

House Bill No. 744, (Senate Bill No. 594), entitled:

An Act expressing assent of the General Assembly of the Commonwealth of Pennsylvania to the provisions and purposes of the Act of Congress, approved the twenty-ninth day of June, one thousand nine hundred and thirty-five (Public—No. 182—74th Congress).

Which was committed to the Committee on Agriculture.

House Bill No. 921, (Senate Bill No. 595), entitled:

An Act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings used for human habitation and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws

Which was committed to the Committee on City Government.

House Bill No. 1095, (Senate Bill No. 596), entitled:

An Act empowering municipalities to refund improvement bonds based solely on assessments for grading, street and sewer improvement and imposing no municipal liability, by a new issue of bonds.

Which was committed to the Committee on Municipal Government.

House Bill No. 1167, (Senate Bill No. 597), entitled:

An Act to further amend sections nine and eleven of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred ninety-five), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the re-imbursement of the Commonwealth from tolls and charges; and making an appropriation," as amended; making the time for taking possession of any such toll bridge discretionary with the Secretary of Highways; providing for the transfer in certain cases of funds from the Motor License Fund to the Toll Bridge Fund and the reimbursement thereof to the Motor License Fund from the Toll Bridge Fund out of proceeds of the sale of certain authorized bonds; further providing for the payment of the cost of acquiring such bridges; further regulating the collection of tolls, and reimbursing the Commonwealth for the cost of acquiring such bridges; further providing when such bridges shall be free of tolls; and making an appropriation.

Which was committed to the Committee on Highways.

House Bill No. 1203, (Senate Bill No. 598), entitled:

An Act relating to counties of the first class and the duties of the recorders of deeds thereof in connection with the collection of certain fees and taxes payable to the Commonwealth and making provisions for the disposition of the compensation therefor heretofore received by such recorders of deeds

Which was committed to the Committee on City Government.

House Bill No. 1204, (Senate Bill No. 599), entitled:

An Act relating to counties of the first class and the duties of the treasurers thereof in connection with the collection of certain taxes fees and license fees payable to the Commonwealth and making provisions for the disposition of the compensation thereof heretofore received by such treasurers

Which was committed to the Committee on City Government.

BILLS SIGNED

The PRESIDENT PRO-TEMPORE, (Harvey Huffman) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 548, entitled:

An Act providing for the organization government discipline maintenance and regulation of an additional land force to be known as the Pennsylvania Reserve Militia for the defense of the Commonwealth during any war in which the United States may be engaged.

Whereupon,

The PRESIDENT PRO-TEMPORE, (Harvey Huffman) in the presence of the Senate signed the same.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, The Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILL No. 54

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 16, 1937

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

I have the honor to inform you that I have this day approved and signed Senate Bill No. 54, Printer's No. 58, entitled, "An Act to amend section one of the act approved the tenth day of April one thousand nine hundred and thirty-one (P. L. 23) entitled as amended 'An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute located on the left bank of Oil Creek in Oil Creek Township or Cherry Tree Township or both Venango County to establish the Drake Well Memorial Park under the control and supervision of the Department of Forests and Waters empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth and making an appropriation, as amended by increasing the area of said park."

GEORGE H. EARLE

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOTARY PUBLIC

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 16, 1937

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Russell H. Foss for appointment as a Notary Public in the Borough of Ashley, Luzerne County, for the term of four years to compute from date of confirmation.

GEORGE H. EARLE

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 16, 1937

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Michael Soloman, of Archbald, Lackawanna County, for appointment as Justice of the Peace in the Borough of Archbald, Lackawanna County (to fill a vacancy), until the first Monday in January, 1938.

GEORGE H. EARLE

REPORTS FROM COMMITTEE

Mr. REED. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on Judiciary Special reported as committed, Senate Bill No. 479, entitled:

A Supplement to the act, approved the eighteenth day of March, one thousand eight hundred and seventy-five (P. L. 30), entitled "An act to authorize changes of venue in criminal cases," forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor.

Mr. RODGERS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RODGERS from the Committee on Labor and Industry reported as committed, Senate Bill No. 425, entitled:

An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers; providing for wage boards, and defining the powers and duties of such boards and of the Department of Labor and Industry; imposing duties on employers; providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders; and providing penalties.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE from the Committee on Judiciary Special reported as amended, Senate Bill No. 324 (House Bill No. 440), entitled:

An Act to amend the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure and registration of persons, firms or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations and requirements for the construction of plumbing, house drainage, and cesspools, in cities of the second class, and imposing fines, penalties, and forfeitures for violation thereof;" as amended, extending the provisions of said act to certain boroughs, incorporated towns and townships of the first class; extending the same to include building drainage; imposing certain powers and duties on the Department of Health; making further provisions for the administration of said act; extending the specifications; increasing certain fees and payments; and providing increased penalties, including imprisonment, and repealing sections fifty-four, fifty-five, fifty-seven and fifty-eight of said act.

Also from the Committee on Constitutional Changes reported as committed, Senate Bill No. 37, entitled:

A Joint Resolution proposing an amendment to section eighteen, Article three of the Constitution of the Commonwealth of Pennsylvania.

Mr. WOODWARD. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD from the Committee on Labor and Industry reported as committed, Senate Bill No. 383 (House Bill No. 133) entitled:

An Act requiring persons employing motion picture projectionists or operators to allow them at least one calendar day of rest in each calendar week said calendar day to be of twenty-four (24) consecutive hours.

Also from the Committee on Labor and Industry reported as committed, Senate Bill No. 457 (House Bill No. 928) entitled:

An Act requiring persons employing others in or about motion picture theatres to allow them at least one calendar day of rest in each calendar week.

Mr. DiSILVESTRO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DiSILVESTRO from the Committee on Constitutional Changes reported as committed:

A Joint Resolution proposing an amendment to section four Article two of the Constitution of the Commonwealth of Pennsylvania.

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 497, entitled:

An Act to amend section nine of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," regulating physical examination of applicants.

Mr. KUNKEL. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KUNKEL from the Committee on Judiciary General reported as committed, Senate Bill No. 211 (House Bill No. 345), entitled:

An Act to further amend section one of the act, approved the twenty-sixth day of April one thousand eight hundred and fifty-five (P. L. 309) entitled "An act relating to damages for injuries producing death" by giving personal representatives the right to recover damages for hospital nursing medical funeral expenses and expenses of administration.

Also from the Committee on Labor and Industry reported as committed, Senate Bill No. 592, entitled:

A Supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing a compulsory system and schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties", as amended and re-enacted, providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions and procedure related to such diseases, and making an appropriation.

Mr. McCREESH. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH from the Committee on Constitutional Changes re-reported as committed, Senate Bill No. 63 (House Bill No. 1), entitled:

A Joint Resolution proposing an amendment to section one Article nine of the Constitution of the Commonwealth of Pennsylvania.

Mr. DENT. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT from the Committee on Pensions reported as committed, Senate Bill No. 38, entitled:

An Act to amend clause (a) of section five of the act approved the twenty-fifth day of June, one thousand nine hundred and thirty-six, (P. L. 28), entitled "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts;" providing for assistance to indigent persons sixty-five years of age and upwards.

Mr. STIEFEL. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL from the Committee on Pensions reported as committed, Senate Bill No. 223, entitled:

An Act to amend the act, approved the ninth day of July, one thousand nine hundred and thirty-five (P. L. 621), entitled "An act providing for and regulating, subject to certain restrictions, limitations, and liabilities, the granting of pensions by the Commonwealth to certain blind persons; providing for the administration of this act by the Department of Welfare, the trustees who administer mothers' assistance in the several counties, or by other trustees in certain cases; authorizing appointment of trustees for the pensions payable to certain individuals; authorizing the Department of Welfare to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to the blind; and providing penalties," by making provision for the burial of blind persons receiving pensions.

Mr. MALLERY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY from the Committee on Pensions reported as committed, Senate Bill No. 13, entitled:

An Act to amend section five and to repeal section fifteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-six (P. L. 37), entitled "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the

administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts," by changing the qualifications for assistance and by removing the liability of beneficiaries and their estates for repayment of assistance received.

Mr. WOODWARD. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD from the Committee on Constitutional Changes reported as committed, Senate Bill No. 546, entitled:

A Joint Resolution proposing an amendment, to Article nine of the Constitution of the Commonwealth of Pennsylvania, by adding section one A.

BILLS INTRODUCED

Mr. WOODWARD. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD, read in place and presented to the Chair Senate Bill No. 600, entitled:

An Act, providing for the consolidation of existing wards in cities and defining procedure therefor.

Which was committed to the Committee on Judiciary General.

Mr. HALUSKA, Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA read in place and presented to the Chair Senate Bill No. 601, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes in the County of Cambria.

Which was committed to the Committee on Highways.

Mr. KILGALLEN. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN read in place and presented to the Chair Senate Bill No. 602, entitled:

An Act to amend section six, and sections eleven and eighteen as amended, of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 762), entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof," further regulating the administration of such Fund, the fixing of premiums payable by subscribers; the distribution of unexpended balances to subscribers; the collection of accounts against subscribers and providing for the giving of certified copies of the records of the Fund showing liens against subscribers and fixing fees therefor.

Which was committed to the Committee on Insurance.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO read in place and presented to the Chair Senate Bill No. 603, entitled:

An Act to protect the right of employees to organize and bargain collectively creating the Pennsylvania Labor Relations Board as an administrative Board of the Department of Labor and Industry conferring powers and imposing duties upon the Pennsylvania Labor Relations Board and the Department of Labor and Industry officers of the State government and courts providing for the right of employees to organize and bargain collectively declaring certain labor practices by employers to be unfair furnier providing that representatives of a majority of the employes to be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employees for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court

Which was committed to the Committee on State Boards.

MOTION TO READ BILLS THE FIRST TIME

Mr. FREY. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 13, entitled:

An Act to amend section five and to repeal section fifteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-six (P. L. 37), entitled "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties; authorizing the Department of Welfare to co-operate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; provid-

ing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts," by changing the qualifications for assistance and by removing the liability of beneficiaries and their estates for repayment of assistance received.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 37, entitled:

A Joint Resolution proposing an amendment to section eighteen, Article three of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 38, entitled:

An Act to amend clause (a) of section five of the act approved the twenty-fifth day of June, one thousand nine hundred and thirty-six (P. L. 28) entitled "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts;" providing for assistance to indigent persons sixty-five years of age and upwards.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 211 (House Bill No. 345), entitled:

An Act to further amend section one of the act, approved the twenty-sixth day of April, one thousand eight hundred and fifty-five (P. L. 309), entitled "An act relating to damages for injuries producing death," by giving personal representatives the right to recover damages for hospital, nursing, medical, funeral expenses, and expenses of administration.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 216, entitled:

An Act to amend section two hundred four of the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 682), entitled "An act relating to insurance; amending revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," further regulating the adoption and use of names by insurance companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 223, entitled:

An Act to amend the act, approved the ninth day of July, one thousand nine hundred and thirty-five (P. L. 621), entitled "An act providing for and regulating, subject to certain restrictions, limitations, and liabilities, the granting of pensions by the Commonwealth to certain blind persons; providing for the administration of this act by the Department of Welfare, the trustees who administer mothers' assistance in the several counties, or by other trustees in certain cases; authorizing appointment of trustees for the pensions payable to certain individuals; authorizing the Department of Welfare to co-operate with and to accept and disburse moneys received from the United States Government for assistance to the blind; and providing penalties," by making provision for the burial of blind persons receiving pensions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 291 (House Bill No. 553), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 565) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing cretain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" as amended by providing for the creation of the Building and Loan Board the appointment of its members the payment of its expenses and defining its powers and duties and by modifying the powers and duties of the Department of Banking and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision and by making inapplicable said act to certain corporations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 307, entitled:

A Joint Resolution proposing an amendment to section four, Article two of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 324, (House Bill No. 440), entitled:

An Act to amend the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure and registration of persons, firms or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools, in cities of the second class, and imposing fines, penalties, and forfeitures for violation thereof;" as amended, extending the provisions of said act to certain boroughs, incorporated towns and townships of the first class; extending the same to include building drainage; imposing certain powers and duties on the Department of Health; making further provisions for the administration of said act; extending the specifications; increasing certain fees and payments; and providing increased penalties, including imprisonment, and repealing sections fifty-four, fifty-five, fifty-seven and fifty-eight of said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 383, (House Bill No. 133), entitled:

An Act requiring persons employing motion picture projectionists or operators to allow them at least one calendar day of rest in each calendar week said calendar day to be of twenty-four (24) consecutive hours.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 397, (House Bill No. 734), entitled:

An Act relating to consumer credit in amounts of one thousand dollars ($1,000) or less requiring licenses from the Secretary of Banking restricting licenses to domestic business corporations fixing minimum capital requirements conferring certain powers on the Secretary of Banking limiting interest and other charges providing certain exemptions and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 399, (House Bill No. 852), entitled:

An Act to re-enact and amend the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 519), entitled "An act authorizing and regulating the reorganization of banks and bank and trust companies," by extending its effective period.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 425, entitled:

An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers; providing for wage boards, and defining the powers and duties of such boards and of the Department of Labor and Industry; imposing duties on employers; providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 457, (House Bill No. 928), entitled:

An Act requiring persons employing others in or about motion picture theatres to allow them at least one calendar day of rest in each calendar week.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 479, entitled:

A Supplement to the act approved the eighteenth day of March, one thousand eight hundred and seventy-five (P. L. 30), entitled "An act to authorize changes of venue in criminal cases," forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 497, (House Bill No. 617), entitled:

An Act to amend section nine of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and re-instatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," regulating physical examination of applicants.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 546, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania, by adding section one A.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 592, entitled:

A Supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing a compulsory system and schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," as amended and re-enacted, providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions and procedure related to such diseases, and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

APPOINTMENT OF SENATE MEMBERS ON JOINT LEGISLATIVE COMMITTEE TO INVESTIGATE TAX BURDENS PLACED UPON INDUSTRIES IN PENNSYLVANIA AND OTHER INDUSTRIAL AND MINING STATES.

The PRESIDENT. Pursuant to Senate Concurrent Resolution No. 4, concurred in by the House, the Chair appoints as the Senate members on said Committee the Senator from Westmoreland, Mr. Dent, the Senator from Philadelphia, Mr. Stiefel, and the Senator from Susquehanna, Mr. Gelder.

REPORTS FROM COMMITTEE

Mr. BUCKMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN, from the Committee on Judiciary General, re-reported, as amended, Senate Bill No. 69, (House Bill No.), entitled:

An Act to protect the obligors or guarantors of bonds and mortgages, and owners of property affected thereby, and others indirectly liable for the payment thereof, and owners of mortgaged property affected thereby, by prohibiting for certain periods, the sale of mortgaged property at less than its fair market value, and prescribing the method of fixing the fair value of said property.

with the understanding that after this bill is printed it is to be recommitted again to the Committee on Judiciary General.

APPOINTMENT OF SENATE MEMBERS ON JOINT COMMITTEE TO DETERMINE ADVISABILITY OF PLACING ALL STATE DEPARTMENTS LOCATED IN PHILADELPHIA AND PITTSBURGH INTO ONE CENTRAL BUILDING IN EACH CITY.

The PRESIDENT. Pursuant to House Concurrent Resolution No. 14, concurred in by the Senate, the Chair appoints as the Senate members on said Committee, the Senator from Allegheny, Mr. Rodgers, the Senator from Philadelphia, Mr. Jaspan, and the Senator from Montgomery, Mr. Bean.

PERMISSION FOR USE OF SENATE CHAMBER GIVEN COMMITTEE ON LABOR AND INDUSTRY

Mr. DENT. Mr. President, for the information of the Senate, the Committee on Labor and Industry desires to give an opportunity to those persons and the representatives of corporations, wishing to be heard on House Bill No. 99, known as the Workmen's Compensation Amendment Act.

Mr. President, I therefore move, that permission for the use of the Senate Chamber be given the Committee on Labor and Industry for the purpose of a public hearing on House Bill No. 99, Tuesday, March 23, 1937, at 8 p. m.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS

The SECRETARY. The Committee on Agriculture will hold a meeting at 10:45 o'clock tomorrow morning, Wednesday, March 17, 1937, in Room 200.

The Committee on Judiciary General will hold a meeting at 10 a. m. on Tuesday, March 23, 1937, in Room 302.

ADJOURNMENT

Mr. JASPAN. Mr. President, I move that the Senate do now adjourn until tomorrow at 12 o'clock noon.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:09 p. m. until 12 o'clock noon, Wednesday, March 17, 1937.

HOUSE OF REPRESENTATIVES

TUESDAY, March 16, 1937.

The House met at 1:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain Rev. EPHRIAM Z. GALLAHER, offered the following prayer:

Oh Lord create in us clean hearts and renew a right spirit within us. Stir up within us a strong urge to give our best in life. Teach us to pray as though all depends upon Thee and to work as though all depends upon us.

In Christ's name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. MIHM the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. HIRSCH. HOUSE BILL No. 1423.

An Act making an appropriation to the Department of Public Instruction for the proper conduct of the work with respect to professional education and licensure; and professional examining boards.

Referred to the Committee on Appropriations.

By Mr. HIRSCH. HOUSE BILL No. 1424.

An Act making an appropriation to the Department of Public Instruction for the purpose of purchasing and furnishing orthopedic and prosthetic appliances for children.

Referred to the Committee on Appropriations.

By Mr. HALL. HOUSE BILL No. 1425.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Potter.

Referred to the Committee on Highways.

By Mr. HALL. HOUSE BILL No. 1426.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Potter.

Referred to the Committee on Highways.

By Mr. HABBYSHAW. HOUSE BILL No. 1427.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Dauphin.

Referred to the Committee on Highways.

By Mr. HABBYSHAW. HOUSE BILL No. 1428.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Dauphin.

Referred to the Committee on Highways.

By Mr. HABBYSHAW. HOUSE BILL No. 1429.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Dauphin.

Referred to the Committee on Highways.

By Mr. WALL. HOUSE BILL No. 1430.

An Act to amend route 63064 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Referred to the Committee on Highways.

By Mr. WALL. HOUSE BILL No. 1431.

An Act to amend section nine as amended, and section ten of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes;" changing the fees charged in certain cases for certificates of registration; and fixing additional penalties.

Referred to the Committee on Welfare.

By Mr. WALL. HOUSE BILL No. 1432.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes in the County of Wayne.

Referred to the Committee on Highways.

By Mrs. HORTING. HOUSE BILL No. 1433.

An Act to amend section five hundred and fourteen of the act, approved the ninth day of April, one thousand nine hundred and twenty nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined." as amended, permitting State institutions and sanatoria to supply water to individuals.

Referred to the Committee on Public Health and Sanitation.

By Mr. GORSKI. HOUSE BILL No. 1434.

An Act making a deficiency appropriation to the Department of Agriculture for reimbursing certain incorporated agricultural associations.

Referred to the Committee on Appropriations.

By Messrs. REESE, HINDMAN and MARINO.

HOUSE BILL No. 1435.

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by adding thereto section 224.1 providing that the salaries of the deputies clerks and assistant clerks in the office of the Prothonotary in counties of the third and fourth classes shall not be less than a minimum salary fixed by the Prothonotary and approved by the court of common pleas.

Referred to the Committee on Counties.

By Mr. REESE. HOUSE BILL No. 1436.

An Act to provide special qualifications for members of the Allopathic and Homeopathic profession, who desire to hold themselves out as specialist in any particular branch of Medicine and Surgery; and providing a Board for special medical qualification and medical specialist licensure of the Department of Public Instruction; and defining the practice of Medicine and Surgery; and providing penalties for violation of certain requirements of this act; and repealing all acts or parts of acts inconsistent herewith.

Referred to the Committee on State Boards.

By Mr. CAESAR. HOUSE BILL No. 1437.

An Act to amend sections two hundred and eleven, three hundred and twelve, seven hundred and seven and eight hundred and seven of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 289), entitled "An act relating to non-profit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporation," by placing the incorporation and regulation of non-profit corporations with power to confer degrees in law under the exclusive jurisdiction and supervision of the judicial department of this Commonwealth; and conferring discretionary powers upon the courts.

Referred to the Committee on Corporations.

By Mr. CAESAR. HOUSE BILL No. 1438.

An Act making an appropriation to the Philadelphia College of Law, Incorporated, located at Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. CAESAR. HOUSE BILL No. 1439.

An Act relating to attorneys at law; regulating the admission of persons to said office by prescribing the conditions upon which, and the method by which law colleges and schools shall be entitled to receive certificates of approval as institutions of learning, properly qualified to prepare registered law students for admission to any final examination for the practice of law in this Commonwealth, and the effect thereof upon such law students and upon examining boards or commissions; authorizing the collection of fees for services to be rendered hereunder; prohibiting certain acts or omissions, and imposing penalties; prescribing the procedure by which such approval may be enforced, suspended, revoked and reinstated; limiting the construction of this act: and repealing all acts and parts of acts inconsistent herewith.

Referred to the Committee on Judiciary General.

By Mr. RICHTER. HOUSE BILL No. 1440.

An Act to repeal the title and section one of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 477), entitled "An act providing for the payment of the compensation, medical and hospital expenses of policemen and firemen by cities (except of the second class A), boroughs, towns and townships who are injured in the performance of their duty, and providing that absence during such injury shall not reduce any usual sick leave period," so far as the same relates to boroughs.

Referred to the Committee on Boroughs.

By Mr. YOURISHIN. HOUSE BILL No. 1441.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations, to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies, prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act."

Referred to the Committee on Highways.

By Mr. YOURISHIN. HOUSE BILL No. 1442.

An Act to amend section one thousand two hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, special or local, or any parts thereof, that are or may be inconsistent therewith," by making dismissals of principals and teachers subject to the approval of the State Council of Education; providing for appeals from dismissals and terminations or refusals to renew contracts of principals and teachers; prohibiting terminations and refusals to renew contracts in certain cases; and authorizing the withholding of State appropriations.

Referred to the Committee on Education.

By Mr. GILLETTE. HOUSE BILL No. 1443.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one

(Act No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Bradford.

Referred to the Committee on Highways.

By Mr. GILLETTE. HOUSE BILL No. 1444.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Bradford.

Referred to the Committee on Highways.

By Mr. GILLETTE. HOUSE BILL No. 1445.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lycoming.

Referred to the Committee on Highways.

By Mr. GILLETTE. HOUSE BILL No. 1446.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Bradford.

Referred to the Committee on Highways.

By Mr. McKINNEY. HOUSE BILL No. 1447.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Venango.

Referred to the Committee on Highways.

By Mr. PEARSON. HOUSE BILL No. 1448.

An Act prohibiting the erection and continuance of billboards, sign-boards and other advertising structures, devises and signs within three hundred feet of any public highway, and providing penalties therefor.

Referred to the Committee on Highways.

By Mr. McARDLE. HOUSE BILL No. 1449.

An Act providing for the erection incorporation organization and government of County Public Utility Administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such Administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by The Public Service Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such Administrations imposing certain duties and functions in connection with such Administrations upon certain county offiers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes.

Referred to the Committee on Counties.

By Mr. FLINCHBAUGH. HOUSE BILL No. 1450.

An Act to further amend section one thousand two hundred and one of the act, approved the first day of May, one thousand nine hundred and twenty nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds," qualifying additional justices of the peace before whom summary proceedings may be brought.

Referred to the Committee on Motor Vehicles.

By Mr. FLINCHBAUGH. HOUSE BILL No. 1451.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain town-

ship roads as State Highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of York.

Referred to the Committee on Highways.

By Mr. FLINCHBAUGH. HOUSE BILL No. 1452.

An Act to amend route 66122 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Referred to the Committee on Highways.

By Mr. FLINCHBAUGH. HOUSE BILL No. 1153.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," as amended, by adding certain new routes.

Referred to the Committee on Highways.

By Mr. BROWNFIELD. HOUSE BILL No. 1454.

A Supplement to establish as a State highway a certain section of public road in the County of Fayette, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. BROWNFIELD. HOUSE BILL No. 1455.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Fayette.

Referred to the Committee on Highways.

By Mr. BROWNFIELD. HOUSE BILL No. 1456.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Fayette.

Referred to the Committee on Highways.

By Mr. CHERVENAK. HOUSE BILL No. 1457.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Cambria.

Referred to the Committee on Highways.

By Mr. CHERVENAK. HOUSE BILL No. 1458.

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

Referred to the Committee on Highways.

By Mr. CHERVENAK. HOUSE BILL No. 1459.

An Act relating to employers and employes; prohibiting the requirement of certain payments for medical services of insurance by employes as a condition to employment or continuance in employment; and prescribing penalties.

Referred to the Committee on Labor.

By Mr. CHERVENAK. HOUSE BILL No. 1460.

An Act relating to employers and employes; prohibiting the issuance of script, tokens, drafts, orders, coupons or other certificates redeemable in merchandise in payment of labor performed or to be performed; and providing penalties.

Referred to the Committee on Judiciary Special.

By Mr CHERVENAK. HOUSE BILL No. 1461.

An Act relating to employers and employes; requiring that scrip, tokens, drafts, orders, coupons or other certificates issued in payment of labor performed or to be performed shall be redeemable in cash; and providing penalties.

Referred to the Committee on Judiciary Special.

By Mr. O'CONNOR. HOUSE BILL No. 1462.

An Act providing for and extending the time during which taxes on seated lands for the tax year one thousand nine hundred and thirty-four and previous years shall be liens, and during which the county treasurer shall have the right to sell the lands on which such taxes are liens for the payment of such taxes; reviving such liens and restoring the treasurer's right to sell such lands in certain cases; and saving the rights of intervening purchasers, mortgagees, lien holders, and other encumbrance holders.

Referred to the Committee on Municipal Corporations.

By Mr. O'CONNOR. HOUSE BILL No. 1463.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Cambria.

Referred to the Committee on Highways.

By Messrs. KILROY and HOLSTROM. HOUSE BILL No. 1464.

An Act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Department of Highways of the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the Board and fixing the compensation of members and employes thereof, providing that the awards of such Boards shall be final and authorizing an appropriation.

Referred to the Committee on Highways.

By Mr. PERSHING. HOUSE BILL No. 1465.

An Act creating county vocational school districts for the purpose of conducting county systems of vocational schools, departments or classes; and defining the powers and duties of county boards of school directors in connection therewith.

Referred to the Committee on Education.

By Mr. PERSHING. HOUSE BILL No. 1466.

An Act providing for the establishment of vocational industrial, vocational agricultural, vocational homemaking, and vocational distributive occupational schools by school districts and county vocational school districts; conferring powers and imposing duties on the State Board for Vocational Educational; and providing for referendum in certain cases.

Referred to the Committee on Education.

By Messrs. PERSHING and WEBSTER. HOUSE BILL No. 1467.

An Act to amend section one thousand six hundred seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, providing for the furnishing of the National Flag Code to certain pupils and for the use thereof.

Referred to the Committee on Education.

By Mr. SNYDER. HOUSE BILL No. 1468.

An Act imposing state tax upon certain butter substitutes; providing for the collection thereof; requiring distributors to be registered; imposing duties on sheriffs and prothonotaries and upon the fiscal officers and agencies of the State and the Department of Agriculture; and prescribing penalties.

Referred to the Committee on Agriculture.

By Mr. READINGER. HOUSE BILL No. 1469.

An Act relating to the business of renting motor vehicles without the services of an operator; making persons, associations, copartnerships and corporations engaged in such business liable for damages caused by the negligent operation of such motor vehicles while so rented; requiring all motor vehicles used in such business to be covered by liability insurance; and fixing penalties.

Referred to the Committee on Motor Vehicles.

By Mr. READINGER. HOUSE BILL No. 1470.

An Act regulating the time for appeals in cases where petitions have heretofore been or shall hereafter be presented for reconsideration of or re-argument on judgments and decrees.

Referred to the Committee on Judiciary General.

By Mr. PEALE. HOUSE BILL No. 1471.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Sullivan.

Referred to the Committee on Highways.

By Mr. PEALE. HOUSE BILL No. 1472.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Sullivan.

Referred to the Committee on Highways.

By Mr. PEALE. HOUSE BILL No. 1473.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Sullivan.

Referred to the Committee on Highways.

By Mr. DUBBS. HOUSE BILL No. 1474.

An Act to amend section fifteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what event, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom, for the lien and collection of certain taxes theretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by permitting the revival of other than tax claims by a suggestion of non-payment and averment of default before or after judgment on scire facias.

Referred to the Committee on Judiciary General.

By Mr. ACHTERMAN. HOUSE BILL No. 1475.

An Act to amend section eleven of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (P. L. 483), entitled "An act relating to practice in the courts of common pleas in actions of assumpsit and trespass, except actions for libel and slander; prescribing the pleadings and procedure to be observed therein, and giving the courts power to enforce its provisions;" providing that the defendant in a counter-claim may ask for an account in certain cases.

Referred to the Committee on Judiciary General.

By Mr. ACHTERMAN. HOUSE BILL No. 1476.

An Act to amend section one of the act, approved the sixth day of May, one thousand eight hundred and seventy-four (P. L. 125), entitled "An act regulating State tax on certain county officers," as amended, regulating the payment over to the county of excess earnings of county officers.

Referred to the Committee on Cities.

By Mr. DUBBS. HOUSE BILL No. 1477.

An Act authorizing the authorities in any city of the first class to stipulate, certain methods for the payment of local assessments.

Referred to the Committee on Counties.

By Mr. REUBEN E. COHEN. HOUSE BILL No. 1478.

An Act to renumber and amend section fourteen of the act, approved the twenty-first day of April, one thousand nine hundred and twenty-one (P. L. 223), entitled "An act to further amend an act, entitled 'An act providing for the escheat of deposits of money or property of another received for storage or safe-keeping; the dividends, profits, debts, and interest on debts of corporations, companies, banks, trust companies, insurance companies, limited partnerships, and partnership associations, organized under the laws of this Commonwealth, except mutual saving-fund society not having a capital stock represented by shares, and except also building and loan associations, and property held for the benefit of another by the same, and the profits, accretions, and interest on such property, as well as interest thereon accrued, or which should have accrued, between the fixing of the amount of such property by the award of any court and the actual distribution thereof,' approved the seventh day of June, Anno Domini one thousand nine hundred fifteen (P. L. page 878), which title, as last amended by the act, approved the twelfth day of July, Anno Domini one thousand nine hundred nineteen (P. L. page 926), reads as follows:—'An act providing for the escheat of certain property received for storage or safe-keeping or otherwise, and of certain deposits of money; also for the escheat of certain dividends, profits, debts, and interest on debts of corporations, companies, banks, national banks, trust companies, insurance companies, limited partnerships, and partnership associations, doing business in this Commonwealth, except saving-funds, saving institutions, and savings banks, subject to the provisions of an act, entitled "An act relating to unclaimed deposits in savings banks, and transfer of stock," approved the seventeenth day of April, Anno Domini one thousand eight hundred seventy-two (P. L. page 62), and except also building and loan associations; also for the escheat of certain moneys, property, and estates held by persons, partnerships, associations, or corporations in any fiduciary capacity whatsoever; and the profits, accretions, and interest on such moneys, property, and estates, as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys, property, and estates and the actual distribution thereof; also for the escheat of certain moneys deposited in courts of common pleas or orphans' courts or with officers thereof; and for the escheat of certain other moneys, property, and estates held in any manner by any person, association, or body corporate for the benefit of another;" by providing that certain proceeds of life insurance policies shall escheat.

Referred to the Committee on Ways and Means.

By Messrs. VAN SICKLE, JIROLANIO and COAKLEY. HOUSE BILL No. 1479.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Northampton.

Referred to the Committee on Highways.

By Messrs. COAKLEY, JIROLANIO and VAN SICKLE. HOUSE BILL No. 1480.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Northampton.

Referred to the Committee on Highways.

By Mr. WINNER. HOUSE BILL No. 1481.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located

on such highways; conferring certain powers, upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Montgomery.

Referred to the Committee on Highways.

By Messrs. WALL and O'NEILL. HOUSE BILL No. 1482.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the Counties of Lackawanna and Wayne.

Referred to the Committee on Highways.

By Mr. LONGAKER. HOUSE BILL No. 1483.

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. LONGAKER. HOUSE BILL No. 1484.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes in the County of Montgomery.

Referred to the Committee on Highways.

By Mr. SHOEMAKER. HOUSE BILL No. 1485.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lehigh.

Referred to the Committee on Highways.

By Mr. SHOEMAKER. HOUSE BILL No. 1486.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lehigh.

Referred to the Committee on Highways.

By Mr. SHOEMAKER. HOUSE BILL No. 1487.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; confering certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lehigh.

Referred to the Committee on Highways.

By Mr. SHOEMAKER. HOUSE BILL No. 1488.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lehigh.

Referred to the Committee on Highways.

By Mr. SHOEMAKER. HOUSE BILL No. 1489.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lehigh.

Referred to the Committee on Highways.

By Mr. SHOEMAKER. HOUSE BILL No. 1490.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon

the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lehigh

Referred to the Committee on Highways.

By Mr. LYONS. HOUSE BILL No. 1491.

An Act providing for the acceptance of a site from the county commissioners of Mercer County and the preparation of preliminary plans and estimates for an additional State Turberculosis Sanitarium when appropriations are made available and providing for the management thereof by the Department of Health.

Referred to the Committee on State Government.

By Mr. JACOB F. MATTHEWS. HOUSE BILL No. 1492.

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three(P. L. 1172), entitled "An Act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

Referred to the Committee on Highways.

By Mr. JACOB F. MATTHEWS. HOUSE BILL No. 1493.

An Act making an appropriation to the Department of Forests and Waters for a flood control survey of certain creeks, tributaries to the Susquehanna River.

Referred to the Committee on Forestry.

By Mr. ECKELS. HOUSE BILL No. 1494.

An Act to amend clause (c) of section four of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said srteets after improvement without a permit, and providing penalty thereof; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act;" imposing the construction, reconstruction and maintenance of certain structures on the Commonwealth.

Referred to the Committee on Highways.

By Mr. HOLLAND. (By request) HOUSE BILL No. 1495.

An Act to amend clause (b) of section four hundred forty-eight of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined;" as amended, changing the personnel of the State Veterans Commission; and fixing the compensation of the members thereof.

Referred to the Committee on Military Affairs.

By Messrs. HOLLAND and JOHN A. SMITH. HOUSE BILL No. 1496.

An Act to insure the accuracy of water, gas and electric meters; imposing duties on inspectors of weights and measures and on the Public Service Commission; and imposing certain expenses on counties and cities.

Referred to the Committee on Public Utilities.

By Messrs. HETRICK and DECKER. HOUSE BILL No. 1497.

An Act to further amend section one hundred and twenty-seven of and to add section one hundred and thirty-two to the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 30), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the formation of union school districts on petition of electors; and granting additional State subsidies to certain union school districts of the fourth class.

Referred to the Committee on Education.

By Messrs. LEISEY, STRODE and WEBSTER. HOUSE BILL No. 1498.

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," providing for the filling of vacancies in county offices in counties of the fifth class.

Referred to the Committee on Counties.

By Mr. MOOMAW. HOUSE BILL No. 1499.

An Act prohibiting certain persons from selling, taking orders for, delivering, or being interested in the manufacture or sale of machinery, equipment, materials, feed supplies or other things used by milk producers and prescribing penalties.

Referred to the Committee on Agriculture.

By Mr. VAN ALLSBURG. HOUSE BILL No. 1500.

An Act to further amend section twenty-one of the act, approved the fifteenth day of April, one thousand eight hundred and thirty-four (P. L. 509), entitled "An act re-

lating to county rates and levies and township rates and levies," by authorizing imprisonment for failure to pay taxes.

Referred to the Committee on Municipal Corporations.

By Mr. DECKER. HOUSE BILL No. 1501.

An Act making an appropriation to the Department of Public Instruction to match Federal funds for vacational education.

Referred to the Committee on Appropriations.

By Mr. DECKER. HOUSE BILL No. 1502.

An Act to amend section two hundred twenty-nine of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by exempting additional persons from the requirement to have a license in certain cases.

Referred to the Committee on Fisheries.

By Mr. DECKER. HOUSE BILL No. 1503.

An Act to further amend clause nineteen of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for additional State subsidies for school districts of the fourth class, completely consolidating its schools.

Referred to the Committee on Education.

By Mr. DECKER. HOUSE BILL No. 1504.

An Act to further amend the act approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education, providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State." by further defining and establishing the scope of vocational education, and enlarging the provisions for State subsidies.

Referred to the Committee on Education.

By Mr. HUNTLEY. HOUSE BILL No. 1505.

An Act to regulate and improve the civil service of the Commonwealth of Pennsylvania in the Department of Highways, the Department of Forests and Waters, the Board of Game Commissioners and the Board of Fish Commissioners; and providing penalties.

Referred to the Committee on State Government.

By Mr. SOLLENBERGER. HOUSE BILL No. 1506.

An Act to amend paragraphs seven and nineteen of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith," as amended; by changing the minimum salaries of certain school teachers in school districts of the fourth class; providing for increased contributions by the Commonwealth; and prohibiting the dismissal of such teachers without cause.

Referred to the Committee on Education.

By Mr. McDERMOTT. HOUSE BILL No. 1507.

An Act relating to State sanitoria for tubercular patients; conferring certain powers and imposing certain duties upon the Department of Revenue with reference to the collection of cost for maintenance, care and treatment of patients in such sanitoria.

Referred to the Committee on State Government.

By Mr. SCHROPE. HOUSE BILL No. 1508.

An Act making an appropriation to the Department of Agriculture for a suitable exhibit at the Seventh World's Poultry Congress.

Referred to the Committee on Agriculture.

By Messrs. VAN SICKLE, COAKLEY and JIROLANIO. HOUSE BILL No. 1509.

An Act making an appropriation to the State Emergency Relief Board from the Motor License Fund for the adjustment and payment of certain claims.

Referred to the Committee on Appropriations.

By Mr. TROUT. HOUSE BILL No. 1510.

An Act creating a special fund to be known as the Unemployment Relief Fund; requiring certain moneys to be paid into such fund, and appropriating such moneys to the State Emergency Relief Board and its successors for direct relief, work relief and expenses; defining the purposes for which such moneys may be expended; prescribing the powers and duties of the State Emergency Relief Board and its successors, and certain State departments; prohibiting political activity by employes of the State Emergency Relief Board and its successors; and prescribing penalties.

Referred to the Committee on Appropriations.

By Mr. SOLLENBERGER. HOUSE BILL No. 1511.

An Act to amend clause twenty-three of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, providing for the payment of interest by the Commonwealth on payments which are overdue to school districts.

Referred to the Committee on Education.

By Mr. WAGNER. HOUSE BILL No. 1512.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the

maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Erie.

Referred to the Committee on Highways.

By Messrs. OSTROFF, LEWIS and COSTANZO (By Request). HOUSE BILL No. 1513.

An Act for the better government of cities of the first class of this Commonwealth, providing a plan of government to be effective in any such city at the option of the voters thereof, to be expressed as herein provided.

Referred to the Committee on Cities.

By Mr. MALLEN. HOUSE BILL No. 1514.

An Act empowering the Adjutant General to place the name of Colonel J. Campbell Gilmore on the retired list of the Pennsylvania National Guard with the rank of Brigadier General.

Referred to the Committee on Military Affairs.

By Mr. MURRIN. HOUSE BILL No. 1515.

A Supplement to the act, approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act."

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 1516.

An Act to amend section four of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the second class, second class A and third class as state highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies, using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvement on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor, regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act," requiring the Department of Highways to take over bridges and viaducts on State Highways in cities of the third class.

Referred to the Committee on Highways.

By Messrs. OSTROFF and DeNOTE. HOUSE BILL No. 1517.

An Act making an appropriation to the Board of Managers of the Pennsylvania Seamen's Friends Society of Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. WALSH. HOUSE BILL No. 1518.

An Act to re-enact and further amend the title and the act, approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for comsumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of such receipts from State stores and of fees and imposing penalties" further regulating the manufacture sale importation use and traffic in liquors alcohol and malt and brewed beverages conferring additional powers and imposing additional duties on the Pennsylvania Liquor Control Board further regulating those licensed under this act imposing additional filing fees and increasing fees for certain permits and providing for the disposition thereof further regulating the establishment of State liquor stores and the employment and use of personnel by the board regulating and providing the procedure for the granting transfer revocation and suspension of licenses and for compromises in certain cases and the disposition of moneys arising therefrom providing for the forfeiture of certain property regulating the jurisdiction of courts and local option procedure prohibiting certain interlocking business and providing penalties.

Referred to the Committee on State Boards.

By Mr. BAINE. HOUSE BILL No. 1519.

A Joint Resolution proposing an amendment to Article XIV, Section 7 of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. THOMPSON. HOUSE BILL No. 1520.

An Act providing for the organization, under certain conditions, of two colored battalions of infantry, and making appropriation therefor.

Referred to the Committee on Military Affairs.

By Mr. DICKINSON. HOUSE BILL No. 1521.

An Act to amend section two thousand one hundred and one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class, an amending, revising and consolidating the law relating thereto," by fixing the minimum salaries or compensation for paid fire-

men and paid employees of the fire department in such cities.

Referred to the Committee on Cities.

By Messrs. THOMPSON, LEWIS and OSTROFF.

HOUSE BILL No. 1522.

An Act to amend subsections (c) of and (f) of section three of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 216), entitled "An act relating to dentistry; defining and providing for the licensing and registration of dentists and dental hygienists, and for the revocation and suspension of such licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction; providing penalties; and repealing existing laws," by requiring applicants for examination and certain other persons desiring to practice dentistry to be citizens of the United States.

Referred to the Committee on State Boards.

By Messrs. OSTROFF and LEWIS

HOUSE BILL No. 1523

An Act to amend clause nine, of section one as amended, of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858)) entitled "An Act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties", by opening the system further for original members.

Referred to the Committee on Pensions and Gratuities.

By Messrs. O'NEILL, FINNERTY and HIRSCH.

HOUSE BILL No. 1524.

An Act to further amend the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops, barber schools and barber colleges, and apprentices and students therein; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," by modifying the provisions relating to barber schools, and licensing of persons as barbers, and the issuing of renewal, student or apprentice permits; providing additional grounds for suspension and revocation of permits and registrations; discontinuing the use of the term "barber college"; and prescribing penalties.

Referred to the Committee on State Boards.

By Mr. CADWALADER. HOUSE BILL No. 1525.

An Act to amend sections three and twenty-three of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as amended, imposing said tax only on property on which interest or a dividend was paid; discontinuing said tax on equitable interests, vehicles and annuities; and continuing said tax for a further period of two years.

Referred to the Committee on Ways and Means.

By Mr. CADWALADER. HOUSE BILL No. 1526.

An Act to amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying exisiting legislation which provided for raising revenue for State purposes," as amended, imposing said tax only on property on which interest or a dividend was paid; and discontinuing said tax on vehicles and annuities.

Referred to the Committee on Counties.

By Mr. DECKER. HOUSE BILL No. 1527.

An Act making an appropriation to the Department of Agriculture for the enforcement of the fresh egg laws.

Referred to the Committee on Agriculture.

By Mr. BLANK. HOUSE BILL No. 1528.

An Act for the protection of the public and the prevention of fraud by prohibiting any person individually or in association or partnership with another person or persons to practice as an accountant, auditor, certified public accountant or public accountant, under a false, assumed, fictitious or trade name; prohibiting any corporation organized or registered after the effective date of this act from engaging in the practice as such; and fixing the time when such practice by existing corporations shall entirely cease in this Commonwealth; and providing penalties.

Referred to the Committee on State Boards.

By Messrs. McDERMOTT and HOLSTROM.

HOUSE BILL No. 1529.

An Act to amend section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one, (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing therein; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," as aded, by changing a certain route in the City of Allentown.

Referred to the Committee on Highways.

By Messrs. McDERMOTT and HOLSTROM.

HOUSE BILL No. 1530.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act"

Referred to the Committee on Highways.

By Messrs. COAKLEY and FINNERTY.

HOUSE BILL No. 1531.

An Act to further amend section five of the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination and Licensure and means and methods whereby the right to practice optometry may be obtained, and providing for the means to carry out the provisions of this act, and providing for revocation or suspension of licenses given by said board, and providing for violations thereof, and repealing all acts or parts of act inconsistent therewith", by providing for the issue of licenses in special cases.

Referred to the Committee on State Boards.

By Mr. WEIDEMANN. HOUSE BILL No. 1532.

An Act to amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" authorizing school districts to accumulate funds by special tax levies to anticipate future capital expenditures; and providing for the investment of expenditure of said fund.

Referred to the Committee on Education.

By Mr. McDERMOTT. HOUSE BILL No. 1533.

An Act prohibiting duress and intimidation of voters.

Referred to the Committee on Elections.

By Messrs. BIERLY, FLANNERY and VALIBUS.

HOUSE BILL No. 1534.

An Act to establish as a State highway a certain section of public road in the County of Luzerne, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Messrs. REISING, BIERLY and WHALEN.

HOUSE BILL No. 1535.

An Act to amend section one thousand two hundred three of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the ridnig of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of perscribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," as amended; regulating arrest on view by peace officers.

Referred to the Committee on Motor Vehicles.

By Mr. BIERLY. HOUSE BILL No. 1536.

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

Referred to the Committee on Highways.

By Messrs. OSTROFF and LEWIS.

HOUSE BILL No. 1537.

An Act relating to Sunday music; permitting musicians to receive compensation for services rendered on Sunday; authorizing pay concerts to be given and broadcast on Sunday under certain circumstances, and allowing school and certain public buildings and parks to be used therefor and providing penalties.

Referred to the Committee on Law and Order.

By Mr. WEIDEMANN. HOUSE BILL No. 1538.

An Act to amend section one thousand six of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended; providing for the regulation of the sinking fund and the investment of moneys therein.

Referred to the Committee on Boroughs.

By Mr. POWERS. HOUSE BILL No. 1539.

An Act permitting licensing, regulating and controlling dog racing and betting and wagering on such races in this Commonwealth, creating a State Racing Commission with jurisdiction over the same; defining its powers and duties; imposing certain license fees and State taxes; imposing certain duties on the Department of Revenue, and providing penalties.

Referred to the Committee on Ways and Means.

By Mr. WESTRICK. HOUSE BILL No. 1540.

An Act to repeal section ten of the act, approved the nineteenth day of July, one thousand nine hundred and thirty-five (P. L. 1356), entitled "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing subsitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties.

Referred to the Committee on Mines and Mining.

By Mr. MURRIN. HOUSE BILL No. 1541.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 1542.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 1543.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. McDEVITT. HOUSE BILL No. 1544

An Act to amend part of Section 1 of the act, approved the tenth day of May, one thousand nine hundred and twenty-one (P. L. 455) entitled "An Act to fix the number of representatives in the General Assembly of the State and to apportion the State into representative districts as provided by the Constitution" as amended by the act approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 877) entitled "An act to amend part of Section 1 of the Act approved the tenth day of May, one thousand nine hundred and twenty-one (P. L. 455) entitled 'An act to fix the number or representatives of the General Assembly of the State and to apportion the State into representative districts as provided by the Constitution,' by changing certain of such districts in Philadelphia," by changing such districts in Philadelphia

Referred to the Committee on Legislative Apportionment.

By Mr. McDEVITT. HOUSE BILL No. 1545.

An Act to amend part of Section 1 of the Act approved the tenth day of May one thousand nine hundred and twenty-one (P. L. 449) entitled 'An act to fix the number of Senators in the General Assembly of the State; to apportion the State into senatorial districts, as provided by the Constitution; and to regulate the election of, and the terms of office of, the present and future elected Senators," by changing such districts in Philadelphia.

Referred to the Committee on Legislative Apportionment.

By Mr. McDEVITT. HOUSE BILL No. 1546.

An Act to further amend clause five of section three of the act, approved the thirteenth day of May, one thousand nine hundred and nine (P. L. 520), entitled "An act relating to food; defining food; providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof," requiring certain marks and identification for confectionery.

Referred to the Committee on Agriculture.

By Mr. YOURISHIN. HOUSE BILL No. 1547.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act."

Referred to the Committee on Highways.

By Mr. ROYER. HOUSE BILL No. 1548.

A Supplement to the act, approved the third day of May, one thousand nine hundred and twenty-nine (P. L. 1542) entitled "An act authorizing the Department of Property and Supplies to acquire, by purchase, or gift, or lease, or condemnation, on behalf of the Commonwealth of Pennsylvania, the property of the Seventh Day Baptists of Ephrata, in whole or in part; to provide for the control, management and supervision of the property when acquired by the Pennsylvania Historical Commission; author-

izing the commission to make and enforce rules and regulations for its preservation and visitation," authorizing the Department of Property and Supplies to acquire by purchase, or gift, on behalf of the Commonwealth, personal property of the Seventh Day Baptists of Ephrata of historical interest and antique value, exempting property acquired from taxation, and providing for an annual charge for schools and roads in lieu of taxation; and making appropriations.

Referred to the Committee on State Government.

By Mr. WEIDEMANN. HOUSE BILL No. 1549.

An Act to fix the salaries of county officers in all counties of the third class; requiring the payment into the respective county treasury of the fees of such county officers; and repealing all inconsistent acts or parts of acts.

Referred to the Committee on Counties.

By Messrs. MURRIN and IMBRIE.
HOUSE BILL No. 1550.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making and appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 1551.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Messrs. BOIES and HARKINS.
HOUSE BILL No. 1552.

An Act to amend the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessments and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," by adding thereto section four hundred and twenty-three which provides for the classification of farm land for the purpose of assessment and valuation.

Referred to the Committee on Municipal Corporations.

Messrs. HARKINS and BOIES. HOUSE BILL No. 1553.

An Act increasing the salary of the officers and members of the Pennsylvania State Police Force.

Referred to the Committee on State Boards.

By Messrs. HARKINS and BOIES.
HOUSE BILL No. 1554.

An Act regulating trade practices and methods of persons, associations, copartnerships and corporations engaged in commerce; defining and prohibiting unfair competition and discrimination; creating a Fair Trade Board in the Department of Internal Affairs, and providing for the appointment and compensation of its members; prescribing their powers and duties; providing for appeals from the action of the board to the Court of Common Pleas of Dauphin County; and fixing penalties.

Referred to the Committee on Judiciary General.

By Messrs. HARKINS and BOIES.
HOUSE BILL No. 1555.

An Act to amend sections ten and seventeen, and section twenty-four as amended, of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 429), entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate; and to provide for the recording and registering of the decrees of the orphans' court in connection therewith, and the fees therefor," limiting the heirs of next of kin of an intestate entitled to take from his estate.

Referred to the Committee on Judiciary General.

By Mr. SKALE. HOUSE BILL No. 1556.

An Act to amend section eight hundred two and four-tenths (d) added, and to add a new section to Article VI of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrains, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers and local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by prohibiting the use of cowl or fender lamps alone on a motor vehicle in motion, and requiring all operators over sixty years of age to submit themselves for re-examination and providing penalties.

Referred to the Committee on Motor Vehicles.

By Mr. SKALE. HOUSE BILL No. 1557.

A Joint Resolution proposing an amendment to Article nine, Section eight of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. PRESTON. HOUSE BILL No. 1558.

An Act to repeal the act, approved the second day of April, one thousand eight hundred sixty-eight (Pamphlet Laws, fifty-five), entitled "A supplement to an act, entitled 'An act to increase the revenues of the Commonwealth by taxation of the shares of stock of the national banks, approved April twelfth, one thousand eight hundred and sixty-seven.'"

Referred to the Committee on Ways and Means.

By Mr. ROBINSON. HOUSE BILL No. 1559.

An Act concerning vocational education; providing for the acceptance by the Commonwealth of Pennsylvania of the provisions of the act of Congress, approved June eighth, one thousand nine hundred and thirty-six, entitled "An act to provide for the further development of vocational education in the several States and Territories;" and conferring powers and imposing duties on the State Treasurer and the State Council of Education.

Referred to the Committee on Education.

By Mr. HIRSCH. HOUSE BILL No. 1560.

An Act for the protection of the public health, and the prevention of fraud and deception; requiring clean, sanitary establishments for the manufacture, preparation or bottling of non-alcoholic drinks and liquid foods, including clean, sanitary ingredients and containers; regulating the maintenance and operation of such establishments and the use of containers; prescribing penalties; and providing for injunctions in certain cases.

Referred to the Committee on Public Health and Sanitation.

By Mr. RICHTER. HOUSE BILL No. 1561.

An Act to amend sections two, three, four, five and six of the act, approved the thirteenth day of April, one thousand nine hundred and twenty-one (P. L. 129), entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture, the sale, the offering for sale, or exposing for sale, or the having in possession with intent to sell, of adulterated or deleterious butter; defining butter; and prescribing the penalty for the violation' thereof,' further defining butter and the adulteration of butter; conferring powers on the Department of Agriculture and the courts of quarter sessions; and providing penalties.

Referred to the Committee on Agriculture.

By Mr. HARMUTH. HOUSE BILL No. 1562.

An Act to amend section one of the act, approved the first day of June, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand four hundred six), entitled "An act authorizing the Attorney General, under certain conditions, to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment, and to compound certain judgments, by extending the act to all pending claims of the Department of Highways against boroughs for the construction, reconstruction or maintenance of State highways.

Referred to the Committee on Boroughs.

By Mr. CORRIGAN. HOUSE BILL No. 1563.

An Act making an appropriation to the Department of Revenue to defray the expenses of investigation and litigation in the Estate of Henrietta E. Garrett, Deceased.

Referred to the Committee on Appropriations.

By Mr. McDERMOTT. HOUSE BILL No. 1564.

An Act to amend section four hundred thirty-nine of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended; providing that certain forms, used by the county commissioners relative to the compilation of war records of deceased service men, shall be prescribed but not furnished by the Department of Military Affairs.

Referred to the Committee on Military Affairs.

By Mr. BOLTZ. HOUSE BILL No. 1565.

An Act to amend the act, approved the thirteenth day of May, one thousand nine hundred and nine (P. L. 520), entitled "An act relating to food; defining food, providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioners in reference thereto; and providing penalties for the violation thereof," as amended; further regulating the adulteration and misbranding of food; providing for injunctions against the sale of food in certain cases; and changing penalties.

Referred to the Committee on Agriculture.

By Mrs. HORTING and Miss BRANCATO. HOUSE BILL No. 1566.

An Act making an appropriation to the Department of Welfare for the purchase of materials to be used in making articles required at the State institutions in connection with sewing projects established in Pennsylvania by the Federal Works Administraiton.

Referred to the Committee on Appropriations.

By Mr. FITCH. HOUSE BILL No. 1567.

An Act to amend sections two, and section nine as amended, of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties;" further regulating the making of payments to representatives of persons who cannot personally receive compensation.

Referred to the Committee on Military Affairs.

By Mr. READINGER. HOUSE BILL No. 1568.

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by adding thereto sections four hundred and twenty B (420B), four

hundred and twenty C (420C) and four hundred and twenty D (420D) defining industrial insurance and providing uniform policy provisions and prohibited policy provisions for industrial insurance contracts.

Referred to the Committee on Insurance.

By Messrs. HARKINS and BOIES.

HOUSE BILL No. 1569.

An Act to further amend the act approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education, providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and the reimbursement thereof by the State," by further defining and extending the scope of vocational education.

Referred to the Committee on Education.

By Mr. FLANNERY. HOUSE BILL No. 1570.

An Act to promote safety for the traveling public on State highways; to extend the responsibility for subsidence of such highways by the failure of vertical and lateral support and declaring said subsidence a public nuisance; to provide for inspection of mine maps by the Department of Highways and the furnishing to said Department of copies of such mine maps in certain cases, to authorize entry by the Department of Highways into mines in certain cases, and to provide for notices to the Department of Highways of certain mining operations under or adjacent to highways, and providing penalties.

Referred to the Committee on Highways.

By Mr. HERBERT B. COHEN. HOUSE BILL No. 1571.

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief, and expenses; defining the purposes for which such moneys can be expended; prescribing the powers and duties of the State Emergency Relief Board and certain State departments; prohibiting political activity by employes of the State Emergency Relief Board; and prescribing penalties.

Referred to the Committee on Appropriations.

By Mr. MOOMAW. HOUSE BILL No. 1572

An Act to amend sections one, eight, eleven and thirteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1513), entitled "An act regulating the construction, equipment, maintenance, operation and inspection of boilers, granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act;" extending the provisions of said act to unfired pressure vessels.

Referred to the Committee on State Government.

By Messrs. McDEVITT, ROBERT S. HAMILTON and MALLEN. HOUSE BILL No. 1573.

An Act to promote the health and efficiency of firemen in cities of the first class by providing for a three shift or platoon system for firemen in the department of public safety of such cities; and repealing inconsistent laws.

Referred to the Committee on Cities.

By Mr. ARNOLD. HOUSE BILL No. 1574

An Act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees thereof; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling, and testing; authorizing the commission to examine the business, papers, and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making an propriations.

Referred to the Committee on Agriculture.

Messrs. HARKINS and BOIES.

HOUSE BILL No. 1575.

An Act to amend section eighteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes; defining the uses and purposes thereof, and the nammer of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalities," as amended, authorizing the assignment of retirement rights in certain cases.

Referred to the Committee on Pensions and Gratuities

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 404. (HOUSE BILL No. 1576).

An Act to amend section one of the act, approved the eleventh day of June one thousand nine hundred and thirty-five (Pamphlet Laws 336) entitled "An act authorizing the courts to stay legal proceedings except in certain cases against banks bank and trust companies and trust companies where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operator of the Statute of Limitations and inconsistent acts of Assembly," extending said act a further period of two years.

Referred to the Committee on Judiciary General.

SENATE BILL No. 421. (HOUSE BILL No. 1577).

An Act to validate indebtedness incurred by cities of the third class for the extension enlargement and improvement of the waterworks of such city.

Referred to the Committee on Cities.

BILLS INTRODUCED AND REFERRED

By Messrs. OSTROFF, LEWIS, DeNOTE FALKENSTEIN and TRONZO. HOUSE BILL No. 1578.

An Act to prohibit the sale of fireworks in the Commonwealth of Pennsylvania, providing for certain exemptions and for penalties for violation thereof.

Referred to the Committee on Judiciary Special.

By Messrs. HARKINS and BOIES.
HOUSE BILL No. 1579.

An Act to amend section six of the act, approved the third day of June, one thousand nine hundred and nineteen (P. L. 366), entitled "An act reorganizing the Department of State Police; creating therein a Bureau of Fire Protection; providing for a State Police Force, and defining the powers and duties of the same, including the enforcement of laws relating to game, fish, forestry, and water supply, and certain other laws, and including the collection of information useful for the detection of crime and the apprehension of criminals; providing for the equipment, maintenance, and transportation of such police; providing for barracks and substations therefore; and prescribing penalties," as amended, by revising the personnel of the State Police Force, and providing for their salaries.

Referred to the Committee on State Government.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. THOMPSON. RESOLUTION No. 52

In the House of Representatives, March 15, 1937

Whereas, In the City of Philadelphia, there are many districts that are densely populated; and

Whereas, In many of these districts, not only are the housing conditions unsafe and unsanitary, but there are no playgrounds or recreation centers in which the children might play; and

Whereas, In one district of Philadelphia, comprising of the sixteenth and twentieth wards, there are crowded together sixty thousand people in an area slightly over one square mile, and within that district there exists not a single playground or recreation center for the children; and

Whereas, In the above-mentioned district, there is a very large percentage of child delinquency, school truancy and accidents involving children. and it is the opinion of many persons that the source of the trouble hereinabove mentioned is due to overcrowding and the absence of playgrounds and recreation centers in this district; therefore, be it

Resolved, That the House of Representatives of Pennsylvania hereby urge the Mayor and the council of the City of Philadelphia to make an immediate survey of these needs and to institute a broad program of playground and recreation center construction at the earliest possible date; and be it further

Resolved, That a copy of this resolution be sent, by the Chief Clerk of the House, to the Mayor and to the Secretary of the Council of the City of Philadelphia.

Referred to the Committee on Cities.

[illegible] WESTRICK.
(Concurrent) RESOLUTION No. 53.

[illegible] the House of Representatives, March 15, 1937.

Whereas, The United States Government under the Emergency Federal Farm Mortgage Act of 1933, and with subsequent amendments, was authorized to grant commissioner loans to any one farmer not exceeding the sum of $7,500; and

Whereas, The rate of interest on such loans was established at the rate of 5% per annum; and

Whereas, Most of these loans were made for a period of thirteen years with no payment required on principal during the first three years of said loan; and

Whereas, the principal of said loan, in most cases is payable during the following ten years, one-tenth each year, plus interest at the rate of 5% per annum on unpaid balances; and

Whereas, The income from farm crops is not sufficient in most cases to meet such payments; and

Whereas, The rate of interest paid on most of the Federal Farm Mortgage Corporation bonds, through which the Government farm loan, known as Land Bank Commissioner loans, were financed, bear interest at the rate of less than 3% per annum; now therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania hereby memoralizes the Congress of the United States to enact into law some legislation providing that Land Bank Commissioner mortgages of record or made hereafter, shall be amortized over a term of years. so that the payment of principal and interest shall not be greater than 5% of the amount of the original loan, with interest on the unpaid balance not to exceed the rate of 3% per annum; and be it further

Resolved, That the Chief Clerk of the House of Representatives is hereby directed to send a copy of this memorial to the President and to the Vice-President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States, and a copy to each Representative and Senator from this Commonwealth.

Referred to the Committee on Federal Relations.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

MOTOR VEHICLE CODE

A communication from the American Association of Motor Vehicles Administrators urging enactment of uniform vehicle code developed by the National Conference on Street and Highway Safety.

Referred to the Committee on Motor Vehicles.

CIVIL SERVICE

A resolution from Braddock Lodge No. 1219, Carnegie-Illinois Steel Corporation, Edgar Thompson Works, East Pittsburgh, urging favorable action on House Bills Nos. 584 and 589.

Referred to the Committee on State Government.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 68.

An Act limiting the time in which proceedings may be begun to open, revive or strike off the satisfaction of judgments satisfied by prothonotaries under the provisions of the act approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred and forty-three) entitled "An act to protect the owner of mortgaged property during the present emergency by limiting the amount of deficiency judgments during a certain period" and the act approved the first day of

July, one thousand nine hundred and thirty-five (P. L. 503), entitled "An act to protect the obligors or guarantors of bonds and mortgages, and owners of property affected thereby, and others indirectly liable for the payment thereof and owners of mortgaged property affected thereby, by restricting the right to proceed against certain property and persons; limiting the amount of deficiency judgments; and continuing rights, duties, and obligations, established or forfeited under prior laws relating to deficiency judgments."

HOUSE BILL No. 738.

A Supplement to the act, approved the twelfth day of July, one thousand nine hundred thirty-five (1935 Appropriation Acts, page 23), entitled "An act making appropriations to the Department of Welfare to pay for the care, treatment, removal, and maintenance of the indigent insane in county and poor district hospitals."

HOUSE BILL No. 742.

A Supplement to the act, approved the twentieth day of July, one thousand nine hundred thirty-five (Appropriation Acts, page seventy-one), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-five; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five," providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first, one thousand nine hundred and thirty-seven.

HOUSE BILL No. 748.

A Supplement to the act, approved the nineteenth day of July, one thousand nine hundred thirty-five (Nineteen hundred and thirty-five Appropriation Acts, page forty-one), entitled "An act making an appropriation to the Department of Welfare for Pensions for the Blind."

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY THE SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, March 15, 1937.

Resolved (if the Senate concur), That House Bill No. 190, Printer's No. 147, entitled "An act to amend clause (f) of section two hundred eight of the act approved the fifth day of December one thousand nine hundred thirty-six (Act No. 1) entitled 'An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties,' providing for additional credits in civil service examinations for persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who were honorably discharged from such service," be recalled from the Governor for the purpose of amendment.

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 548.

An Act providing for the organization, government, discipline, maintenance and regulation of an additional land force, to be known as the Pennsylvania Reserve Militia, for the defense of the Commonwealth during any war in which the United States may be engaged.

With the information the Senate has passed the same without amendment.

STATEMENT BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, in his message to the General Assembly at the opening of this session Governor Earle called to the attention of the Legislature the report of the Sterling Committee and recommended a careful study of this document as a means of reducing "administrative or house-keeping costs of our State Government."

This aroused my immediate initerest because I had given careful consideration and followed the Sterling Committee's work and its report, and have since refreshed my memory by further study.

In his budget message to the General Assembly the Governor stated that "we have conducted Administrative Departments at a cost of $5,600,000 less than our predecessors." As one who has constantly battled for a reduction in the cost of our State Government, I, of course, hail any official who has been able to reduce the cost. From experience, however, I cannot accept so-called economies until I am certain that they are not like some of those set up in the 1935 budget, in which was included a reduction of $5,000,000 in appropriation to the Public Schools which later had to be made up by deficiency appropriations.

I realize from sad experience that no economy program or one that involves a consolidation or change in departments can be successfully carried out without the cooperation of the Executive. Therefore if the Governor be sincerely interested in the Sterling Committee report and a reduction of the "administrative or house-keeping costs of our State Government," I would ask that he intimate to the Legislature his willingness to co-operate in a program to bring this about. It would be a waste of time and money to prepare bills and introduce them to effect such savings unless the Governor stated in advance that he is willing to sit down with a committee from the Legislature such as suggested by the gentleman from Blair, Mr. Perry, in Resolution No. 6, Serial No. 14, and study the whole problem.

In order that this statement be not thought just a gesture, I am presenting a plan as a working basis which will reduce the cost and thereby save to the taxpayers $2,000,000 in the coming biennium without reducing the efficiency and services of the State Government.

The budget shows that the difference between the total funds available for 1937-39 estimated to be used and the total budget for the biennium is 12c. Now I know that the Governor has the advantage of a wizard to work on

miracle budgets. But I do not want to see him get into difficulty and I am afraid that 12c is not enough leeway even for him. Therefore my suggested saving of $2,000,000 would come in mighty handy.

We have to many departments that should be bureaus. We have too many secretaries heading departments drawing from $10,000 to $12,000 a year.

The following is a suggested plan of reorganization that would not only reduce cost, but make the Government more compact and provide for greater co-operation and in the end in many respects provide greater service to the people at less money.

1—The Department of Banking and Department of Insurance, while dealing with two different kinds of corporations and associations, neverthless have functions that are similar, to wit,—the regulation and examination of institutions handling other people's money. Title Insurance Companies in this State are almost uniformly a part of banking institutions. However, their regulation and examination is in the Department of Insurance. A Department of Banking and Insurance should be set up with one secretary and two directors. While Banking and Insurance would each be a separate division under the Department, there are many activities that could be handled by the same employees, thereby reducing personnel.

2—Department of Welfare. Transfer the State Hospitals from Welfare to the Department of Health; and the Penal and Correctional Institutions to the Commission hereinafter suggested.

The State-Aided Hospitals and Institutions are now examined and inspected by the Department of Welfare. A part of this work could be performed under the Department of Health with the aid of the Medical and Nursing Boards, and the balance is a duplication of work that should be done by the Auditor General.

There should be created a non-paid Penal and Correctional Commission responsible directly to the Governor. This would undoubtedly make for far better policy in reference to these Institutions than the changing ideas of Secretaries of Welfare, most of whom have never had any prior experience in handling such Institutions.

3—Department of Forests and Waters should be transferred to the Department of Internal Affairs, where as a Bureau, it would have more chance of setting up a continuing policy than as a Department under the Executive. In less than two years under the present Administration it has had three different secretaries.

4—Transfer the Department of Mines to the Department of Labor and Industry. This Department now carries on the work of inspection of our manufacturing industries, and there would seem to be no sound reason why, as a Bureau in the Department of Labor and Industry, its safety work and inspection, etc., of our mines could not be carried on as efficiently.

5—Abolish the Department of Revenue, which in the opinion of almost every unbiased student of our State Government, should never have been created. The Treasury Department should be the collecting as well as the disbursing agency of the State. The Revenue Department should be a collection agency, and not an auditing as well as a collection agency.

We have made numerous attempts without success to separate the auditing from the Revenue Department, and confine it to the Department of the Auditor General. The process of handling expenditures of the State Government and of the collection of moneys is so cumbersome that no business concern could live with such a system. Vouchers go through four departments and six pairs of hands.

The Revenue Department has an ever increasing number of jobs. Each new tax bill brings more. And no Governor is willing to give up that patronage.

(In reference to transfer of revenue, there has recently been a very much publicized investigation in the City of Philadelphia in which recommendations have been made for the consolidation of Bureaus and for the transfer of the Office of Receiver of Taxes to the Office of the Treasurer, with the claim that this will reduce the cost. If this be true in Philadelphia, it certainly is true to a greater degree in the State, to wit,—that the transfer of Revenue to the Treasurer, would likewise reduce the cost.)

The State Athletic Commission should be abolished, and the work carried on by a director under a non-paid commission and considerable saving effected.

6—There is overlapping and duplication in auditing. Our plan of State Government is an excellent one, by which the constitutional office of Auditor General is created as a check upon the Executive and the Treasurer. Formerly it handled the settlement work which is done by the Department of Revenue. This tax collection work did not rightfully belong in the Department of the Auditor General, although it naturally developed there by reason of the fact that the making of tax statements was to some degree an auditing performance. All auditing should be separated from the departments and branches of Government and placed within the Auditor General's office. This office should then be made responsible for the proper check on everything under the Government, and facilities should be given to it and it should be encouraged to see that proper auditing is done. The Executive should be as zealous for this as anyone else.

7—There is talk of creating a new Department of Assistance. If this means a secretary and all the assistants that go with Department heads, it will be but creating a new source of expense, that will keep growing at every Session. I believe that a non-paid assistance commission should be created directly responsible to the Governor. It should handle Mothers Assistance, Old Age Assistance, Pensions to the Blind. These funds should be administered by county boards, upon whom should be placed the direct responsibility of administration. If the auditing is done by the Auditor General's Department, the number of employes required to carry out the work of the Assistance Board, should be very small.

8—Unemployment Relief should be confined to those who are really out of employment, and should be administered by the Department of Labor and Industry in conjunction with Unmployment Compensation. Everyone will be registered for Unemployment Compensation. In addition, larger appropriations are being asked by the Governor for the establishment of unemployment offices by the Department of Labor and Industry in the State. Therefore it would reduce the investigations as well as the Bureaus necessary to administer Unemployment Relief if those were handled in conjunction with Unemployment Compensation. If a separate Department is set up that directs Unemployment Relief as well as Mothers Assistance, etc., applicants would have to be investigated by this department and in asking for Unemployment

Compensation, would again be investigated by Labor and Industry. Even though there might be a close relation between the two departments to check on applicants, it would certainly seem reasonable that by placing it within the same department, there would be greater efficiency and less cost.

By the foregoing reorganization, which but touches the high spots, and does not undertake a consideration of many minor consolidations and transfers that might produce economies, it may be seen that we have reduced the number of secretaries by five with a gross saving of $124,000 per biennium in secretaries' salaries alone. However this would not be a total saving as it would be necessary to set up directors of bureaus and chiefs to direct the work of many of these departments in their consolidated form.

I do beleive that a total reduction in the cost of the operation of the State Government amounting to $2,000,000 a biennium could thus be made, and that in addition, as set forth above, the State Government would be more compact, more efficient, and that there would be a greater coordination of the functions of the Government.

Governor, it is up to you.

STATEMENT BY MR. ACHTERMAN

Mr. ACHTERMAN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I have listened with a great deal of interest to the remarks of the gentleman from Delaware, Mr. Turner. The Perry Resolution, to which he referred, is in the Committee on State Government. In addition to that there are several other bills aiming to name a legislative committee that would put into force and effect many changes in the form of our present State Government. Bearing in mind the Sterling Report, to which he refers, that committee has been working on the subject, but we have designated a sub-committee that is now engaged in delving into the subject very deeply. Whether the gentleman from Delaware was aware of this fact or not, I cannot say. At first I had thought that perhaps he was a member of that sub-committee and might be making a report to the House instead of to the committee. However, in glancing over the record, I find that he is not a member of that sub-committee. I do want him to know, however, that this Administration will not treat as lightly the report of the Sterling Committee as did the Administration that named the Sterling Committee. They had an excellent report there, but that Administration never drove very far on the road. Just to allay the fears of the gentleman from Delaware, may I assure him that the Committee on State Government of this Administration will give more careful study and develop further that report than has occurred in the past.

STATEMENT BY MR. SCHOR

Mr. SCHOR asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, at the present time the Committee on State Government of the House has under consideration an anti-pollution bill introduced by Mr. LaRue, House Bill No. 153. We have had a public hearing on this measure and both the proponents and opponents of the measure have had an opportunity to speak on it. However, in this Commonwealth there are a great many proponents of this measure who are unable to come here because of their circumstances and because of the fact that Harrisburg is so far from their homes. In their behalf, Mr. Speaker, I wish to present to you a petition signed by fifty thousand citizens of this Commonwealth requesting of the Legislature that House Bill No. 158 be assured of immediate passage.

The SPEAKER. The petition will be referred to the Committee on State Government which has under consideration House Bill No. 158.

LEAVE OF ABSENCE

Mr. Samuel A. Weiss asked and obtained leave of absence for Mr. RUFFENNACH.

REPORTS FROM COMMITTEES

Mr. SIEGEL, from the Committee on Appropriations, reported as committed, House Bill No. 1142, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to the State employes receiving compensation from the Game Fund.

Mr. SIMON, from the Committee on Appropriations, reported as committed, House Bill No. 1134, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

Mr. AUKERMAN, from the Committee on Appropriations, reported as committed, House Bill No. 1139, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

Mr. O'NEILL, from the Committee on Banking, reported as amended, House Bill No. 1155, entitled:

An Act to amend paragraph one of clause (a) of section forty-one of the act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties,

and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, by further providing with respect to investments of trust funds by fiduciaries.

Mr. BROWN, from the Committee on Appropriations, reported as committed, House Bill No. 1140, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

Mr. LOVETT, from the Committee on Military Affairs, reported as committed, House Bill No. 826, entitled:

An Act making an appropriation for the preparation of the Eightieth Division History, and creating a commission for such purposes.

Mr. MOONEY, from the Committee on Cities, reported as committed, House Bill No. 1292, entitled:

An Act authorizing council in cities of the second class to make appropriations for the use of the Director of the Department of Supplies and his assistant; providing for the deposit of such moneys from time to time in a special fund which may be drawn upon for certain purchases without prior approval

Mr. TUMELTY, from the Committee on Cities, reported as committed, House Bill No. 1309, entitled:

A Supplement to the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class;" creating the position of solicitor for the department of city controller.

Mr. OMINSKY, from the Committee on Cities, reported as committed, House Bill No. 1335, entitled:

An Act regulating the employment and hours of employment of the officers and members of the uniformed fire protection forces of the cities of the first class and repealing existing laws.

Mr. BOIES, from the Committee on Aeronautics, reported as committed, House Bill No. 1071, entitled:

A Joint Resolution authorizing the appointment of a Commission to make a survey of the topography of the Commonwealth to make recommendations concerning landing fields and aviation facilities and making an appropriation.

Mr. JOHN J. BAKER, from the Committee on Appropriations, reported as committed, House Bill No. 1137, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

Mr. POWERS, from the Committee on Cities, reported as committed, House Bill No. 1295, entitled:

An Act to amend sections one and two of the act, approved the seventh day of June, one thousand nine hundred and eleven (P. L. 667), entitled "A supplement to an act, entitled 'An act for the government of cities of the second class,' approved the seventh day of March, one thousand nine hundred and one; regulating the certification, recording, advertising, and proof of passage of legislative acts of councils; and prescribing the effect of the production thereof when required as evidence," by allowing council to shorten the publications provided for.

Mr. FLANAGAN, from the Committee on Cities, reported as committed, House Bill No. 1311, entitled:

An Act to authorize cities of the second class to sue out writs of scire facias on certain tax leins, to revive writs of scire facias on such liens, or to revive judgments on such liens, where more than five years have elapsed since said liens were filed or such judgments were entered or revived, and to reduce such liens to judgment, or to revive such judgments, and providing for the revival and collection of such judgments.

Mr. GERARD, from the Committee on Appropriations, reported as committed, House Bill No. 1154, entitled:

An Act making an appropriation to the General State Authority.

Mr. KROLL, from the Committee on Military Affairs, reported as committed, House Bill No. 1078, entitled:

An Act to amend clause thirty-four of section two thousand four hundred and three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," by extending the provisions for appropriations to posts of veterans.

Mr. BIERLY, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 1410, entitled:

An Act relating to the manufacture, repair renovating, cleansing, sterilizing, and disinfecting of mattresses, pillows, bolsters, feather beds, and other filled bedding, cushions and upholstered furniture intended for sale or lease and to the sale or lease thereof; requiring the placing of tag and adhesive stamp on such material; providing for the sale of adhesive stamps; authorizing and requiring the Department of Labor and Industry to adopt rules and regulations; providing penalties; and repealing certain acts.

Mr. McELROY, from the Committee on Cities, reported as committed, House Bill No. 1296, entitled:

An Act to amend section one of Article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class." as amended; further regulating the giving of contracts relating to city affairs.

Mr. ALEXANDER, from the Committee on Appropriations, reported as committed, House Bill No. 1150, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

Mrs. HORTING, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1297, entitled:

An Act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale for the non-payment of taxes and the reconveyance or private sale of such property.

Mr. WAGNER, from the Committee on Constitutional

Amendments, reported as committed, House Bill No. 817, entitled:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania.

Mr. WAGNER, from the Committee on Constitutional Amendments, reported as committed, House Bill No. 1366, entitled:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section four A.

Mr. GORSKI, from the Committee on Judiciary General, reported as amended, House Bill No. 1038, entitled:

An Act providing that in all cases where writs of habeas corpus are granted, the judge shall inquire into the fact of the case, including an examination into the record, proceedings and evidence produced against the person committed or detained before the committing judge, officer, magistrate or grand jury, and making such records, proceedings and evidence available for inspection by the petitioner or his counsel.

Mr. PEALE, from the Committee on Military Affairs, reported as committed, House Bill No. 1081, entitled:

An Act to amend clause forty-two of section one thousand two hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs, by extending the provisions for appropriations to posts of veterans.

Mr. HALL, from the Committee on Aeronautics, reported as committed, House Bill No. 1032, entitled:

An Act to amend section four hundred ninety-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as added, providing for county airports.

Mr. MORAN, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1304, entitled:

An Act to amend section eight of the act, approved the the sixteenth day of May, one thousand eight hundred and ninety-one (P. L. 75), entitled "An act in relation to the laying out, opening, widening, straightening, extending, or vacating streets and alleys, and the construction of bridges, in the several municipalities of this Commonwealth; the grading, paving, macadamizing, or otherwise improving streets and alleys; providing for ascertaining the damages to private property resulting therefrom; the assessment of the damages, costs, and expenses thereof upon the property benefited; and the construction of sewers, and payment of the damages, costs, and expenses thereof, including damages to private property resulting therefrom," as amended, by providing for a temporary improvement or paving, the assessment of costs and expenses upon property benefited thereby and assessment of costs and expenses upon property benefited by a subsequent permanent improvement upon credit being given for the prior assessment.

Mr. HIRSCH, from the Committee on Education, reported as committed, House Bill No. 1283, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by designating who shall be known as professional employes in the several school districts, and making provisions for their election and dismissal.

Mr. TURNER, from the Committee on Appropriations, reported as committed, House Bill No. 1131, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

Mr. WINNER, from the Committee on Appropriations, reported as committed, House Bill No. 1143, entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State Employes receiving compensation from the State Stores Fund.

Mr. CADWALADER, from the Committee on Military Affairs, reported as committed, House Bill No. 1080, entitled:

An Act authorizing cities of the first and second class and second class A and incorporated towns to make appropriations to organizations of ex-service men to aid in defraying the exepenses of Memorial Day and Armistice Day.

Mr. PERRY, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1265, entitled:

An Act to further amend the title and section one of the act, aproved the eighth day of May, one thousand nine hundred and twenty-nine, (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury," extending said act to all political subdivisions.

Mr. HUNTLEY, from the Committee on Military Affairs, reported as committed, House Bill No. 1079, entitled:

An Act to amend section four hundred and thirty-one of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by extending the provisions for appropriations to veterans' organizations for expenses of Memorial Day and Armistice Day.

Mr. RUSH, from the Committee on Municipal Corporations, reported as amended, House Bill No. 904, entitled:

An Act prohibiting municipal policemen from being employed or serving as industrial police; requiring their dismissal for so doing; and providing penalties.

Mr. KILROY, from the Committee on Cities, reported as amended, House Bill No. 999, entitled:

An Act providing for the appointment of a Commission to draft a report on a plan for the future government of the City of Philadelphia, in accordance with a proposed amendment to the Constitution, consolidating the City and County governments of the said City; providing for

the employment of certain persons by the Commission; giving the Commission the power to subpoena witnesses, books, papers and records; to hold hearings:; and making an appropriation.

Mr. WALSH, from the Committee on Cities, reported as committed, House Bill No. 1421, (Senate Bill No. 370), entitled:

An Act authorizing cities of the first class to set-off delinquent taxes and interest, penalties and costs due thereon, against claims and accounts due by such cities; and prescribing the powers and duties of the city controller in such cases.

Mr. JOHN A. SMITH, from the Committee on Agriculture, reported as committed, House Bill No. 1058,. (Senate Bill No. 151), entitled:

An Act relating to the protection of agriculture and horticulture including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts or products thereof from plant pests, and revising, consolidating and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; providing penalties and repealing present laws.

Mr. SPENGLER, from the Committee on Constitutional Amendments, reported as committed, House Bill No. 876, (Senate Bill No. 31), entitled:

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

Mr. BOHN, from the Committee on Education, reported as committed, House Bill No. 1420, (Senate Bill No. 369), entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by designating who shall be known as professional employees in the several school districts, and making provisions for their election and dismissal.

Mr. FINNERTY, from the Committee on Banking, reported as amended, House Bill No. 794, entitled:

An Act to amend sections one and two as amended and sections four and six of the act, approved the seventeenth day of June, one thousand nine hundred and fifteen (P. L. 1012), entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less, either with or without security, to individuals pressed by lack of funds to meet immediate necessities; fixing the rates of interest and charges therefor; requiring the licensing of lenders; and prescribing penalties for the violation of this act," enlarging the powers of the Secretary of Banking; authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof; requiring licensees to file annual reports; increasing the license fee; reducing the rate of interest on loans; increasing the penalty for operation without a license; and bringing certain transactions within the scope of the act.

BILL RE-REFERRED

Mr. JACOB F. MATTHEWS returned from the Committee on Forestry with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 1352, entitled:

An Act authorizing and directing the Department of Forests and Waters to investigate the development of immunity to blight, of the chestnut tree, and to carry on experimental work on lands to be acquired and developed under this act for such purposes; and making an appropriation.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

Mr. THOMPSON returned from the Committee on Forestry with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 1368, entitled:

An Act making an appropriation to the Department of Forests and Waters, for acquisition of lands in connection with Valley Forge Park.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

Mr. SLOAN returned from the Committee on Military Affairs with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 463, entitled:

An Act making an appropriation for the purchase of a history of the One Hundred and Ninth Field Artillery of the Pennsylvania National Guard, and providing for the distribution thereof.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

Mr. SLOAN returned from the Committee on Military Affairs with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 1252, entitled:

An Act making an appropriation for the preparation of the Twenty-eighth Division History and creating a commission for such purposes.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

Mr. SLOAN returned from the Committee on Military Affairs with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 1077, entitled:

An Act making an appropriation to the Department of Military Affairs for the publication of a pamphlet or pamphlets listing the World War Service activities of civilian authorities and service organizations.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

REPORT OF LEGISLATIVE COMMITTEE INVESTIGATING COSTS OF CITY GOVERNMENT

Mr. LEWIS. Mr. Speaker, I am directed by the Joint Legislative Committee appointed by authority of the concurrent resolution of the Senate and the House, under date of January 13th, to investigate into the costs of city government in the City of Philadelphia, to file with this House a first preliminary report and the testimony of the hearings contained in the report, under date of Monday, March 15, 1937, copies of which have been distributed to the members of this House.

The SPEAKER. The report and the testimony will be noted in the Journals of the House, and printed in the appendix, to the Legislative Journal.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 673, entitled:

An Act regulating and prescribing the computation and running of sentences for criminal offenses.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 825, entitled:

An Act to validate contracts for the erection and construction of School buildings, additions to and improvements of existing school buildings and improvements of the grounds appurtenant to the same and orders for extra work and material in connection therewith and to authorize payment therefor by the school districts where there is no evidence of fraud or conspiracy.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 249, entitled:

An Act to provide revenue by taxation by an assessment of a two per centum tax from the premiums of foreign insurance companies doing what is commonly known as an automobile theft, property and accident insurance, and to provide for the distribution of the revenues of said tax by the State Treasurer to the treasurers of the several cities, boroughs, incorporated towns and townships for certain purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 234, entitled:

An Act to re-enact the act, approved the eighteenth day of May, one thousand nine hundred and thirty-three (P. L. 826), entitled "An act authorizing courts of common pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs," as amended.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

TIME EXTENDED ON BILL

Mr. MOUL. Mr. Speaker, I move that the time on House Bill No. 959, Printer's No. 204, entitled:

An Act to amend section one hundred and one of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three, (P. L. 359), entitled "An act concerning game and other wild birds and wild animals and amending, revising, consolidating and changing the law relating thereto," as amended, withdrawing the skunk or polecat from the furbearing animal class as defined in said act.

on page 2 of today's calendar, bills on second reading be extended two weeks.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. HABBYSHAW. Mr. Speaker, I move that the time on House Bill No. 840, Printer's No. 237, entitled:

An Act requiring employers making deductions from the wages or other compensation of their employes to give to such employes a statement showing the amounts and purposes of such deductions.

on page 2 of today's calendar, bills on second reading be extended two weeks.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 964, as follows:

An Act to amend section five A of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended by changing the number and method of appointment of the civil service commissioners in said cities

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five A of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended by the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 203) is hereby further amended to read as follows

Section 5-A There shall be established and constituted in such [city] cities a civil service commission consisting of [three] five civil service commissioners [who shall be elected by the city council by a majority vote of all the members elected thereto] two of whom shall be appointed by the mayor of such cities and two of whom shall be appointed by the city controller of such cities and the four commissioners so appointed shall elect a fifth commissioner within thirty days after their appointment and failing to do so the Governor shall appoint such fifth member and shall hold office for a term of four years and until their successors are severally [elected] appointed and qualified Vacancies in the office of civil service commissioner shall in like manner be filled for the remainder of the term by the appointing power which appointed the person whose vacancy is to be filled The commissioners shall elect from among their own number a president and secretary Each commissioner shall qualify by filing with the mayor an oath to perform the duties of his office faithfully and without fear or favor

On the question,

Will the House agree to the section?

MOTION TO RECOMMIT

Mr. McDEVITT. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities for the purpose of a hearing, further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. McGEE. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. McDevitt.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. McDEVITT. I will, Mr. Speaker.

Mr. McGEE. Mr. Speaker, I would like to ask the gentleman from Philadelphia, Mr. McDevitt, if anyone has requested a public hearing on this bill.

Mr. McDEVITT. Mr. Speaker, the Civil Service Commissioners themselves have asked for a hearing and an opportunity to be heard in order to state their position and also to find out what it is all about.

Mr. McGEE. Mr. Speaker, I thank the gentleman from Philadelphia, Mr. McDevitt.

Mr. OMINSKY. Mr. Speaker and members of the House, in opposing the motion of the gentleman from Philadelphia, Mr. McDevitt, to refer House Bill No. 964 back to committee, I want to say that this bill has been in the Committee on Cities since February 22nd and no request for a hearing has ever been made. The bill itself is self-explanatory and is but a page and a half long. The bill provides for certain changes, the people in Philadelphia know and want these changes and I therefore ask the members of the House to vote the motion down.

Mr. McDEVITT. Mr. Speaker and members of the House, I do not want to discuss the merits of the bill because that of course is not at issue. However, I might state that the only change the bill does make is in the number and the manner of appointment of commissioners. It is true that the bill has been in committee possibly a couple of weeks. There is also a history behind its introduction as well as the amendments that were made in committee. We are dealing here with a civil service commission. It is not a question of ripping somebody out of political office. These men say that they would like to have an opportunity to appear before the members of the committee, explain their position, how the commission operates and answer any questions that the committee might put to them, and if after that the committee feels that this change should be made that it can then be submitted to the House for final vote.

I might say that the Mayor of Philadelphia has not spoken to me about this bill, nor any other person for that matter. The commissioners think that it is only fair and equitable that before ripping out a Commission, particularly a Civil Service Commission, that they should be given a hearing. I think that it is a very poor precedent; I think it is poor policy and I do not see how you men can conscientiously or intelligently vote upon a matter of this kind without a hearing. I ask you in all fairness to give these men, who are chartered officers under our charter, an opportunity to explain their position.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment

An Act to amend section five A of Article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," as amended, by changing the number and method of appointment of the civil service commissioners in said cities.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 646, as follows:

An Act to promote the public health safety morals and welfare by providing for the creation of corporations to be known as limited dividend housing companies for the purpose of eliminating unsanitary and dangerous housing conditions and constructing and operating safe and sanitary dwellings and apartments to be let at reasonable rentals or sold providing for the acquisition of property by the exercise of the power of eminent domain providing for the supervision and regulation of the activities of such companies by the State Board of Housing in the Department of Health and regulating the supervision by the State Board of any such companies aided by the Federal Government or agencies thereof defining the rights powers and duties of such companies and of persons investing in or dealing with such companies authorizing such companies to lease and operate or to manage projects of any housing authority and borrow money from agencies of the United States Government exempting all such companies from the payment of any capital stock tax making certain securities of such corporations legal investments for funds in the hands of municipal officers insurance companies and associations savings banks and savings institutions authorizing certain existing companies to accept the provisions of this act and repealing inconsistent acts

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Short Title This act shall be known and may be cited as the "Limited Dividend Housing Company Law"

Section 2 Declaration of Necessity

(a) It is hereby declared that bad housing conditions which exist in certain localities of the Commonwealth are a menace to the health safety morals welfare and reasonable comfort of the citizens of the Commonwealth and

(b) the correction of these conditions in such areas being now otherwise impossible it is essential that provision be made for the investment of funds at low interest rates the acquisition at fair prices of adequate parcels of land the gradual demolition of existing unsanitary and unsafe housing and the construction of [illegible] facilities under public supervision in accord with proper standards of sanitary and safe [illegible] and at a cost which will permit monthly rentals which families of low income can afford to pay

Section 3 Definitions The following words and phrases when used in this act shall have the meanings respectively ascribed to them in this section

"Board" shall mean the State Board of Housing in the Department of Health of this Commonwealth

"Housing Authority" shall mean any housing authority organized pursuant to any law of this Commonwealth

"Municipality" shall include only cities boroughs and townships

"A limited dividend housing company" referred to hereafter as a "company" shall be a company incorporated under and governed by the provisions of the general corporation laws relating to business corporations of this Commonwealth to the extent that such provisions are not in conflict herewith Three or more persons may incorp-

orate a company for the public purpose of building and operating or managing a housing project to be rented at rates not exceeding those perscribed by the Board No shareholder or debenture holder in such a company shall receive on his investment a greater dividend or interest return per annum than that provided herein

Section 4 Formation of Limited Dividend Housing Companies Three or more persons may incorporate a company in the manner prescribed for the incorporation of business corporations conducted for profit to the extent that the laws relating thereto be not inconsistent herewith for the purpose of acquiring constructing maintaining and operating housing projects when authorized by and subject to the supervision of the Board The term for which any such company is organized shall be not less than thirty years Except as otherwise provided herein such companies shall be subject to all laws relating to business corporations conducted for profit The articles of incorporation to be filed with the Department of State by the incorporators shall set forth in addition to any information required of incorporators of business corporations conducted for profit

(a) A declaration that the company has been organized to preform the public purposes of a company and that it shall remain at all times subject to the supervision and control of the Board or of other apropriate State agency that all real estate acquired by it and all structures erected by it shall be deemed to be acquired for the purpose of promoting the public health safety morals and general welfare and that its shareholders shall be deemed when they subscribe to and receive the shares thereof to have agreed that they shall at no time receive or accept from the company in repayment of their investment in its shares any sums in excess of the par value of the shares together with cumulative dividends at the rate of six per centum per annum and that any surplus earnings in excess of such amount if such company shall be dissolved shall revert to the Commonwealth

(b) A stipulation that the real property of the company shall not be sold transferred or assigned except under and pursuant to the terms and provisions of this act

(c) That all the shares of the company shall have a par value

The articles of incorporation may provide that in the event that income debenture certificates are issued by the company the owners thereof may be given the same right to vote as they would have if possessed of share certificates of the amount and par value of the income debenture certificates held by them If provision is made for the issuance of income debenture certificates interest shall be paid by the company on income debenture certificates only out of net earnings of the company that would be applicable to payment of dividends if there were no income debentures

The articles of incorporation may permit the retirement of income debenture certificates and shares of the company if as and when there shall be funds available in the treasury of the company from the receipt of amortization or sinking fund installments for that purpose as provided by this act but the amount so retired shall not exceed ninety per centum of the par value of all classes of shares or of shares and income debentures issued and outstanding at the times of the final completion of the building or embraced in the project

Section 5 Consent of Board to Incorporation of Limited Dividend Housing Companies Before any articles of incorporation are filed with the Department of the State under this act the incorporators shall apply to and receive from the Board a certificate that it approves the project for which the proposed limited dividend housing company is to be formed and that it consents to the formation of such company The certificate from the Board shall be presented to the Department of State together with the articles of incorporation The Department of State shall not issue a certificate of incorporation evidencing the incorporation of any limited dividend housing company unless and until a certificate from the Board has been filed as aforesaid

Section 6 Restrictions on Companies No Limited dividend housing company shall

(A) Pay interest returns (1) on its mortage indebtedness at a higher rate them deemed necessary by the Board provided however that the rate established by the Board shall not exceed six per centum per annum or (2) upon its income debenture certificates at a rate higher than six per centum per annum

(B) Issue its shares debentures and bonds covering any project undertaken by it in an amount greater in the aggregate than the total actual final cost of such project including the lands improvements charges for financing and supervision approved by the Board and interest and other carrying charges during construction and an allowance for working capital to be approved by the Board but not exceeding three per centum of the estimated cost or of the total actual final cost of the project if that shall be greater than the estimated cost

(C) Mortgage any real property without first having obtained the consent of the Board

(D) Issue any securities or evidences of indebtedness without first having obtained the approval of the Board

(E) Use any building erected or acquired by it for other than housing purposes except that upon approval of the Board it may in the first story of a two-family or multiple dwelling above the cellar or basement and the space below such story or in the case of a group of one-family or two-family houses in a reasonable proportion of such buildings provide for stores professional offices commercial cooperatives necessary garage facilities or recreational purposes and when permitted by law the roof of multiple dwellings may be used for cooperative or community purposes

(F) Charge or accept any rental for housing accommodations in any building constructed acquired operated or managed by it in excess of the rates prescribed by the Board Any rental paid in excess of such rates may be recovered from the company

(G) Make other than authorized payments which shall be limited to (1) all fixed charges and all operating and maintenance charges and expenses including taxes assessments insurance amortization charges in amounts approved by the Board to amortize the mortgage indebtedness in whole or in part depreciation charges if when and to the extent deemed necessary by the Board reserves sinking funds and corporate expenses essential to operation and management of the project in amounts approved by the Board (2) a dividend not exceeding the maximum fixed by this act upon the shares of the company allotted to the project by the Board (3) where feasible in the discretion of the Board payments to a sinking fund in an amount to be fixed by the Board for the gradual retirement of the shares and income debentures of the company When tenants own shares or income debentures in a limited dividend housing company incorporated under this act a sinking fund may with the approval and subject to the regulations of the Board be set up and maintained out of the net profits applicable to surplus and used subject to the regulations of the Board for the purchase at not to exceed par and accrued interest of the shares and income debentures held by tenants ceasing to be occupants of the buildings Shares so purchased may be resold by the company

(H) Enter into contracts for the construction of housing projects or for the payment of salaries to officers or employees except subject to the inspection and revision of the Board and under such regulations as the Board may from time to time prescribe

(I) Voluntarily dissolve without first having obtained the consent of the Board

(J) Make any guaranty or contract to pay any debt which is a lien or is secured by any lien upon any property in which the company shall have any interest regardless of whether such debt is a debt of the company without the approval of the Board

Section 7 Tax Exemptions The capital stock of limited dividend housing companies incorporated under the provisions of this act shall not be taxed for State purposes

Section 8 Acceptance of Benefits of Act Any limited dividend housing company incorporated prior to the passage of this act may with the approval of the Board ac-

cept the provisions of this act by amending its articles in conformity herewith and thereupon become subject to the terms and provisions of this act

Section 9 Reorganization of Companies Reorganization of limited dividend housing companies shall be subject to the supervision and control of the Board and no reorganization shall be had without the authorization of the Board Upon all such reorganizations the amount of capitalization including all shares income debentures bonds and other evidence of indebtedness shall be such as is authorized by the Board not exceeding the fair value of the property involved

Section 10 Limited Return on Shares and Debentures No shareholder in any company formed hereunder shall receive any dividend in any one year in excess of six per centum per annum except that when in any year dividends in the amount prescribed in its articles shall not have been paid on the shares of such company the shareholders may be paid the deficiency without interest out of any surplus earned in succeeeding years This provision shall likewise be applicable to income debenture certificates and interest thereon at the rate specified in such certificates shall be cumulative

Section 11 Time of Payment of Subscriptions Subscriptions to the shares or income debentures of a company formed hereunder shall be paid at such times and in such installments as the company may require with the approval of the Board If any default shall be made in the payment of any installment as so required the company may enforce the subscription by appropriate action and upon its failure or refusal so to do such subscription may be enforced by the Board acting through the Department of Justice

Section 12 Consideration for Issuance of Shares and Bonds No limited dividend housing company shall issue shares bonds or income debentures except for money paid or services rendered in connection with the planning construction or operation of any project or part thereof or property actually received for the use and lawful purposes of the company No shares bonds or income debentures shall be issued for property except upon a valuation approved by the Board and such valuation shall be used in computing actual or estimated costs The shares and income debentures issued by the company shall not be less than the total of one-third of the actual cost as defined by law of any approved housing project or projects undertaken by it except as provided in Section Fourteen (14) The Board may however permit shares or income debentures to be issued to an amount not exceeding three per centum of the estimated total cost or three per centum of the actual cost if the actual cost should exceed estimated cost of a project for working capital to be used in connection with such project

Section 13 Minimum Amount of Shares and Debentures The entire amount to be paid in cash or property by the shareholders and income debenture holders of a limited dividend housing company shall be equivalent to at least one-third of the total cost of the project or projects which it operates provided however when the bonds of such company are insured by any agency of the Federal Government the entire amount so paid in need not exceed the difference between the total par value of the insured bonds and the total cost of the project or projects which such company operates any other provision of this act notwithstanding

Section 14 Surplus A Surplus of an amount approved by the Board shall be permitted limited dividend housing companies but the amount of the net earnings transferable to surplus in any year shall be subject to the approval of the Board On dissolution of any limited dividend housing company the shareholders shall in no event receive more than the par value of their shares plus accumulated accrued or unpaid dividends and any remaining surplus shall revert to the Commonwealth

Section 15 Income Debentures With the approval of the Board the articles of a limited dividend housing company may authorize the issuance of income debenture certificates bearing no greater interest than six per centum per annum After the incorporation of a limited dividend housing company the directors thereof may with the consent of two-thirds of the holders of the preferred shares issued and outstanding offer to the shareholders of the company the privilege of exchanging their shares in such quantities and at such times as may be approved by the Board for such income debenture certificates In no event other than as provided in Section Fourteen (14) shall the stated capital of the company be less than ten per centum of the total amount of stated capital and income debentures

Section 16 Mortgages and Mortgage Bonds Legal Investments Any company formed under this act may subject to the approval of the Board borrow funds and secure the repayment thereof by bond and mortgage or by an issue of bonds under trust indentures Each mortgage or issue of bonds by a company formed hereunder shall relate only to a single specified project and no other and such bonds shall be secured by first mortgage upon all of the real property of which such project consists First lien bonds of such company when secured by a mortgage which has been insured by the Federal Government or any agency thereof or by a mortgage not so insured which does not exceed two-thirds of the estimated cost prior to the completion of the project or two-thirds of the appraised value or actual cost whichever shall be less after such completion as certified by the Board are hereby declared securities in which all public officers and bodies of the municipal subdivisions of the Commonwealth all insurance companies and associations all banks bank and trust companies and savings banks and savings institutions including savings and loan associations in the Commonwealth may legally invest funds within their control There shall be no second mortgage of junior interest bonds Such bonds and mortgages may contain such other clauses and provisions as shall be approved by the Board including the right to assignment of rents and entry into a possession in cas of default but the operation of the housing project in the event of such entry by mortgagee or receiver shall be subject to the regulations of the Board under this act Provisions for the amortization of the bonded indebtedness of companies formed under this act shall be subject to the approval of the Board

Section 17 Acquisition of Land Construction of Buildings

(a) When a limited dividend housing company shall have received from the Board an approval of a project for the construction or acquisition of housing accommodations such company may undertake the acquisition of the property needed for such project Such property may be acquired by purchase gift bequest exchange or subject to the approval of the board by lease for a term of years not less than thirty years nor less than the time required to amortize the cost of the housing project

(b) A limited dividend housing company may petition the board to institute condemnation proceedings to acquire property described in the petition which the limited dividend company certifies to be necessary for a housing project Prior to the institution of any such proceeding by the board said company shall deposit with the board a sum equal to the value of the property as appraised by the board and shall also deliver to the board a bond (with sureties approved by the board) fully indemnifying the board with respect to all sums that it may expend and all costs expenses and obligations which it may incur in acquiring said property With respect to any real property (together with improvements thereon) so acquired by the Board and conveyed to a limited dividend housing company said company shall not sell transfer or assign such property except (1) to another limited dividend Housing Company or to a housing authority and (2) after first having obtained the consent of the board and (3) for a price in excess of the cost of such property less any amounts paid in amortization of the first lien and the retirement or redemption of shares plus so much of the limited dividends on the shares of the company from the date of issue as shall have been unpaid and accrued interest on the mortgage indebtedness and income debenture certificates

Section 18 Contract Provisions Purchase of Property

of Other Companies Before any limited dividend housing company shall purchase the property of any other limited dividend housing company it shall file an application with the Board in the manner hereinbefore provided as for a new project and shall obtain the consent of the Board as to the purchase and agree to be bound by the provisions of this act provided however that the Board shall not give its consent unless it is shown to the satisfaction of the Board that project is one that can be successfully operated according to law

Section 19 Transfer of Buildings and Structures No limited dividend housing company shall convey encumber or lease all or any part of its real property to any other person copartnership association or corporation without the written consent of the Board Provided however that leases conforming to the regulations and rules of the Board and for actual occupancy by the lessees may be made without the consent of the Board Any conveyance encumbrance lease or sublease made in violation of the provisions of this section and any transfer or assignment thereof shall be void as against all persons including any person or persons natural or corporate acquiring said property from the vendee transferee or assignee of such company

Section 20 Authority to Borrow Money From Agencies of the United States Government Any company formed under or accepting the provisions of this act may borrow money from the Federal Emergency Administration of Public Works or any other agency of the United States Government on such terms and conditions as the Federal Emergency Administration of Public Works or other agency of the United States Government may prescribe Any such company may pledge as security for money so borrowed any personal or real property or both of such company including its shares income debenture certificates or bonds Every aproved project financed wholly or in part by funds borrowed from the Federal Emergency Administration of Public Works or other agency of the United States Government shall be subject to such rules and regulations pertaining to the security of any money borrowed hereunder to finance such project as may be prescribed by the Federal Emergency Administration of Public Works or other agency of the United States Government It shall be the duty of the Board to facilitate the procurement of such loans by such companies by acting promptly upon any matter requiring its approval and to approve and to cooperate with the Federal Emergency Administration of Public Works or any other agency of the United States Government in the procurement and repayment of such money If a limited dividend housing company receives financial assistance from any such agency of the Federal Government that agency and the Board may agree that the latter will relinquish its supervision and control to the said Federal Government agency and that supervision and control shall be reassumed by the Board when the interest of the Federal Government terminates

Section 21 Power to Lease and Operate or to Manage Projects of Housing Authority Any limited dividend company operating within the boundaries of a housing authority may with the written consent of the State Board of Housing enter into an agreement to lease and operate or manage as agent any housing project of such authority

Section 2 Constitutional Construction The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision so holding shall not be construed to affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 23 Repeal All acts or parts of act inconsistent herewith are hereby repealed

Section 24 Effective Date This act shall become effective immediately upon its passage and approval by the Governor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 370, as follows:

An Act relating to the business of selling or leasing furniture and household articles on the installment or deferred payment plan and prohibiting the joining in one agreement of sale or lease of articles purchased or leased at different times

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no person copartnership association or corporation engaged in the business of selling or leasing furniture or household articles on the installment or deferred payment plan shall upon the sale or lease of any such article to any person who has previously purchased or leased upon an agreement of sale or lease any other furniture or household articles include the said articles so last purchased or leased or any part thereof in a new agreement of sale or lease with the articles previously purchased or leased or any part thereof and all such agreements of sale or lease shall include only such articles as are actually purchased or leased at the time of the execution of such agreement of sale or lease and any agreement of sale or lease executed in violation of the provisions of this section shall be null and void herewith are hereby repealed

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 749, as follows:

An Act requiring county commissioners to provide at the expense of the county telephone typewriter and stenographic services for the county superintendent of schools

Section 1 Be it enacted by the Senate and House of Represenatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in each county of this Commonwealth the county superintendent of schools shall be provided at the expense of the county with such telephone typewriter and stenographic services as may be needed Such stenographer or stenographers may be employed by the year The stenographer or stenographers shall be chosen by the superintendent and their compensation shall be fixed by the superintendent and county commissioners and shall be paid out of the county treasury

Section 2 The act approved the first day of June one thousand nine hundred and fifteen (Pamphlet Laws 706) entitled "An act requiring the county commisioners to provide at the expense of the county a telephone typewriter and stenographer for the use of the county superintendent of schools" the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 463) entitled "An act to amend section one of the act approved the first day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred six) entitled 'An act requiring the county comisioners to provide at the expense of the county a telephone typewriter and stenographer for the use of the county superintendent of schools'" and the act approved the eleventh day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 488) entitled "An act requiring county commissioners to provide at the expense of the county

telephone typewriter and stenographic services for the county superintendent of schools" are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 965, as follows:

An Act to further amend the act approved the sixteenth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 244) entitled "An act applying to third class counties only and regulating the selection drawing and summoning of all jurors and talesmen and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the appointment of a clerk to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to excuse jurors prescribing the time of challenging jurors for the array and regulating the procedure if array is quashed repealing all acts or parts of acts inconsistent therewith" by abolishing the jury board and transferring its powers and duties to the jury commissioners

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the sixteenth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 244) entitled "An act applying to third class counties only and regulating the selection drawing and summoning of all jurors and talesmen and defining their qualifications in such counties creating a jury board and defining its power and procedure providing for the appointment of a clerk to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to excuse jurors prescribing the time of challenging jurors or the array and regulating the procedure if array is quashed repealing all acts or parts of acts inconsistent therewith" is hereby amended to read as follows

Selection of Jurors for Jury List

Section 3 On or before the tenth day of October of each year each [member of the jury board] jury commissioner shall deliver to the clerk a list containing the names of said [member's] commissioner's proportionate share of the number of qualified jurors required for jury service for the ensuing year as established by the court of common pleas in its last order filed on the subject and in addition thereto fifty names of other persons qualified for jury service The clerk shall eliminate from said lists any duplicate names and the persons from whose lists said duplicates have been elimated shall furnish substitutes therefor All of these lists shall be published in two newspapers of general circulation in the county if the court so orders The clerk shall combine into one complete list arranged alphabetically and shall deliver a copy of this complete list to each [mem ber of the jury board] commisioner on or before October fifteenth Between the fifteenth and thirtieth days of November in each year at a date and hour to be [fixed by the president judge of which the other members of the board shall have due notice the jury board] agreed on by them the jury commissioners shall meet [in the office of the president judge] and shall select from the complete list the jurors for the official jury list hereinafter referred to [By a vote of a majority of the members ot the jury board any names not exceeding three hundred in number may be stricken from the complete list or by vote of all members of the jury board less one any] Any number of names may be stricken from said list If so many names are stricken from the complete list that there will be a deficiency of jurors for the ensuing year the jury [board shall by a vote of at least all members of the board less one] commissioners shall select qualified substitutes Substitutes shall be proposed by the [members of the jury board in rotation] jury commissioners alternately The names of persons approved for jury service as herein provided with their address and occupations shall be typewritten by the clerk upon a list to be known as the official list alphabetically according to the jurors' surnames and shall be numbered consecutively beginning with number one This list shall be in duplicate and shall be signed by the jury commissioners [by at least two judges of the court of common pleas] and by the clerk to the jury [board] commissioners One copy of this list shall be filed in the office of the prothonotary and shall be open to inspection by order of the court and the other copy shall be delivered to the president judge of the court of common pleas and be open to inspection by any judge of said court At any time before the names on said list are placed in the jury wheel any name on said list may be stricken off by [a vote equaling that of all the members of the jury board less one and by the same vote] the jury commissioners and other names may be substituted therefor [if the board desires to do so]

Section 2 Section four of said act is hereby amended to read as follows

Placing Names in Jury Wheel

Section 4 The names occupations addreses and numbers on said official jury list shall be typewritten by the clerk upon separate and uniform slips of paper and shall be folded so as to conceal the names on these slips and be placed by the clerk in the jury wheel in the presence of the jury commissioners [and at least one judge of the court of common pleas] This shall be done at a time fixed by order of the president judge soon after the last drawing from the wheel during the current calendar year The court may by order filed prescribe the form of the jury wheel and its lock and the care and custody of said wheel and the keys thereto The wheel shall be emptied and its contents destroyed after the last drawing of jurors in the calendar year Within ten days after the approval of this act the jury commissioners and the sheriff of each county of third class shall deliver to the president judge of the court of common pleas the jury wheel and the keys thereto

Section 3 Section five of said act as amended by section one of the act approved the eleventh day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 495) is hereby further amended to read as follows

Drawing of and Notices to Jurors

Section 5 The issuing of writs commanding the impaneling and summoning of jurors to serve as jurors in the trial of any issue triable by a jury in the several courts of the counties affected by this act and to serve as grand jurors shall be as now provided by law except the appropriate writs shall be directed [not as heretofore] to the sheriff and commissioners [but to the jury board] commanding [it] them to impanel and summon such jurors as required under the law or by order or praecipe of any of the several courts of the respective third class counties affected by this act [After the jury boards as herein provided for are organized all] All drawings of jurors and the proceedings incident to said drawings shall be as follows At least thirty days before each term of court there shall be drawn from the jury wheel name-slips equaling the number of jurors which the jury [board has] commissioners have been directed to impanel and summon for each week of said term of court and at least thirty days before the commencement of the grand jury there shall be drawn from said wheel twenty-four name-slips of jurors to be summoned for said jury The names occupations addresses and numbers of the persons so drawn for jury service shall be typewritten upon a list and the list shall be posted in the office of the prothonotary and clerk of the court at least twenty-five days befor the first day of the week of court or

the session of grand jury for which said jurors are chosen These lists shall be signed by [at least two of the judges of the court of common pleas and by at least two] both of the jury commissioners and also by the clerk of the jury [board] commissioners The jurors so chosen shall at least twenty days before the first day of the week of court or session of the grand jury for which they have been drawn for service be notified to appear for service at the proper time by card duly mailed to the proper address and signed by the sheriff with a postage-prepaid return-card attached to said notice setting forth that notice to appear at the hour and date therein stated is accepted This return card shall be addressed to the sheriff The citizens to whom cards have been mailed and from whom return-cards have not been received five days after the cards were mailed to them shall be served personally by the sheriff of the county person summoned and shall be paid all necessary ex- or his deputies with notice to appear for jury service at the proper time These summonses for jury services whether by card duly mailed or by personal service shall be deemed summonses of the court and disobedience to them shall be considered the same as disobedience to any other summons of the court The sheriff shall be entitled to charge the county on his fee account one dollar and mileage for each person summoned and shall be paid all the necessary expenses incurred by him or his deputies or clerks for serving such notices by mail or personally

Section 4 Section six of said act is hereby amended to read as folows

Method of Drawing Jurors

Section 6 All drawings of all jurors [after the organization of the jury board] shall take place in one of the court rooms [selected by the chairman of the board] at a time fixed by [him of which time and place the other members of the jury board shall have at least three days' notice] the jury commissioners The clerk shall announce or advertise the time and place of said drawing of jurors in two newspapers of general circulation all of which shall be located in the county seat of the county not more than ten days nor less than three days before the time of said drawing The drawing shall be [in the presence of at least one jury commissioner and at least one judge of the court of common pleas and shall be] open to the public The name-slips shall be drawn singly from the wheel by any person whom the [judge or judges present at the drawing] jury commissioners may there appoint for that purpose The name number address and occupation as the same appear on the name-slips shall be read by any person there appointed for that purpose [by the judge or judges present] and shall be compared by the clerk of the jury board with the corresponding name number address and occupation on the official jury list If the name number address and occupation correspond the clerk shall immediately copy the same in a book called the "jury book" After the name-slips have been copied in the jury book and the jury book entry compared and found to be corect the name-slip shall be immediately sealed in an envelope by the clerk and on said envelope and in said jury book the specific week or weeks of jury service for which said jurors whose names are on said slips are drawn shall be entered Theses name-slips shall be held for safekeeping as the court shall direct untill the end of the year when they shall be destroyed unless the court shall order otherwise

Section 5 Section ten of said act is hereby amended to read as follows

Proceedings if Array is Quashed

Section 10 When the array of jurors returned at any court shall be quashed by reason of any fault or irregularity in the selection of said array of jurors the court shall forthwith order another public drawing of jurors in the manner provided in this act to take the place of the jurors on the quashed array and said jurors shall be legal jurors for the week for which the jurors in said quashed array were drawn The court shall prescribe what notice shall be given of the names occupations and addresses of the persons thus drawn so as to conform as nearly as may be practicable under the circumstances to the notice of and to jurors drawn as prescribed by section five and six of this act If there has been any fundamental irregularity in filling the jury wheel the court of common pleas may upon satisfactory proof of said irregularity order the wheel emptied and then refilled with names of persons qualified for jury service Said names shall be selected by the jury [board] commisioners and as nearly as possible according to the procedure prescribed in this act except that the same shall be done within a time to be prescribed by the court

Section 6 Section one of said act is hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 107, as follows:

An Act to safeguard the lives health and means of livelihood of employes and the property of owners of mines from accumulations of water or poisonous gases in partially or temporarily abandoned mines by requiring the remedying or elimination of such conditions by or imposing the cost thereof on the owners operators or lessees of such mines conferring powers and imposing duties on the Department of Mines and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where water or poisonous gases have accumulated in any partially or temporarily abandoned mine to an extent that the safety health or means or livelihood of employes in a neighboring mine or mines or the property of the owners of a neighboring mine or mines are jeopardized it shall be the duty of the owner operator or lessee of any such partially or temporarily abandoned mine to take such steps and perform such work as are necessary to effectually remedy or eliminate such condition In the case of all such conditions existing on the date of the final enactment of this act the necessary steps shall be taken and the necessary work performed and completed within six months of said date In all other cases such steps shall be taken and the necessary work performed and completed with six months after the date when such condition becomes known to the owner operator or lessee of such partially or temporarily abandoned mine

Section 2 In case any such owner operator or lessee of any such partially or temporarily abandoned mine shall fail neglect or refuse to take the steps and perform the work necessary to effectually remedy or eliminate such condition within sixty days after notice so to do from the Department of Mines it shall be the duty of the department to enter upon the land where any such partially or temporarily abandoned mine is located and to perform the work necessary to effectually remedy or eliminate such conditions

Section 3 Where the owner operator or lessee of any such partially or temporarily abandoned mine is unknown not in being or his or its whereabouts unknown then in such case the Department of Mines is hereby authorized to enter upon the land or lands where such mine is located and perform the work necessary to effectually remedy or eliminate the dangerous conditions

Section 4 Upon complaint of any individual or political subdivision whose safety health or means or livelihood or whose interests are effected by such water or poisonous gases it shall be the duty of the Department of Mines to notify the owner operator or lessee of such partially or temporarily abandoned mine and upon his failure to take the steps and perform the work necessary to effectually

remedy or eliminate such condition to enter upon the property and perform the work

Section 5 In all cases where any such work is performed by the Department of Mines the cost thereof shall be recovered by the Department of Justice from the owner operator or lessee of the mine

Section 6 Any person copartnership association or corporation failing to comply with the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of five hundred dollars ($500) Each day such failure shall continue shall constitute a separate offense

Section 7 All acts and parts of acts inconsistent herewith are hereby repealed

Section 8 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. KILROY asked and obtained permission for the Committee on Highways to meet during the session of the House.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1235, as follows:

An Act to amend section four hundred seven of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing the method of designating and the qualifications of the depositories selected for the deposit of funds of counties of the second class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred seven of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1273) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended to read as follows

Section 407 Designation and Qualification of Depositories [Rate of Interest] At said meeting or at any subsequent meeting agreed upon said board shall designate the depositories and the rate of interest to be paid by them to the county [Such rate of interest shall be not less than two per centum per annum calculated on daily balances]

[Deposits shall be made with the depositories designated as soon as satisfactory bonds approved by the county commissioners are filed with the controller The bank or banking institutions selected shall have paid-in capital and surplus of not less than five hundred thousand dollars]

Depositories so designated shall upon receipt of notice of their selection as a depository of county funds furnish collateral to secure payment of deposits and interest to the county by depositing in escrow securities to be approved by the board Such securities shall be of the kind and in the amount to be fixed by the board

The county treasurer shall upon the designation of such depository or depositories immediately transfer thereto all county funds and shall thereafter keep such deposits solely in such depository or depositories in the name of the county

Section 2 The provisions of this act shall become effective immediately upon its final enactment

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 831, as follows:

An Act providing for the degree of care to be exercised by a pedestrian operator and driver of a motor or other vehicle at the crossing of a highway and a railroad or railway at grade in certain cases and the proof of negligence and contributory negligence in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever there shall be at any crossing of a highway and a railroad or railway at grade a flagman or gates or an automatic warning signal or other signal or warning maintained or operated by the operator of any railroad or railway and designed to warn the public of the approach of any train car or locomotive pedestrians and operators or drivers of motor or other vehicles shall not be deemed to be guilty of negligence or of contributory negligence by reason of the failure of such persons to stop before entering upon such crossing if there is no warning of the approach of any train car or locomotive but this act shall not be construed to relieve any such persons from the duty to use such reasonable care in looking and listening for approaching trains cars or locomotives as an ordinary prudent person is required to exercise in approaching and entering a traveled intersection

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Areeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1075, as follows:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing the district attorney in counties of the third class to purchase and maintain police radio equipment

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding after section two hundred and fifty thereof a new section to read as follows

Section 251 Police Radio in Third Class Counties The district attorney of any county of the third class may at the expense of the county purchase and maintain a short wave police radio receiving and transmitting set and the necessary equipment therefor to be installed and used in the office provided for the district attorney

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Areeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 931, entitled:

An Act regulating the sale exchange removal and installation of certain plumbing fixtures in cities of the first class

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "fixture" as used in this act shall mean and include bath tubs lavatories urinals flush tanks toilets kitchen sinks laundry trays and slop sinks soda fountains and any other fixtures having a water supply or connection to drainage or waste lines in plumbing systems The word "person" as used in this act shall mean any person firm association or corporation

On the question,

Will the House agree to the section?

Mr. TUMELTY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 1, page 1, line 10, by inserting after the word "corporation" the following: "except any person firm association or corporation subject to the jurisdiction of the Public Service Commission"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second to the eleventh sections inclusive and title were separately read and agreed to as follows:

Section 2 It shall be unlawful for any person to sell exchange keep for sale or offer for sale in any city of the first class any fixtures as hereinabove defined whether new or second hand unless the same has securely attached thereto a label or sticker containing thereon the name of such city a serial number and the signature of the Director of Public Health or a facsimile of such signature

Section 3 It shall be unlawful for any person to detach and remove any of said fixtures from any building in which the same is installed or to install in any building any of said fixtures unless such fixtures have securely attached thereto a label or sticker as described in section two hereof

Section 4 Any person desiring to secure the labels hereinabove described shall make written application to the Department of Health of such city upon blanks to be furnished by the Department of Health of such city which application shall show (a) the name and address of the applicant (b) the number and kind of new or second-hand fixtures to be labeled (c) that the applicant has a good title to said fixtures or a right to remove or install the same (d) such other information as the Department of Health may require When Department of Health is satisfied that the applicant is entitled thereto such labels shall be delivered for such fixtures to the applicant It shall be the duty of the Department of Health to keep a record of all labels so delivered for any such fixtures

Section 5 Every applicant for such labels shall pay to said Department of Health for the use of the city the sum of ten cents for each label issued by the Department of Health Provided however That the same may be sold by the Department of Health in bulk lots at one time at one place of not less than fifty at a time at the rate of four cents each and in bulk lots of not less than one hundred at one time at the rate of three cents each

Section 6 It shall be the duty of every person selling exchanging keeping for sale or offering for sale any such fixtures in any city of the first class to make written weekly reports to the Department of Health on blanks to be furnished by such Department of Health showing all such fixtures sold exchanged kept for sale or offered for sale or removed from any building by such person during the last preceding week and to whom such fixtures were sold transferred exchanged from where removed and whether such fixtures were now or second-hand and where such fixtures were installed and the serial number attached thereto It shall be unlawful for any person to fail to make or neglect or refuse to file such weekly written reports

Section 7 It shall be unlawful for any person to purchase or receive through exchange or otherwise within the city of the first class any of the above named fixtures whether new or second-hand except direct from the manufacturers thereof unless such fixtures bear a label as hereinabove described The possession of any such fixtures above described not bearing a label as hereinabove described shall be prima facie evidence that such possession is unlawful and a violation of this act and the burden of proof shall be upon the possessor to show that his her or its possession is lawful and not in violation of the terms of this act

Section 8 It shall be unlawful for any person to make or aid or abet any person in making selling exchanging removing or knowingly having in his her or its possession any label in imitation of or similar to the labels hereinbefore authorized to be issued by such city of the first class excepting however labels secured as herein provided from any city of the first class

Section 9 If any provisions of this act shall be held to be invalid the same shall not invalidate any other provision hereof which in itself is not invalid

Section 10 Any person violating any provision of this act shall be deemed to be guilty of a misdemeanor and upon conviction thereof shall be punishable by fine of not to exceed two hundred ($200.00) dollars or by imprisonment in the county jail for a period not to exceed ninety (90) days or both such fine and imprisonment

Section 11 All acts or parts of acts inconsistent with this act be and the same are hereby repealed

An Act regulating the sale exchange removal and installation of certain plumbing fixtures in cities of the first class

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Areeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1223, entitled:

An Act to amend section one of the act approved the twenty-sceond day of May one thousand nine hundred and thirty-three (Pamphlet Laws 851) entitled "An act fixing the pay and mileage of jurors and witnesses" increasing the pay and reducing the mileage of jurors and witnesses

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 851) entitled "An act fixing the pay and mileage of jurors and witnesses" is hereby amended to read as follows

Section 1 Be it enacted etc That from and after the time this act takes effect the pay of jurors in this Com-

monwealth shall be [three dollars ($3)] four dollars ($4.00) per day together with mileage at the rate of [six cents (6c)] four cents (4c) for each mile going to and returning from the county seat and the pay of witnesses shall be [two dollars ($2)] three dollars ($3.00) per day together with the mileage at the rate of three (3c) for each mile going to and returning from the county seat

Mr. VALIBUS. Mr. Speaker. I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 2, by inserting after line 11, the following section: "Section 2. This act shall become effective on the first day of January, one thousand nine hundred and thirty-eight."

On the question,

Will the House agree to the amendment?

It was agreed to,

The title was read and agreed to as follows:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 851) entitled "An act fixing the pay and mileage of jurors and witnesses" increasing the pay and reducing the mileage of jurors and witnesses

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1241 as follows

An Act authorizing the recorder of deeds of any county of the third class to record or re-record by a photographic or photostatic process or method all papers required or authorized to be recorded or re-recorded by him fixing the fees for such recording and re-recording making such photographic or photostatic record or re-record or any photographic or photostatic exemplification thereof legal evidence authorizing the county commissioners to contract purchase and pay for the necessary apparatus equipment and supplies authorizing the employment of skilled employes and assistants to operate the same and providing for the fixing and limitation of their compensation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter it shall be lawful for the recorder of deeds of any county of the third class within this Commonwealth to record by a photographic or photostatic process or method all deeds mortgages leases assignments satisfactions powers and attorney charters commissions plans and all other instruments and papers the recording of which by such recorder of deeds is required or authorized and to charge collect and receive for such recording the fees now or hereafter fixed by law for the recording of such instruments

Section 2 In all cases where by existing law the re-recording of any instrument is authorized to be made and done by the recorder of deeds of any county of the third class within this Commonwealth it shall be lawful for said recorder of deeds to re-record the same together with the certificate of its original record by a photographic or photostatic process or method and to charge collect and receive for such re-recording the fees now by law fixed for the re-recording of such papers or instruments

Section 3 Whenever hereafter any deed mortgage lease assignment satisfaction power of attorney charter commission plan or other paper authorized or required to be recorded shall have been recorded or re-recorded by a photographic or photostatic process or method the photographic or photostatic record or re-record thereof made and any photographic or photostatic exemplification thereof lawfully certified shall be legal evidence in all cases in which the said original deed mortgage lease assignment satisfaction power of attorney charter commission plan or other paper would be competent

Section 4 It shall be lawful for the board of county commissioners of any such county to contract for and purchase according to law and to pay for out of the county funds such apparatus equipment and supplies as shall be necessary to enable the recorder of deeds of any such county to record and re-record all papers and instruments required or authorized to be recorded or re-recorded by him by a photographic or photostatic process or method And it shall be lawful for any such recorder of deeds to appoint skilled employes and assistants to operate such process or method of such kinds in such numbers and at such rates of compensation as shall be fixed by the salary board of such county subject to appeal as provided by existing law Provided however That no such employes or assistants shall be paid any compensation out of any other funds than the fees of office of such recorder of deeds received and paid in by him to the county treasurer or earned and due to such recorder of deeds by the county for services rendered

Section 5 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1239 as follows

An Act relating to counties of the first class and the duties of the prothonotaries of the several courts of common pleas in connection with the collection of certain taxes on writs and on entries and transcripts of judgments payable to the Commonwealth and making provision for the disposition of the compensation therefor heretofore received by such prothonotaries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That prothonotaries of the several courts of common pleas in counties of the first class from and after the effective date of this act shall cease to be agents of the Commonwealth any other provision of any Act of Assembly to the contrary notwithstanding for the collection of the taxes on original writs on entries of amicable actions on writs of certiorari on entries of judgment by confession or otherwise and on transcriptions of judgments of justices of the peace or aldermen but in all other respects such prothonotaries shall continue to collect such taxes as heretofore and to exercise all the powers now conferred upon them by law

Section 2 All fees and commissions heretofore retained by prothonotaries of the several courts of common pleas in counties of the first class for their own use for the services performed by them as agent of the Commonwealth in collecting the taxes set forth in section one hereof shall after the effective date of this act be paid into the treasuries of their respective counties at the times such prothonotaries are required by law to make return of such taxes to the Department of Revenue of the Commonwealth

Section 3 All acts or parts of acts inconsistent herewith are hereby repealed

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1170 as follows

An Act to further amend section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" by authorizing certain additional bank holidays

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" as last amended by the act approved the thirteenth day of April one thousand nine hundred and thirty-three (Pamphlet Laws 45) is hereby further amended to read as follows

Section 1 Be it enacted &c That the following days and half days namely The first day of January commonly called New Year's Day the twelfth day of February known as Lincoln's birthday the twenty-second day of February known as Washington's birthday Good Friday the thirtieth day of May know as Memorial Day the fourth day of July called Independence Day the first Monday of September known as Labor Day the twelfth day of October known as Columbus Day the first Tuesday after the first Monday of November Election Day the eleventh day of November known as Armistice Day the twenty-fifth day of December known as Christmas Day and every Saturday during July and August and the first Saturday in September and all other Saturdays after twelve o'clock noon until twelve o'clock midnight each of which Saturdays during July and August and the first Saturday of September is hereby designated a full holiday and each of the remaining Saturdays is hereby designated a half holiday and any day appointed or recommended by the Governor of this State or the President of the United States as a day of thanksgiving or fasting and prayer or other religious observance and in the event of a financial crisis in the State or Nation any day or days appointed by the Governor of this State or the President of the United States as a bank holiday shall for all purposes whatever as regards the presenting for payment or acceptance and as regards the protesting and giving notice of the dishonor of bills of exchange checks drafts and promissory notes made after the passage of this act be treated and considered as the first day of the week commonly called Sunday and as public holidays and half holidays and all such bills checks drafts and notes otherwise presentable for acceptance or payment on any of the said days shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday or half holiday except checks drafts bills of exchange and promissory notes payable at sight or on demand which would otherwise be payable on any full or half holiday Saturday shall be deemed to be payable at or before twelve o'clock noon of such half holiday or if such Saturday is designated as a full holiday under the provisions of this act the same shall be paid on the day preceding such full holiday Provided however That for the purpose of protesting or otherwise holding liable any party to any bill of exchange check draft or promissory note and which shall not have been paid before twelve o'clock noon of any Saturday designated a full holiday or a half holiday as aforesaid a demand for acceptance or payment thereof shall not be made and notice of protest or dishonor thereof shall not be given until the next succeeding secular or business day And provided further That when any person firm corporation or company shall on any Saturday designated a half holiday receive for collection any check bill of exchange draft or promissory note such person firm corporation or company shall not be deemed guilty of any neglect or omission of duty nor incur any liability in not presenting for payment or acceptance or collection such check bill of exchange draft or promissory note on that day And provided further That in construing this section every Saturday designated a half holiday shall until twelve o'clock noon be deemed a secular or business day and the days and half days aforesaid so designated as holidays and half holidays shall be considered as public holidays and half holidays for all purposes whatsoever as regards the transaction of business except that any day or days appointed as a bank holiday shall be regarded as secular or business days for all other purposes than those mentioned in this act And provided further That nothing herein contained shall be construed to prevent or invalidate the entry issuance service or execution of any writ summons confession of judgment or other legal process whatever on any of the holidays or half holidays herein designated as holidays nor to prevent any bank from keeping its doors open or transacting its business on any of the said Saturday afternoons if by a vote of its directors it shall elect to do so unless such Saturday is appointed as a bank holiday under the provisions of this act

Section 2 This act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1162, entitled:

An Act to amend section forty-one (a) 1 (3) of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with

the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended providing that fiduciaries may invest trust funds in the bonds or other interest bearing obligations of housing authorities

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwaelth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That subsection (3) of paragraph 1 of clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilitiies accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts or decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtliage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" which was added by section one of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 545) is hereby amended to read as follows

Subsection (3) Local Government Obligations Bonds or other interest-bearing obligations of any county city borough township school district [or] poor district or housing authority of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of such political subdivision or housing authority is pledged Provided That at the date of the investment in such bonds or other interest-bearing obligations such political subdivision or housing authority is not in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. COOLAHAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Banking for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 653, as follows:

An Act to amend section five hundred thirty as amended and section five hundred thirty-two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" fixing the length of the term of certain officers appointed to fill vacancies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred thirty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1096) is hereby further amended to read as follows

Section 530 Township Commissioners When a vacancy occurs in the office of township commissioners in any township by reason of death resignation removal from the township or ward or otherwise the court of quarter sessions upon the petition of twenty qualified voters of the ward or township as the case may be in which the vacancy occurs may appoint a qualified voter of the township to fill such vacancy If such petition is not presented to the court within thirty days after such vacancy occurs the board of township commissioners of the township may appoint a qualified voter of the township to fill the vacancy In either event the person so appointed shall hold office until the first Monday of January succeeding the next municipal election occurring at least sixty days after the happening of such vacancy at which election a township commissioner shall be elected for the unexpired term of the person whose place he is elected to fill

Section 2 That section five hundred thirty-two of said act is hereby amended to read as follows

Section 532 Township Treasurer and Controller The board of township commissioners of townships may fill any vacancy occurring in the office of township treasurer or township controller by death resignation removal from the township or otherwise The person so appointed shall hold office until the first Monday of January succeeding the next municipal election occurring at least sixty days after the happening of such vacancy at which election a treasurer or controller shall be elected for the unexpired term of the person whose place he is elected to fill

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 713, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commisions defining the powers and duties of the Governor and other executives and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other execu-

tive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commisions shall be determined" defining the powers and duties of the Department of Internal Affairs in respect to the Pennsylvania System of Coordinates

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in authority of the same That the act approved the ninth day General Assembly met and it is hereby enacted by the of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and adminstrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended by adding thereto a new section to read as follows

Section 1210 Pennsylvania System of Coordinates The Department of Internal Affairs shall have power and its duty shall be to establish and regulate the establishment in this Commonwealth of the system of rectangular coordinates which has been established and adopted by the United State Coast and Geodetic Survey for defining and stating the positions and location of points on the surface of the earth to establish or fix triangulation and traverse stations to collect check coordinate and preserve survey data to advise with parties using the system of coordinates to supervise the marking of surveys which are to become a part of the system to keep oficial records of all surveys and maps to administer the law establishing the "Pennsylvania Coordinate System" and to adopt and enforce such rules and regulations as may be deemed necessary to carry these powers into effect and to administer the law relating to the "Pennsylvania Coordinate System"

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1217, as follows:

An Act to amend subsection (a) of section nine hundred three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within this Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts and making an appropriation and providing for refunds" as amended changing the gross weight permitted for certain vehicles

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That subsection (a) of section nine hundred and three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) is hereby further amended to read as follows

Section 903 Weight of Vehicles and Loads

(a) Commercial motor vehicles and truck tractors other than other electrically operated shall not be used or operated on any highway with gross weight exceeding those specified for the several classes and weights of chassis as follows

Four Wheeled Class	Chassis Weight in Pounds	Maximum Gross Weight in Pounds
R	Less than 2000	5000
S	2000 and over but less than 3000	7000
T	3000 and over but less than 4000	11000
U	4000 and over but less than 5000	[13000] 14500
V	5000 and over but less than 6000	18000
W	6000 and over but less than 7500	22000
Y	7500 and over but less than 9000	25000
Z	9000 and over	26000

Six-Wheeled (3 Axles) Class	Chassis Weight in Pounds	Maximum Gross Weight in Pounds
RZ	2000 and over but less than 3000	12000
SZ	3000 and over but less than 4000	14000
TZ	4000 and over but less than 5000	16000
UZ	5000 and over but less than 6000	22000
VZ	6000 and over but less than 7500	26000
WZ	7500 and over but less than 9000	30000
YZ	9000 and over but less than 12000	34000
ZZ	12000 and over	36000

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 678, as follows:

An Act to amend paragraph I of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing township supervisors to enter into ten year contracts for the purpose of lighting and illuminating the streets highways and other public places

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraph I of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

I Lighting To light and illuminate the streets highways and other public places of the township with electric light gas or other illuminating medium and to provide for defraying the cost charges and expenses thereof and for such purposes to enter into contracts or agreements with any person copartnership association or corporation for a period not exceeding [five] ten years for the purpose of securing and maintaining a supply of light

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1120 (Senate Bill No. 152), entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as amended, extending the retirement system of counties of the second class to additional employes; declaring certain persons ineligible to receive retirement allowances; and generally clarifying the provisions of the law governing such retirement systems.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1157, as follows:

An Act to amend section one section three as amended and section four five and nine as added of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" extending said act to motor boats on boundary waters increasing license fee providing for new license plates each license year and fixing license years and regulating the installation and use of mufflers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-eighth day of May one thousand nine hundred thirty-one (Pamphlet Laws 202) Entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waisr of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" is hereby amended to read as follows

Section 1 Be it enacted etc That the following words and terms when used in this act shall have the meanings ascribed to them in this section

"Board" The Board of Fish Commissioners of the Commonwealth or its duly authorized representative

"Inland Waters" Any public stream river lake artificial or natural body of water [or non-tidal waters of any river] within or on the boundaries of the Commonwealth

"Motor Boat" Any boat propelled by any type of internal combustion motor of one or more cylinders including any type of water craft propelled by an out-board motor except boats on boundary waters engaged wholly or partly in the transportation of freight and boats on boundary waters owned by non-residents which are not customarily housed or docked along shores in Pennsylvania

"Person" An individual copartnership association or corporation

The masculine shall include the feminine or neuter and the singular shall include the plural

Section 2 That section three of said act as amended by section one of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1122) is hereby further amended to read as follows

Section 3 Any person owning a motor boat and desiring to operate or navigate the boat or cause it to be operated or navigated on any inland water shall make a written application to the Department of Revenue for a license for such boat Such application shall be made on a form prescribed prepared and furnished by the Department of Revenue and together with such other information as the Department of Revenue may require shall state

(a) The name and address of the applicant and if the applicant is a partnership the names and addresses of all the partners and if the applicant is a corporation the names and addresses of its officers

(b) The size seating or other capacity gross weight and type of the boat

(c) The type number of cylinders the horse power and maximum speed of the motor and the type of muffler under-water exhaust used in connection with such motor

(d) The engine number of the motor which propels the boat

Upon receipt of an application and upon the payment of a license fee of one dollar for each cylinder of the motor built in or attached to the boat the Department of Revenue shall issue to the applicant owner a license for his boat together with duplicate metallic license plates which plates shall contain a serial number [at least five inches in height] corresponding with the number on the license issued to the owner and shall be displayed conspicuously at all times one on each side of the bow of the boat [The owner may paint or stencil a facsimile of the license plates one on each side of the bow of the motor boat provided such license plates are stored in such motor boat] Such license plates [or facsimile of such license plates] shall be used only on the boat the engine of which bears the number set forth in the application

Section 3 That sections four five and nine of said act as added by the act approved the thirty-first day of May

one thousand nine hundred and thirty-three (Pamphlet Laws 1122) are hereby amended to read as follows

Section 4 Dealers' licence plates bearing the additional "X" may be used on any motor boat in the possession of manufacturer jobber or dealer when the boat is being used for demonstration purposes Application for dealers' licenses shall be made upon a form provided by the Department of Revenue and shall set forth the full name and business address of the applicant and such other information as the Department of Revenue shall require and shall be signed by such manufacturer jobber or dealer Upon receipt of the application and upon the payment of a license fee of [five] ten dollars for the initial set and five dollars for each additional set the Department of Revenue shall issue to the applicant manufacturer jobber or dealer a dealer's license together with duplicate matellic license plates which plates shall contain the letter "X" and a serial number corresponding with the number on the license issued to the dealer and shall be displayed conspicuously one on each side of the bow of the boat being used by the dealer

Section 5 Dealers' and owners' license plates shall be valid [from year to year provided the license is renewed as hereinafter required If the license is not renewed it shall be the duty of the motor boat owner to forward the license plates in his possession to the Department of Revenue and remove the facsimile of such license plates immediately upon the expiration of his license In the event the license plates have been lost or destroyed a sworn statement to that effect shall be submitted to the Department of Revenue in lieu of the license plates Dealers' and owners' licenses shall be valid until the thirty-first day of December next following the date of their issuance and may be renewed from year to year upon application and payment of a fee as in the case of procurement of an original license] only for the lincense year April first of one year to March thirty-first of the succeeding year Upon the renewal of a license for any subsequent year new license plates shal be issued by the department

Section 9 No boat propelled by any type of internal combustion motor of one or more cylinders including outboard motors shall be operated on any of the inland waters unless the same is equipped with [an underwater Such muffler and baffle plates shall be in good working exhaust or with a muffler having at least two baffle plates order and of a type approved by the board No cut-outs or other devices shall be used to make such muffler ineffective] a muffling device supplied by the manufacturer of the motor for that particular model without modification to prevent excessive or unusual noise which shall at all times be maintained in good working order No person shall operate a motor boat with the cut-out open or muffler removed Provided That nothing contained in this section shall be construed to required motors to be so muffled when boats are engaged in legitimate racing contests or in preparation for the same The Board of Fish Commissioners shall have power to require the installation of any type of muffler if that supplied by a manufacturer is not deemed satisfactory to the board

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 298, 532, 540, 541, 545, 631, 739 and 805.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 16, 1937.

To the Honorable, the House of Representatives, of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 298, Printer's No. 110, entitled "An Act to amend section two thousand one hundred and three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled 'An act relating to cities of the third class and amending revising and consolidating the law relating thereto' as amended further regulating the employment of firemen and repealing existing laws."

House Bill No. 532, Printer's No. 61, entitled "An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective to cure such defective publication of sale notices and validate the sale thereof."

House Bill No. 540, Printer's No. 60, entitled, "An Act empowering the Department of Property and Supplies to sell all or part of the Pennsylvania Military Reservation at Mount Gretna crediting the moneys received to the biennial appropriation for the Department of Military Affairs and providing for the expenditure thereof and providing for the transfer of the whole or part of such reservation to another Department in lieu of sale thereof."

House Bill No. 541, Printer's No. 239, entitled "An Act directing the Department of Military Affairs to select procure furnish and award certain decorations medals and badges."

House Bil No. 545, Printer's No. 48, entitled "An Act to repeal section two of the act approved the thirteenth day of June one thousand nine hundred and seven (Pamphlet Laws five hundred sixty) entitled 'An Act designating the official flag of the Commonwealth of Pennsylvania and describing the same providing for the carrying of such flag by the regiments of the National Guard of Pennsylvania authorizing the Secretary of the Commonwealth to provide and have deposited in the office of Secretary of the Commonwealth a model of said flag and making an appropriation therefor.' "

House Bill No. 641, Printer's No. 105, entitled "An Act appropriating certain accumulations in the Fire Insurance Tax Fund to cities townships and boroughs for payment to firemen's relief pension and retirement funds."

House Bill No. 739, Printer's No. 92, entitled "An Act to amend section one of the act approved the ninth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 639) entitled 'An act appropriating the moneys in the State Forests and Waters Fund' regulating payments from said fund to the Government of the United States."

House Bill No. 805, Printer's No. 101, entitled "An Act authorizing political subdivisions to stipulate in specifications upon which contracts for the construction alteration or repairs of any public work or improvement are entered into the minimum wages to be paid to laborers and mechanics and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated and for the recovery of such penalties and their return in certain cases."

GEORGE H. EARLE.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been pre-

pared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 548.

An Act providing for the organization government discipline maintenance and regulation of an additional land force to be known as the Pennsylvania Reserve Militia for the defense of the Commnowealth during any war in which the United States may be engaged

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RECESS

The SPEAKER. If there are no objections the Chair will declare a recess for thirty minutes in order to conduct exercises in celebration of St. Patrick's Day. The Chair hears none and declares a recess for thirty minutes.

AFTER RECESS

The SPEAKER (Roy E. Furman) in the Chair.

The time of recess having expired the House was called to order.

The SPEAKER. The Chair thanks the Chairman of the Committee, Mr. Finnerty, for this celebration.

BILL PASSED OVER

There being no objection House Bill No. 228, Printer's No. 317 was passed over at the request of Mr. JAMES W. PATTERSON.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1018, entitled:

An Act to amend section two thousand eight hundred one of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" authorizing boroughs to require grave permits and to impose permit fees.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL RECOMMITTED

Mr. SPROUL. Mr. Speaker, I move that this bill be recommitted to the Committee on Boroughs for the purpose of a public hearing.

On the question,

Will the House agree to the motion?

Mr. SPROUL. Mr. Speaker, in asking that this bill be recommitted for a public hearing I am carrying out an agreement, on request, with the Chairman of the Committee that after a public hearing this bill would be submitted to the House for a vote. I want to thank the Chairman of the Committee for this agreement. This will give both the proponents and opponents of the bill a chance to be heard.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1167, entitled:

An Act to further amend sections nine and eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-five) entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation" as amended making the time for taking possession of any such toll bridge discretionary with the Secretary of Highways providing for the transfer in certain cases of funds from the Motor License Fund to the Toll Bridge Fund and the reimbursement thereof to the Motor License Fund from the Toll Bridge Fund out of proceeds of the sale of certain authorized bonds further providing for the payment of the cost of acquiring such bridges further regulating the collection of tolls and reimbursing the Commonwealth for the cost of acquiring such bridges further providing when such bridges shall be free of tolls and making an appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McElroy,	Simon,
Alexander,	Flannery,	McGee,	Simpson,
Allen,	Flinchbaugh,	McKinney,	Sloan,
Allmond,	Ganser,	McShane,	Smith, James A.,
Arnold,	Gerard,	Melchiorre,	Smith, John A.,
Atkins,	Gillette,	Mellott,	Snyder,
Aukerman,	Gorski,	Merrell,	Sollenberger,
Baine,	Habbyshaw,	Mihm,	Spengler,
Baker, F. T.,	Haberlen,	Mooney,	Sproul,
Baker, J. J.,	Hagerty,	Moran,	Stackpole,
Balthaser	Hall,	Moul,	Stank,
Bierly,	Hamilton, F. P.,	Muir,	Stewart,
Blank,	Harkins,	Munley,	Stockham,
Bohn,	Harmuth,	Murrin,	Strode,
Boies,	Hays,	Nagel,	Terry,
Boltz,	Hering,	O'Brien,	Thomas,
Boose,	Hess,	O'Connor,	Thompson,
Boyer,	Hetrick,	O'Keefe,	Toole,
Bradley,	Hindman,	Ominsky,	Tronzo,
Brancato,	Hirsch,	O'Neill,	Trout,
Brigerman,	Holland,	Ostroff,	Tumelty,
Broad,	Holmes,	Patterson, C. S.,	Turner,
Brown,	Holstrom,	Patterson, J. W.,	Valibus,
Brownfield,	Hontz,	Peale,	VanAllsburg,
Burrows,	Horting,	Pearson,	VanSickle,
Cadwalader,	Huntley,	Perry,	Vogt,
Caesar,	Imbrie,	Pershing,	Wagner,
Caputo,	Jirolanio,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Rush,	Westrick,
DeNote,	Long,	Sarraf,	Whalen,
Dickinson,	Longaker,	Scanlon,	Whitenight,
Donohoe,	Lopresti,	Schor,	Wilson,
Dougherty,	Lovett,	Schrock,	Winner,
Downey,	Lyons,	Schrope,	Wood,
Dubbs,	Mallen,	Schumacher,	Woodside,
Dyson,	Marino,	Serrill,	Wright,
Eckels,	Matthews, H. T.,	Shaw,	Yanoshat,
Elpern,	Matthews, J. F.,	Shea,	Yeakel,
Falkenstein,	McArdle,	Shepard,	Yourishin,
Finnerty,	McCullough,	Shoemaker,	Zappala,
Fiss,	McDermott,	Shugarts,	Furman,
Fitch,	McDevitt,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1204, entitled:

An Act relating to counties of the first class, and the duties of the treasurers thereof in connection with the collection of certain taxes, fees, license fees payable to the Commonwealth, and making provision for the disposition of the compensation thereof heretofore received by such treasurers.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Fitch	McElroy,	Siegel,
Alexander,	Flanagan,	McGee,	Simon,
Allen,	Flannery,	McKinney,	Simpson,
Allmond,	Flinchbaugh,	McShane,	Sloan,
Arnold,	Ganser,	Melchiorre,	Smith, James A.,
Atkins,	Gerard,	Mellott,	Smith, John A.,
Aukerman,	Gillette,	Merrell,	Snyder,
Baine,	Gorski,	Mihm,	Sollenberger,
Baker, F. T.,	Habbyshaw,	Mooney,	Spengler,
Baker, J. J.,	Haberlen,	Moran,	Sproul,
Balthaser	Hagerty,	Moul,	Stank,
Bierly,	Hall,	Muir,	Stackpole,
Blank,	Hamilton, F. P.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Lewis,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Rush,	Welsh,
DeNote,	Long,	Sarraf,	Westrick,
Dickinson,	Longaker,	Scanlon,	Whalen,
Donohoe,	Lopresti,	Schor,	Whitenight,
Dougherty,	Lovett,	Schrock,	Wilson,
Downey,	Lyons,	Schrope,	Winner,
Dubbs,	Marino,	Schumacher,	Wood,
Dyson,	Matthews, H. T.,	Serrill,	Woodside,
Eckels,	Matthews, J. F.,	Shaw,	Wright,
Elpern,	McArdle,	Shea,	Yanoshat,
Falkenstein,	McCullough,	Shepard,	Yeakel,
Finnerty,	McDermott,	Shoemaker,	Yourishin,
Fiss,	McDevitt,	Shugarts,	Zappala,
			Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1203, entitled:

An Act relating to counties of the first class, and the duties of the recorders of deeds thereof in connection with the collection of certain fees and taxes, payable to the Commonwealth, and making provision for the dispostion of the compensation thereof, heretofore received by such recorders of deeds.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McGee,	Simon,
Alexander,	Flannery,	McKinney,	Simpson,
Allen,	Flinchbaugh,	McShane,	Sloan,
Allmond,	Ganser,	Melchiorre,	Smith, James A.,
Arnold,	Gerard,	Mellott,	Smith, John A.,
Atkins,	Gillette,	Merrell,	Snyder,
Aukerman,	Gorski,	Mihm,	Sollenberger,
Baine	Habbyshaw,	Moomaw,	Spengler,
Baker, F. T.,	Haberlen,	Mooney,	Sproul,
Baker, J. J.,	Hagerty,	Moran,	Stackpole,
Balthaser,	Hall,	Moul,	Stank,
Bierly,	Hamilton, F. P.,	Muir,	Stewart,
Blank,	Harkins,	Munley,	Stockham,
Bohn,	Harmuth,	Murrin,	Strode,
Boles,	Hays,	Nagel,	Terry,
Boltz,	Hering,	O'Brien,	Thomas,
Boose,	Hess,	O'Connor,	Thompson,
Boyer,	Hetrick,	O'Keefe,	Toole,
Bradley,	Hindman,	Ominsky,	Tronzo,
Brancato,	Hirsch,	O'Neill,	Trout,
Brigerman,	Holland,	Ostroff,	Tumelty,
Broad,	Holmes,	Patterson, C. S.,	Turner,
Brown,	Holstrom,	Patterson, J. W.,	Valibus,
Brownfield,	Hontz,	Peale,	VanAllsburg,
Burrows,	Horting,	Pearson,	VanSickle,
Cadwalader,	Huntley,	Perry,	Vogt,
Caesar,	Imbrie,	Pershing,	Wagner,
Caputo,	Jirolanio,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Rush,	Westrick,
DeNote,	Long,	Sarraf,	Whalen,
Dickinson,	Longaker,	Scanlon,	Whitenight,
Donohoe,	Lopresti,	Schor,	Wilson,
Dougherty,	Lovett,	Schrock,	Winner,
Downey,	Lyons,	Schrope,	Wood,
Dubbs,	Marino,	Schumacher,	Woodside,
Dyson,	Matthews, H. T.,	Serrill,	Wright,
Eckels,	Matthews, J. F.,	Shaw,	Yanoshat,
Elpern,	McArdle,	Shea,	Yeakel,
Falkenstein,	McCullough,	Shepard,	Yourishin,
Finnerty,	McDermott,	Shoemaker,	Zappala,
Fiss,	McDevitt,	Shugarts,	Furman,
Fitch,	McElroy,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1095, entitled:

An Act empowering municipalities to refund improvement bonds based solely on assessments for grading streets and sewer improvement and imposing no municipal liability by a new issue of bonds.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McKinney,	Simpson,
Alexander,	Flannery,	McShane,	Skale,
Allen,	Flinchbaugh,	Melchiorre,	Sloan,
Allmond,	Ganser,	Mellott,	Smith, James A.,
Arnold,	Gerard,	Merrell,	Smith, John A.,
Atkins,	Gillette,	Mihm,	Snyder,
Aukerman,	Gorski,	Moomaw,	Sollenberger,
Baine,	Habbyshaw,	Mooney,	Spengler,
Baker, F. T.,	Haberlen,	Moran,	Sproul,
Baker, J. J.,	Hagerty,	Moul,	Stackpole,
Balthaser,	Hall,	Muir,	Stank,
Bierly,	Hamilton, F. P.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boies,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hetrick,	Ominsky,	Toole,
Bradley,	Hindman,	O'Neill,	Tronzo,
Brancato,	Hirsch,	Ostroff,	Trout,
Brigerman,	Holland,	Patterson, C.,	Tumelty,
Broad,	Holmes,	Patterson, J. W.,	Turner,
Brown,	Holstrom,	Peale,	Valibus,
Brownfield,	Hontz,	Pearson,	VanAllsburg,
Burrows,	Horting,	Perry,	VanSickle,
Cadwalader,	Huntley,	Pershing,	Vogt,
Caesar,	Imbrie,	Piole,	Wagner,
Caputo,	Jirolanio,	Powers,	Wall,
Chervenak,	Kane,	Preston,	Walsh,
Coakley,	Keenan,	Readinger,	Wampole,
Cohen, H. B.,	Kelso,	Reese,	Watkins,
Cohen, R. E.,	Kilroy,	Reising,	Webster,
Coleman,	Kline,	Richter,	Weidemann,
Coolahan,	Kroll,	Robinson,	Weiss, D. H.,
Corrigan,	Leisey,	Rothenberger,	Weiss, S. A.,
Costanzo,	Levy,	Royer,	Welliver,
Davies,	Lewis,	Rush,	Welsh,
Decker,	Long,	Sarraf,	Westrick,
DeNote,	Longaker,	Scanlon,	Whalen,
Dickinson,	Lopresti,	Schor,	Whitenight,
Donohoe,	Lovett,	Schrock,	Wilson,
Dougherty,	Lyons,	Schrope,	Winner,
Downey,	Marino,	Schumacher,	Wood,
Dubbs,	Matthews, H. T.,	Serrill,	Woodside,
Dyson,	Matthews, J. F.,	Shaw,	Wright,
Eckels,	McArdle,	Shea,	Yanoshat,
Elpern,	McCullough,	Shepard,	Yeakel,
Falkenstein,	McDermott,	Shoemaker,	Yourishin,
Finnerty,	McDevitt,	Shugarts,	Zappala,
Fiss,	McElroy,	Siegel,	Furman,
Fitch,	McGee,	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 744, entitled:

An Act expressing assent of the General Assembly of the Commonwealth of Pennsylvania to the provisions and purposes of the Act of Congress approved the twenty-ninth day of June one thousand nine hundred thirty-five (Public No. 182-74th Congress)

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McKinney,	Simpson,
Alexander,	Flannery,	McShane,	Skale,
Allen,	Flinchbaugh,	Melchiorre,	Sloan,
Allmond,	Ganser,	Mellott,	Smith, John A.,
Arnold,	Gerard,	Merrell,	Smith, James A.,
Atkins,	Gillette,	Mihm,	Snyder,
Aukerman,	Gorski,	Moomaw,	Sollenberger,
Baine,	Habbyshaw,	Mooney,	Spengler,
Baker, F. T.,	Haberlen,	Moran,	Sproul,
Baker, J. J.,	Hagerty,	Moul,	Stackpole,
Balthaser,	Hall,	Muir,	Stank,
Bierly,	Hamilton, F. P.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boies,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hetrick,	Ominsky,	Toole,
Bradley,	Hindman,	O'Neill,	Tronzo,
Brancato,	Hirsch,	Ostroff,	Trout,
Brigerman,	Holland,	Patterson, C. S.,	Tumelty,
Broad,	Holmes,	Patterson, J. W.,	Turner,
Brown,	Holstrom,	Peale,	Valibus,
Brownfield,	Hontz,	Pearson,	VanAllsburg,
Burrows,	Horting,	Perry,	VanSickle,
Cadwalader,	Huntley,	Pershing,	Vogt,
Caesar,	Imbrie,	Piole,	Wagner,
Caputo,	Jirolanio,	Powers,	Wall,
Chervenak,	Kane,	Preston,	Walsh,
Coakley,	Keenan,	Readinger,	Wampole,
Cohen, H. B.,	Kelso,	Reese,	Watkins,
Cohen, R. E.,	Kilroy,	Reising,	Webster,
Coleman,	Kline,	Richter,	Weidemann,
Coolahan,	Kroll,	Robinson,	Weiss, D. H.,
Corrigan,	Leisey,	Rothenberger,	Weiss, S. A.,
Costanzo,	Levy,	Royer,	Welliver,
Davies,	Lewis,	Rush,	Welsh,
Decker,	Long,	Sarraf,	Westrick,
DeNote,	Longaker,	Scanlon,	Whalen,
Dickinson,	Lopresti,	Schor,	Whitenight,
Donohoe,	Lovett,	Schrock,	Wilson,
Dougherty,	Lyons,	Schrope,	Winner,
Downey,	Marino,	Schumacher,	Wood,
Dubbs,	Matthews, H. T.,	Serrill,	Woodside,
Dyson,	Matthews, J. F.,	Shaw,	Wright,
Eckels,	McArdle,	Shea,	Yanoshat,
Elpern,	McCullough,	Shepard,	Yeakel,
Falkenstein,	McDermott,	Shoemaker,	Yourishin,
Finnerty,	McDevitt,	Shugarts,	Zappala,
Fiss,	McElroy,	Siegel,	Furman,
Fitch,	McGee,	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 921, as follows:

An Act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordiance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in addition to other remedies provided by law and in order to promote the public health safety morals and the general welfare all cities of the first second and second class class A incorporated towns boroughs and townships of the second class in this Commonwealth are hereby authorized and empowered to enact and enforce suitable ordinances to govern and regulate the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and to the sanitation and inspection of land appurtenant thereto and the said ordinances may provide proper penalties not exceeding five hundred dollars ($500) for the violation of their provisions

Section 2 In case any building or structure is constructed reconstructed altered repaired converted or maintained or any building or land is used in violation of any ordinance enacted under authority conferred hereby the corporate authorities of any city of the first second and second class A incorporated town borough or township of the second class in addition to the penalties provided by ordinances enacted herewith may institute appropriate actions or proceedings at law or in equity to prevent and restrain such unlawful construction reconstruction alteration repairs conversion maintenance or use and to restrain correct or abate such violation and to prevent the occupancy of said building or structure

Section 3 The ordinances enacted pursuant to this act shall not be inconsistent with the provisions of any statute governing the same matter but all regulations prescribed by such ordinances which are additional or supplementary to the statute law and not inconsistent therewith or enacted for the purpose of carrying into effect the provisions of the statute law shall be valid and binding

Section 4 The following acts are hereby repealed

The act approved the eleventh day of May one thousand nine hundred twenty-seven (Pamphlet Laws 964) entitled "An act to enable cities incorporated towns boroughs and townships of the first class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings used for human habitation and land appurtenant thereto and providing for the enforcement of such ordinances

The act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws 1063) entitled "An act creating in cities of the first class a Bureau of Building Inspection regulating the erection enlargement alteration repair moving removal demolition and inspection of buildings and other structures and the erection encroachment extension repair inspection and use of party walls defining certain words and terms used repealing conflicting legislation and providing penalties for violations of this act"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McGee,	Simon,
Alexander,	Flannery,	McKinney,	Simpson,
Allen,	Flinchbaugh,	McShane,	Skale,
Allmond,	Ganser,	Melchiorre,	Sloan,
Arnold,	Gerard,	Mellott,	Smith, James A.,
Atkins,	Gillette,	Merrell,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser	Hall,	Moul,	Stackpole,
Bieriy,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Rush,	Welsh,
DeNote,	Long,	Sarraf,	Westrick,
Dickinson,	Longaker,	Scanlon,	Whalen,
Donohoe,	Lopresti,	Schor,	Whitenight,
Dougherty,	Lovett,	Schrock,	Wilson,
Downey,	Lyons,	Schrope,	Winner,
Dubbs,	Marino,	Schumacher,	Wood,
Dyson,	Matthews, H. T.,	Serrill,	Woodside,
Eckels,	Matthews, J. F.,	Shaw,	Wright,
Elpern,	McArdle,	Shea,	Yanoshat,
Falkenstein,	McCullough,	Shepard,	Yeakel,
Finnerty,	McDermott,	Shoemaker,	Yourishin,
Fiss,	McDevitt,	Shugarts,	Zappala,
Fitch,	McElroy,	Siegel,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 645, entitled:

An Act to authorize cities boroughs towns townships counties and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks playgrounds streets and other improvements and facilities by exercising certain other powers and by making agreements relating to such aid to authorize cities boroughs townsh townships and counties to contract with respect to the sums to be paid them for improvements services and facilities to be provided for the benefit of housing projects and the occupants thereof to authorize certain cities and counties to make an appropriation for the first years' administrative expenses of housing authorities and to authorize certain cities boroughs towns and counties to pay moneys to housing authorities.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McGee,	Simon,
Alexander,	Flannery,	McKinney,	Simpson,
Allen,	Flinchbaugh,	McShane,	Skale,
Allmond,	Ganser,	Melchiorre,	Sloan,
Arnold,	Gerard,	Mellott,	Smith, James A.,
Atkins,	Gillette,	Merrell,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,

Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Rush,	Welsh,
DeNote,	Long,	Sarraf,	Westrick,
Dickinson,	Longaker,	Scanlon,	Whalen,
Donohoe,	Lopresti,	Schor,	Whitenight,
Dougherty,	Lovett,	Schrock,	Wilson,
Downey,	Lyons,	Schrope,	Winner,
Dubbs,	Marino,	Schumacher,	Wood,
Dyson,	Matthews, H. T.,	Serrill,	Woodside,
Eckels,	Matthews, J. F.,	Shaw,	Wright,
Elpern,	McArdle,	Shea,	Yanoshat,
Falkenstein,	McCullough,	Shepard,	Yeakel,
Finnerty,	McDermott,	Shoemaker,	Yourishin,
Fiss,	McDevitt,	Shugarts,	Zappala,
Fitch	McElroy,	Siegel,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. LaRUE. Mr. Speaker, I desire to call up at this time House Bill No. 869, Printer's No. 209, on page 15 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. LaRUE.

The House resumed the consideration on third reading of House Bill No. 869, entitled:

An Act to ratify and adopt a compact or agreement, negotiated by Commissioners designated by the Governor of the Commonwealth of Pennsylvania and Commissioners designated by the Governor of the State of Ohio, relative to the development, use and control of the Pymatuning Lake and the State-owned land surrounding said lake for fishing, hunting, recreational and park purposes.

On the question recurring,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. LaRUE. Mr. Speaker, I move that this bill be recommitted to the Committee on Forestry for the purpose of amendment.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 190

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 16, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 190, Printer's No. 147, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL AND COMMUNICATION LAID ON TABLE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. In accordance with the provisions of House Resolution, Serial No. 36, adopted February 8th, the last day for the introduction of bills (except revenue and appropriation bills) is Thursday, March 18th.

If there are no objections, in order to facilitate the work of the Legislative Reference Bureau, all requests for bills filed with the Legislative Reference Bureau by Thursday noon, will be considered as coming within the terms of the resolution. It is, of course, impossible for the Bureau to complete all bills requested this week, so as to have them ready for introduction by the time the House adjourns for the week. Those not completed will be filed with the Chief Clerk as soon as completed and the Members can lift them at that office on Monday next for introduction.

The Legislative Reference Bureau earnestly requests that Members do not during the week, accompany their bill requests with a specified time of delivery. Compliance with such requests is physically impossible.

The Chair hears no objection to this order. Therefore, bills that are in the hands of the Legislative Reference Bureau or any other agency drafting bills by Thursday noon will be considered as coming within the provisions of this resolution. The members will be guided accordingly.

REPORTS FROM COMMITTEES

Mr. ALEXANDER, from the Committee on Highways, reported as committed, House Bill No. 1284, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by prociding for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred

in the exercise of any of the powers granted by this act: providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such turnpike shall become free; providing for condemnation; and authorizing the issuance of turnpike revenue refunding bonds.

Mr. HOLSTROM, from the Committee on Highways, reported as committed, House Bill No. 664, entitled:

An Act to amend section twenty-one of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 551), entitled "An act relating to roads, highways, and bridges," providing for the vacation of parts of former State roads and turnpike roads where state highways are changed or relocated.

Mr. NAGEL, from the Committee on Highways, reported as committed, House Bill No. 1200, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight, and one thousand nine hundred thirty-nine; permitting the use of any surplus funds for construction and reconstruction of township roads and bridges; requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years; authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the purposes of this act; and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first, one thousand nine hundred forty.

Mr. HAGERTY, from the Committee on Cities, reported as committed, House Bill No. 1303, entitled:

An Act abating certain tax penalties and interest on city and school taxes in cities of the first class and school districts of the first class.

ANNOUNCEMENT BY THE SPEAKER

The Chair wishes to announce a meeting of the Committee on Rules at 4:30 in the Speaker's office.

ANNOUNCEMENTS

COMMITTEE MEETINGS

A public hearing on House Bill No. 851 before the Committee on Public Utilities on Wednesday, March 17, 1937 at 8:00 p. m. in the Hall of the House.

The Committee on Counties will meet immediately after today's session in Room 324.

The Committee on Labor will meet immediately after today's session in Room 521.

A public hearing on House Bill No. 500, the Moomaw-Moran Bill, before the Committee on Municipal Corporations on Tuesday, March 23, at 8:00 p. m. in the Hall of the House.

The sub-Committee on Game will meet in the Conference Room in the rear of the House fifteen minutes after this adjournment.

A public hearing on House Bill No. 732 on Tuesday, March 23, at 12:00 noon in the House Caucus Room.

Committee meetings for tomorrow:

Education at 10:00 a. m. in the House Caucus Room.

Insurance at 12:00 o'clock noon in Room 324.

Motor Vehicles at 10:00 a. m. in Room 323.

Public Utilities has cancelled its meeting for tomorrow.

The Committee on State Government has cancelled its meeting for tomorrow.

Welfare at 12:00 noon in Room 301.

Judiciary Special at 11:00 a. m. in Room 546.

ADJOURNMENT

Mr. WEBSTER. Mr. Speaker, I move that this House no now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 3:52 p. m.) the House adjourned until Wednesday, March 17, 1937 at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., WEDNESDAY, MARCH 17, 1937. No. 31.

SENATE

WEDNESDAY, March 17, 1937.

The Senate met at 12 o'clock a. m.

The PRESIDENT PRO-TEMPORE (Mr. Harvey Huffman) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, L. L. D., offered the following prayer:

Our Father, on this historic day, we think of one who for these centuries has reigned with Thee in glory.

What must have been the acclaim of Thy myriad hosts, as he entered the gaters ajar! For in earth there hath arisen none greater than He!

We thank Thee for the Emerald Gem of the Seas; for her people, through Patrick, Thy gift to the world and the ages; for the heritage of genius, of passion for liberty and justice, which their sons have brought to every land—to our own in such abundance.

We cherish with Erin her national hopes; ocupied for centuries by an alien force, yet conquered not for a moment, with tears in her heart, and with smiles upon her face she sings on, putting the world to shame.

God of nations, bless her! Father of the races of men speed the era of peace and freedom and brotherhood. Amen.

JOURNAL APPROVED

The PRESIDENT A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. LANIUS, the further reading was dispensed with, and the Journal was approved.

PETITIONS

REQUESTING AMENDMENTS TO THE FINANCIAL RESPONSIBILITY ACT

The Chair cleared his table and laid before the Senate the following:

Petitions from the Railways Express Drivers, Chauffeurs, Helpers, Garage Employes, Local No. 63 asking for an amendment to the "Financial Responsibility Act" so as to protect commercial drivers from being forced to supply a bond where the employer is bonded.

Also a petition from Local No. 628 of the Newspapers and Magazines Chauffeurs' Union, concerning the same act.

A like petition from the Baker Wagon Drivers, Chauffeurs and Helpers Union, Local No. 463.

A like petition from the Teamsters Joint Council No. 53.

APPROVING APPOINTMENT OF INVESTIGATING COMMITTEE ON THE JUDICIARY OF PHILADELPHIA

Communication from the "Committee of One Hundred" of Philadelphia, approving the action of the Legislature appointing an investigating committee to look into the matter of the judiciary in Philadelphia.

OPPOSING PASSAGE OF SENATE BILL No. 197

Communication from the Washington County Board of County Commissioners, opposing the passage of Senate Bill No. 197, providing for the appointment of boards for the assessment and revision of taxes by the Auditor General.

FAVORING PASSAGE OF HOUSE BILLS Nos. 584 AND 589

Resolution from the Central Labor Union of Philadelphia and vicinity urging favorable consideration of House Bills Nos. 584 and 589.

URGING SUPPORT OF THE MERIT SYSTEM

Communication from the Scranton State Hospital Alumnae Association of Nurses urging support of Legislation for the Merit System.

OPPOSING PRICE DIFFERENTIAL IN MILK CONTROL BOARD LAW

A Resolution from the Federated Trade Council of Reading, Berks County, opposing present price differential in the Milk Control Law.

Mr. Rankin presented petition signed by numerous citizens of Allegheny County opposing the passage of the "Full Crew" and "Train Limit" bills.

Also a petition from citizens opposing House Bill No. 418.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

NOTARIES PUBLIC

Commonwealth of Pennsylvania.
Governors Office, Harrisburg, March 17, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity wtih law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Margaret A. Donley, P. G. Publishing Co., Pittsburgh.
Miss Irene M. Ford, City-County Bldg., Pittsburgh.
George W. West, McKeesport.

BEDFORD COUNTY

Espy L. Diehl, Everett.

LANCASTER COUNTY

Richard N. Lightner, Lancaster.

LUZERNE COUNTY

Bert R. Ardoline, Pittston.
Frank McGuigan Jr., Wilkes-Barre.

ERIE COUNTY

Claude H. Drake, Erie.

PHILADELPHIA COUNTY

Milton M. Borowsky, Phila. Saving Fund Bldg., Phila.
David M. Green, 4724 N. 10th St., Phila.
Mrs. Elizabeth L. Lenz, 3737 Main St., Phila.
Miss Margaret A. Maenner, 905 N. Broad St., Phila.
Maurice Rosenblum, 1302 S. 6th St., Phila.
Earle U. Weinberg, 1428 S. Penn Sq., Phila.
George A. Wilby, 214 N. 15th St., Phila.

SULLIVAN COUNTY

Mrs. Ellen L. Kehrer, Eagles Mere.

WESTMORELAND COUNTY

Clarence W. Beck, Youngwood.

GEORGE H. EARLE.

Commonwealth of Pennsylvania
Governors Office, Harrisburg, March 17, 1937

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity wtih law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for terms of four years to compute from the dates set opposite their names.

ALLEGHENY COUNTY

D. K. Ferree, 1000 Jones Law Bldg., Pittsburgh, March 25, 1937.

PHILADELPHIA COUNTY

Anthony J. Zeits, 4309 Lancaster Ave., Phila., March 25, 1937.

POTTER COUNTY

B. L. Langworthy, Shingle House, March 25, 1937.

BERKS COUNTY

Paul J. D. Heimmelreich, Reading, March 22, 1937.

LYCOMING COUNTY

Mrs. Gertrude F. Fisher, Williamsport, March 28, 1937.

POTTER COUNTY

Beryl E. Burrous, Genesee Twp., Genesee, March 28, 1937.

PHILADELPHIA COUNTY

B. H. Wachs, 616 N. American Bldg., Phila., April 1, 1937.

ALLEGHENY COUNTY

James H. Love, Turtle Creek, April 8, 1937.

TIOGA COUNTY

Floyd L. Bostwick, Lawrenceville, April 11, 1937.

MONTGOMERY COUNTY

Mrs. Sarah M. Keinard, Norristown, April 13, 1937.

LANCASTER COUNTY

Miss Beula G. Sweet, Lancaster, April 16, 1937.

PHILADELPHIA COUNTY

Miss Helen F. Weagle, 1529 Walnut St., Phila., April 17, 1937.

GEORGE H. EARLE.

REPORTS FROM COMMITTEES

Mr. EALY, from the Committee on County Government, reported as committed, Senate Bill No. 351, (House Bill No. 520), entitled

An Act to amend section ten of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," as amended; providing that counties may use moneys received from the Liquid Fuels Tax Fund for the payment of principal due on bonds issued for highways and bridge purposes.

Mr. WOLFENDEN, from the Committee on County Government, reported as amended, Senate Bill No. 241, (House Bill No. 235), entitled:

An Act authorizing the adjournment and re-adjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight; validating any action in adjourning or readjourning tax sales taken prior to the effective date of this act; and preserving the lien of all taxes on lands to be sold at such sales.

Mr. GELDER, from the Committee on County Government, reported as committed, Senate Bill No. 533, entitled:

An Act prescribing a uniform method for the collection of all county, township, town, borough, school, poor and other local taxes in the several boroughs, incorporated towns and townships of this Commonwealth, except county taxes, in counties of the second class and in counties having local laws; providing for the election of the collector of taxes and the filling of vacancies in said office; defining the rights, powers and duties of the collector of taxes; regulating the form and time for delivery of the tax duplicate and warrant, the notice to taxables and tax bills; providing for uniform discounts and penalties; the settlement of accounts, exonerations and compensation of such tax collectors; prescribing the liability of taxables and others for the payment of such taxes, and the right of the collector and the taxing authorities to institute suit therefor; imposing certain duties upon the Department of Internal Affairs; imposing penalties; creating liens and repealing certain existing laws.

Mr. SCARLETT, from the Committee on County Gov-

ernment, reported as committed, Senate Bill No. 305, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing counties of the second class to assist political subdivisions in the county in negotiations and contests with public service companies.

Mr. LANIUS, from the Committee on Public Health, re-reported as committed, Senate Bill No. 313, (House Bill No. 616), entitled:

An Act to amend sections one and six of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 437) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" including dining cars under the provisions of this act and making it unlawful to sleep or to permit persons to sleep in a room where food is prepared or served.

Mr. DENT, from the Committee on Labor and Industry, reported as amended, Senate Bill No. 385, (House Bill No. 741), entitled:

An Act to amend the title and sections two and twelve, and to repeal section five, of the act, approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand five hundred eighteen), entitled "An act regulating the construction, equipment, maintenance, operation and inspection of elevators outside of cities of the first and second and second A classes; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act;" by extending the provisions of said act to elevators located in cities of the first second and second A classes.

Mr. RANKIN, from the Committee on County Government, reported as committed, Senate Bill No. 219, entitled:

An Act to amend section two hundred and seventy-eight of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as amended; providing for the appointment and compensation of a detective to the district attorney in counties of the fifth class.

Also, from the Committee on County Government, reported as committed, Senate Bill No. 583, entitled:

An Act concerning reciprocal agreements for the interstate transportation and the support of poor and indigent persons; and to make uniform the law with reference thereto.

Mr. HEYBURN, from the Committee on Forests and Waters, reported as amended, Senate Bill No. 355, (House Bill No. 561), entitled:

An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board.

Mr. HEYBURN. Mr. President, Senate Bill Number 355 is reported out with the understanding that it will be recommitted after the first reading.

BILLS INTRODUCED AND REFERRED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 604, entitled:

An Act to further amend section three of Article twenty-four of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by giving the Department of Supplies and Purchases jurisdiction over the purchase and supply of articles of personal property for the use of county offices where the city and county are coextensive in territory.

Which was committed to the Committee on City Government.

Mr. RODGERS read in his place and presented to the Chair Senate Bill No. 605, entitled:

An Act for the relief of the burden of local taxation; making an appropriation out of the Motor License Fund; providing for the allocation thereof to cities, incorporated towns, boroughs, and townships for road and street purposes; requiring such political subdivisions to reduce their tax rates; and conferring powers and imposing duties on the Department of Revenue, the Department of the Auditor General, and on cities, boroughs, incorporated towns, and townships and officers thereof.

Which was committed to the Committee on Highways.

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 606, entitled:

An Act to amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for sabbatical leaves of absence for certain employes of school districts.

Which was committed to the Committee on Education.

Mr. KILGALLEN read in his place and presented to the Chair Senate Bill No. 607, entitled:

An Act providing for the fixing of the salaries and compensation of officers, clerks(stenographers and employes appointed by judges of the courts of this Commonwealth in counties where salary boards exist by law.

Which was committed to the Committee on County Government.

CONGRATULATIONS TO MAYORS AND CHIEFS OF FIRE DEPARTMENTS OF VARIOUS CITIES OF PENNSYLVANIA ON BEHALF of the people of Louisville KENTUCKY.

Mr. RUTH, offered the following resolution which was twice read:

Whereas: The City of Louisville, Kentucky recently suffered great devastation as a result of the floods and

Whereas: The Mayor of the unfortunate city made various requests for aid and assistance and in particular requested the aid of firemen and fire apparatus and

Whereas: The Mayors of Harrisburg, Reading, Chester, Erie, Wilkes-Barre, Lancaster, Philadelphia, and the commissioners of Radner Township, Delaware County in response to the call for help sent firemen and apparatus to Louisville and

Whereas: The firemen have returned to their different cities and many reports have been received of the excellent work performed by them in combating flames in the stricken city of Louisville, therefore be it

Resolved That the Mayors of the cities named below, the Director of Public Safety and the Chiefs of the fire departments together with State President Michael E. Clark and State Secretary Chas. .E Clark, of the Firemen's Association of the State of Penna. who took the special train of firemen from eight cities together with eleven pieces of apparatus into the city of Louisville, all the officers and firemen who rendered their services either directly or indirectly are hereby congratulated for the splendid humanitarian efforts that were theirs on behalf of the people of Louisville.

Chief, Earl W. Swartz, Harrisburg.
Hoseman, Blake E. Anderson. Harrisburg.
Hoseman, Walter S. Ehrhart, Harrisburg.
Hoseman, Harry J. Filling, Harrisburg.
Hoseman, John A. Herzog, Harrisburg.
Hoseman, Paul K. Heims, Harrisburg.
Hoseman, Edgar G Mentzer, Harrisburg.
Hoseman, Martin L. Miller, Harrisburg.
Hoseman, Forrest G. Metzger, Harrisburg.
Hoseman, Reed D. Russell, Harrisburg.
Hoseman, Irvin L. Shader, Harrisburg.
Hoseman, Simon D. Smith, Harrisburg.
Hoseman, Charles H. Snoddy, Harrisburg.
Hoseman, Charles D. Snyder, Harrisburg.
Hoseman, Robert P. Chubb, Harrisburg.
Hoseman, D. Edgar Fox, Harrisburg.
Hoseman, Gilbert Moyer, Harrisburg.
Hoseman, Bud Fox, Harrisburg.
18 men and one piece of apparatus and one chief's car.

Chief Edwin J. Clark Wayne, Radnor Township, Pa.
Asst. Chief Jas. Kane Wayne, Radnor Township, Pa.
Eng. Chas. J. LeB. Clark Wayne, Radnor Township, Pa.
Eng. James Conway Wayne, Radnor Township, Pa.
4 Men and one piece of apparatus.

Bat. Chief Frank Deen, Lancaster.
Capt. Edward Koerkle, Lancaster.
Hoseman, Chas. Aston, Lancaster.
Hoseman, Jos. Wargo, Lancaster.
Hoseman, Howard Shomo, Lancaster.
Hoseman, Howard Kuhns, Lancaster.
Hoseman, Harry Myers Jr., Lancaster.
Hoseman, John Price, Lancaster.
8 men and one piece of apparatus.

Asst. Chief Stanley Williams, Wilkes-Barre.
Hoseman, William Moharter, Wilkes-Barre.
Hoseman, Timothy Conwell, Wilkes-Barre.
Hoseman, Jos. Shulditski, Wilkes-Barre.
Hoseman, Fred Banks, Wilkes-Barre.
Hoseman, W. Bassler, Wilkes-Barre.
Hoseman, Lester Sheppard, Wilkes-Barre.
Hoseman, Fred MacFadden, Wilkes-Barre.
Hoseman, Jos. Margoles, Wilkes-Barre.
9 men

Asst. Chief Edw. Dell, Reading.
Hoseman, Albert Hines, Reading.
Hoseman, Harry Bitting, Reading.
Hoseman, Dale Keynales, Reading.
Hoseman, George Goodwin, Reading.
Hoseman, Clive Knier, Reading.
Hoseman, George Becker, Reading.
Hoseman, A Fred Reichert, Reading.
Hoseman, Edw. G. Reed, Reading.
Hoseman, Edw. W Davis, Reading.
Hoseman, Wm. Heisler, Reading .
Hoseman, Clarence Shalter, Reading.
Hoseman, Amos Madone, Reading.
Hoseman, Fred Deppern, Reading.
Hoseman, Harry Zeiber, Reading.
Hoseman, George Beisswanger, Reading.
Hoseman, E. Kissinger, Reading.
Hoseman, Jacob Deisher, Reading.
Hoseman, Fred Steinel, Reading.
Hoseman, Edw. Nye, Reading.
Hoseman, W. Mitchell, Reading.
Hoseman, Earl Strause, Reading.
Hoseman, Stanley Moyer, Reading.
Hoseman, Elmer Schupp, Reading.
Hoseman, Claure Focht, Reading.
Hoseman, Elwood Snyder, Reading.
Hoseman, Roy Luken, Reading.
Hoseman, Walter Lutz, Reading.
28 Men, two pieces of apparatus, one asst. chief's car.

Asst. Chief Eneas Carr, Chester.
Hoseman, James Calhoun, Chester.
Hoseman, C. Parcoks, Chester.
Hoseman, W. J. Scanlon, Chester.
Hoseman, Herman Dickerson, Chester.
Hoseman, John Gilten, Chester.
Hoseman, J. Lamb, Chester.
Hoseman, Jesse Pearson, Chester.
Hoseman, Selton Taylor, Chester.
9 men and one piece of apparatus.

Capt. Albert F. Pettit, Philadelphia.
Hoseman John W. Garvin, Philadelphia.
Hoseman, Jos. Kane, Philadelphia.
Hoseman, Frank Mellon, Philadelphia.
Hoseman, Frank Finnegan, Philadelphia.
Hoseman, David Struble, Philadelphia.
Hoseman, Jas. Ford, Philadelphia.
Hoseman, Wm. Costello, Philadelphia.
Hoseman, Jas. Lynch, Philadelphia.
Hoseman, Frank Krug, Philadelphia.
10 men and two pieces of apparatus.

Hoseman in charge Louis Hamman, Erie.
Hoseman, James Francisco, Erie.
Hoseman, Albert Leuchen, Erie.
Hoseman, Jos. Grulich, Erie.
Hoseman, Louis Stanton, Erie.

Hoseman, Carl Scully, Erie.
Hoseman, John Sopp, Erie.
Hoseman, John Jaskiewicz, Erie.
Mechanic Wm. Andrews. Erie.
9 men and one piece of apparatus.
State President Michael E. Clark.
State Secretary Chas. E. Clark in charge of special Penna. train.

and be it further

Resolved that a copy of this resolution be sent to the Mayors and President of Commissioners, Directors of Public Safety and the Chiefs of Fire Departments of all afore mentioned places and the Clerk of the Senate is accordingly so instructed.

Mr. RUTH. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

Mr. BUCKMAN. Mr. President, before unanimous consent is given to the immediate consent of this resolution, I would like to interrogate the Senator from Berks County, Mr. Ruth.

The PRESIDENT. Will the Senator from Berks County, Mr. Ruth, permit himself to be interrogated?

Mr. RUTH. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Berks if he is certain that the cities and municipalities he has mentioned in this resolution are the only ones in Pennsylvania who rendered the aid spoken of, to Louisville.

Mr. RUTH. Mr. President, I received the resolution in its present form from the Secretary of the State Firemen's Association, who had charge of all the fire companies sent to Louisville, and who assured me they were all included except that of Pittsburgh, and as a similar resolution with reference to Pittsburgh had already been passed, he said this includes the entire group, with that exception, that he had charge at Louisville.

Mr. BUCKMAN. Mr. President, does the Senator from Berks not feel that Pittsburgh should have been included, or does he feel that the resolution heretofore passed sufficiently recognizes the assistance rendered by Pittsburgh?

Mr. RUTH. Mr. President, that was the impression of the Association.

Mr. BUCKMAN. Mr. President, I have no objection.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

MOTION TO PRINT RESOLUTION

Mr. RUTH. Mr. President, I move that the resolution just read be printed, because there are a large number of names contained in it and I am sure those men would be glad to have copies of the resolution.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 265, as follows:

A Joint Resolution proposing an amendment to section one Article nine of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section one Article nine of the Constitution of Pennsylvania is hereby amended to read as follows

Section 1 All property taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws but the General Assembly may by general laws exempt from taxation public property used for public purposes actual places of religious worship places of burial not used or held for private or corporate profit institutions of purely public charity and real and personal property owned occupied and used by any branch post or camp of honorably discharged soldiers sailors and marines

Income and other excise taxes shall be levied and collected under general laws but such laws grant exemptions and may impose graded or graduated rates

Agreeably to order,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, we have three bills on today's calendar—this is one, and House Bill No.1, which is given Senate No. 63, the Simon Joint Resolution, is another; and Senator Reed's Joint Resolution, Senate Bill No. 546, on second reading, is the third—and these three bills are inter-related. I would like to make a very brief statement about the differences between these resolutions. The one which we are now considering provides for a straight graded income tax; another, which is the Simon Resolution, provides for an income tax with homestead exemption from real estate tax; and a third, which is the Reed Resolution, provides for a straight homestead exemption from real estate tax. The first two, the Woodward and the Simon Resolutions, passed the 1935 Session, both have been advertised and can therefore go before the people in 1938.

Mr. Simon believes we ought to pass both these resolutions and put both on the Governor's desk; but Mr. Simon forgets that this is one of the few instances in which we can get along without the Governor; a constitutional amendment does not go on the Governor's desk, it goes from us directly to the people.

Now, the Reed Amendment can be voted on in 1939 if the time lock on the constitution is removed.

Mr. Simon has also introduced House Bill No. 1016, which can also be voted on in 1939.

There are two questions involved in our choice: one, are we going to prepare the way for exempting homesteads, usually up to $5,000, from the local tax- Two,—and this is perhaps a partisan question—shall the resolution carry a Democratic or a Republican name?

This graded income tax illustrates the blindness of the old Republican organization. That organization always defeated our efforts, over a period of years, to bring about a graded income tax.

Now, what is meant by "Homestead Exemption?" No one, has ever yet successfully defined a "homestead", not even the judges in the courts but in Florida they have

an interpretation by which not only the man who owns his own house and lodges in it, but also if he rents that house, by changing the form of lease, can profit by the homestead exemption. I call it a bad way of doing a good thing. Our Chairman of the Committee on Constitutional Changes has quoted Florida as an example of a successful operation of homestead exemption. In answer to our Chairman's misinformation I would like to read a telegram I received in answer to one I sent to the Tax Commissioner of Florida. His telegram in reply reads as follows: "Tampa, Florida. Florida unfortunately amended constitution so as to provide for five thousand dollars homestead exemption I was opposed to adoption amendment practical results have proven I was correct in my opposition results have been very bad Your State would make great mistake to exempt homestead." Signed, "Peter O. Knight."

Now, another document in the case is from a publication put out by the Public Administration Service, the head of which is Louis Brownlow, who, as you know, is the head of President Roosevelt's Reorganization Committee, known as "The President's Committee on Administrative Management." This is a very interesting paper, I will lend it to anyone who wants it; I will not read it all at this moment, but I would like to read a part, and this is quoting a man by the name of Adam Schantz, Chairman of the National Committee on State and Local Taxation. It is in the nature of a confession; I hope the Chairman of the Committee on Constitutional Changes, who is here, will take note of it.

"I attribute our success in Ohio to a widespread public support by butchers, bakers and candle-stick makers. We avoided even speaking the words 'sales-tax' 'income-tax' and other taxes. We kept our hands off suggestions for new taxes. Had we suggested 'sales-tax' or 'income-tax,' we would have incurred the enmity of groups and individuals. We use simply slogans, 'Save our homes!' 'Fair taxes for real estate.'

"Attempts were made to get us to come out and state where replacement taxes would fall. They knew that would be our 'Achilles' Heel.' I will agree that this is not the enlightened way to look upon the problems of solving our taxation mess."

The quotation speaks for itself. We have a frank statement of the objective, and the tactics employed.

Now, yesterday we had the pleasure of listening to an eloquent address from my neighbor, the Senator from Washington, Mr. Reed, who warned us against the growing tax burden; and I said to the Senator we cannot blindly proceed with the Simon resolution, opening the door.

The Chairman of the Committee is going to explain that we do not set up the $5,000 exemption in the resolution. No, of course we do not; but we open the door to the $5,000 exemption, and we know what pressure groups will come here demanding the $5,000 exemption. It is impossible to set up the tax duplicates without setting up the $5,000 exemption. There is another side to this question, which is so embarassing, and the speaking of which is treading on such delicate ground, that I put that portion of my speech on a visiting card; but it is small, and I will not read all, even, of this: "Yesterday illustrated the old saying, 'What is the Constitution among friends?' Yesterday our Constitution was amended by three of us in General Assembly met"—and that is as far as I can go without fear of breaking the traditions of the Senate and revealing committee secrets.

Mr. CAVALCANTE. Mr. President, at the request of the Senator from Bucks, Mr. Buckman, I rise to clarify a few remarks made by the Senator from Philadelphia, Mr. Woodward, relative to this bill—this Joint Resolution upon which the Senator from Philadelphia has just spoken.

I want to clear up one statement that the Senator from Philadelphia made, and which I think is very unfair and should not have been made by him; and that is, that the Chairman of the Committee on Constitutional Changes knew anything about any Homestead Law in the State of Florida. I at no time, in Committee, or in any other place, said anything about any Homestead Law of Florida. I do not know anything about that law, and never professed to know anthing about it; and in the Committee, of which I am Chairman, I at no time brought any matter concerning the Florida Exemption Law before that Committee.

Another statement which has come from the Senator from Philadelphia leaves the insinuation that the Committee on Constitutional Changes and the majority members of this Senate regard the sponsor of a bill as a factor in the determination of whether or not the bill is a sound and sensible bill. He has insinuated that possibly the reason why there may be some opposition to his resolution is the fact that his name is attached to it as the sponsor. I refute that insinuation, and countercharge that if ever a spirit of that kind was shown in the Hall of this Senate it was shown by that Republican majority of which the Senator from Philadelphia was a member in the Session of 1935.

I wish also to refute another insinuation left by the Senator from Philadelphia. Now the Senator from Philadelphia knows well that the resolution that he tagged the "Simon Resolution" has also passed one session of the General Assembly, and that the same session passed the resolution to which is attached the name of the Senator from Philadelphia.

The Simon resolution covers the subjects of graded income tax, graded inheritance tax and the homestead exemption; and that resolution has already been passed by the one General Session, a session at which the Senator from Philadelphia was himself a member; and there was no insinuation that bills were being considered with regard to the sponsors of the bills. It seems that the ones who complain the most are those whom the shoe will pinch more; and these resolutions are resolutions that deal with a subject that is of utmost seriousness and importance to the people of this Commonwealth. The resolutions deal with a subject that has been on every citizen's tongue for many years, and that is the subject of taxation. This subject has been gone over by the people of this Commonwealth in organizations organized for that purpose, and it is a subject that deals with the very backbone of the nation; it deals with taxation on real estate, and it is upon that real estate that the home is erected and the farm is maintained; it is in those homes and on those farms that the destinies of the nation are generally decided; it is in those homes and on those farms that the citizens of America are raised and educated.

As we look over the situation today, in the Commonwealth of Pennsylvania, the figures here in our own State Departments will show, without any doubt, that

85% of the taxes paid in the Commonwealth are paid by those who own real estate, while the other 15% are paid by those who own 60% of the wealth of the State—in the form of personal property, such as bonds, stocks and mortgages.

This subject has been discussed throughout the whole State for years, and the citizens of this Commonwealth have been trying, in their minds, to develop some system whereby they could equalize taxation. The taxes have been amassed alarmingly upon the homes and the farms, and they have been amassed to such an extent that at this present moment it is discouraging for any person to own a home or to invest money in a home or a farm; rather, they will seek investment in other lines. Those who do own their homes and their farms sit at their firesides and at their tables worrying because of a feeling of insecurity as to just how soon the tax collector is going to pounce down upon them, or their home and farmland because they are not able to meet this terrific tax burden.

Mr. President, when in a nation a situation is created that discourages the ownership of a home for the purpose of raising and educating children, who are to become the future citizens of America, we have arrived at a very serious point or a stage in our national existence; and I say that it is time, right now, to permit the people themselves to decide whether they want to confer upon their General Assembly the power to decide that problem. I think we should soon come to the point where we ought to do something about relieving this heavy burden of taxation on real estate; and it necessarily follows, then, that if we remove the burden from the home and the farm it must fall some where else and the only logical place for it to fall is upon those who own personal property—some other tangible, taxable property. Of course, the howl about and the opposition to an amendment such as the Simon Amendment comes from those who have their thousands or millions of dollars invested not in homes, where children are raised to become the future citizens of America, but in stocks and bonds and mortgages, which they tuck away in their safe-deposit boxes.

I do not know how others view the subject, but for the last six years this subject has been a very serious one in my mind. I have traveled over practically the entire western part of this State speaking to organizations of real estate owners concerning this burden of taxation on real estate; and I think that the time is here, and we ought not to hesitate, to let the people decide for themselves whether they want to give the General Assembly the power to exempt certain valuations in real estate, so that we might bring back a desire in the people to own homes and farms wherein and whereon they will raise the future citizens of America.

Analyze as you will, investigate as you will, the history of any nation or any race and you will ultimately come to the conclusion that the home and the farm are the backbone of the nation; and if you gather around it this cancerous growth of taxation as we have it today, without any hope of securing the right to relieve it, you will create a spirit in the nation that is not very wholesome.

I think we ought to pass these resolutions, including the Simon Resolution, and let the people decide for themselves whether they shall confer upon the General Assembly the power which will permit us to protect this little man in a little home or on a little farm, and open up the door so that we may place more taxes on and reach of this wealth of the nation that is invested in personal property—in stocks and bonds and mortgages and other sources of taxation other than the home and the farm.

Mr. WOODWARD. Mr. President, I desire to interrogate the Senator from Fayette, Mr. Cavalcante.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I will.

Mr. WOODWARD. Mr. President, I would like to ask the Senator from Fayette if in his travels he ever visited Grand Island, Nebraska.

Mr. CAVALCANTE. Mr. President, I am sorry to say that I do not possess the lavish wealth that would permit me, like the Senator from Philadelphia to travel so extensively. I have never been in the State of Nebraska.

Mr. WOODWARD. Mr. President, I would like to ask the Senator from Fayette, Mr. Cavalcante, whether he can say on his sacred honor that he never mentioned the word "Florida" to me.

Mr. CAVALCANTE. Mr. President, on my sacred honor I say that the Senator from Philadelphia was the one that first brought up the subject of homestead exemptions to me, and then I engaged in a conversation with him on that subject.

Mr. WOODWARD. Mr. President, I simply want to say that in Grand Island, Nebraska, they have the $5,000 homestead exemption, and Grand Island, I think, is the third largest city in Nebraska; but there are only five homesteads paying any real estate tax, because there are only five homesteads assessed above the figure of $5,000. In the State of Florida the whole cut in the real estate tax duplicates amounted to $387,000,000 in one year which is all to the good.

Mr. BUCKMAN. Mr. President, I desire to interrogate the Senator from Fayette, Mr. Cavalcante.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Fayette whether or not it is a fact that the Governor has no right of veto on these resolutions to amend the Constitution.

Mr. CAVALCANTE. Mr. President, I am amazed at the question of the Senator from Bucks. I would not have asked him such a question, because I know he is learned in the law. The Senator from Bucks, I feel, should realize that I also am an attorney, and know that the Governor does not have the power of veto with regard to resolutions of this character.

Mr. BUCKMAN. Then, Mr. President, I want to ask the Senator from Fayette what would happen if the Woodward Resolution were to pass and the Simon Resolution were to pass and both resolutions were to be approved by the people in 1938,—whether it would not mean that we would not have either resolution; that one would kill the other.

Mr. CAVALCANTE. Mr. President, that is not true.

Mr. BUCKMAN. Mr. President, why not?

Mr. CAVALCANTE. Mr. President, the lesser resolution would be amalgamated with the greater; the larger would carry the smaller.

Mr. BUCKMAN. Mr. President, I wish the Senator from Fayette would elucidate that statement.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, elucidate his statement?

Mr. CAVALCANTE. Mr. President, I will elucidate in legal terms. It would be a merger, Mr. President, and I think the Senator from Bucks knows what a merger is, in legal parlance. There would be a merger there of the Woodward Amendment into the Simon Amendment, because the subject treated by the Woodward Amendment is also contained in the Simon Amendment.

Mr. BUCKMAN. Mr. President, I thank the Senator from Fayette. I am awfully sorry, however, that I cannot agree with the legal interpretation, or elucidation, of the Senator from Fayette. I honestly and conscientiously feel that it would be a mistake to pass both of these resolutions, to advertise both of them and have the people vote on both; for I am thoroughly convinced from what little legal knowledge I have, that if both of these resolutions were to be adopted by the people we would be right back where we are now and would not get the benefit of either of them. I therefore hope that the majority of this Senate will see the wisdom of my thought and withdraw the Simon Resolution and let the Woodward Resolution be passed.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Bucks, Mr. Buckman.

The PRESIDENT. Will the Senator from Bucks, Mr. Buckman, permit himself to be interrogated?

Mr. BUCKMAN. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, I wish to ask the Senator from Bucks, if in his wisdom he thinks passing both resolutions would defeat the purpose of both, why did the Republican majority of the Senate in 1935 pass both of them?

Mr. BUCKMAN. Mr. President, they did not pass them both with my vote.

Mr. SHAPIRO. Mr. President, I rather agree with the Senator from Fayette that it would be advisable to let the people decide the question for themselves. I disagree with the Senator from Bucks that the one resolution would nullify the other. As a matter of fact, if the people adopt two Constitutional amendments, both of those amendments will become part of the Constitution. The Legislature then will have the right to pass legislation either under the Simon Resolution, of exemption on homesteads, or it will have the right to act under the Woodward Resolution and pass a graduated income tax without exemption. I can see under no line of reasoning how it would be possible to say that the passage of two resolutions of this character, where one gives greater power to the Legislature than the other, will have the effect of nullifying each other. I think the Senate of Pennsylvania can, without feeling they are going to nullify either one, pass both of these resolutions, and permit the people to decide the very question which is being asked here today.

For that reason I would be very glad to vote for both resolutions.

Mr. THOMPSON. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward permit himself to be interrogated?

Mr. WOODWARD. Mr. President, with pleasure.

Mr. THOMPSON. Mr. President, as the sponsor of this bill will the Senator from Philadelphia, Mr. Woodward, explain something that occurs in the verbiage of the bill? I observe the last paragraph contains the following: "Income and other excise taxes shall be levied and collected under general laws but such laws grant exemptions, and may impose graded or graduated rates"; and I would like to ask just exactly what the Senator considers to be the legal import of the words "grant exemptions". Does that mean "may grant exemptions" or "shall grant exemptions"?

Mr. WOODWARD. Mr. President, I know the facts pretty well, but I did not want to repeat myself; and I told this sad story of the villianous printer, or printers' devil, who drops the word out. I told that story and I do not want to repeat. I will lunch with the Senator and tell him, or I will tell him now if he insists ; but let me go on—it is just too bad the printer did that; I do not know whether the Senator from Centre who will agree, but I feel that the former Attorney General, Mr. Schnader, must know something about Constitutional law, and I submitted the language to him and he said it would not make any essential difference, that any judge would know what it meant.

If I may go on just a moment, about another matter, Mr. Edmonds wrote a very nice letter to Mr. Simon and said a reading of both these resolutions disclosed that the Simon Resolution was not nearly as good as it ought to be, and suggested a better form of words. I did not bring out, perhaps, that this bill that is in the House now, introduced by Mr. Simon, contains the best wording of any bill that has been introduced, if you are willing to wait until 1939. But if you go back to Mr. Edmonds, I talked to Mr. Fertig about the point Mr. Edmonds raised, and you have the choice between Fertig and Edmonds. Mr. Fertig said Mr. Edmonds' point was not well taken, about the wording of this resolution; so, if anyone is prejudiced either way, he can agree with Mr. Edmonds or Mr. Fertig. I am sorry to have taken so long.

Mr. THOMPSON. Mr. President, I shall be delighted to accept the invitation of the Senator from Philadelphia to lunch with him.

I do not know who has been throwing the curved balls as far as the wording of these resolutions is concerned, whether it has been the printer's devil or the printer, or who it has been; but there is, I think, plainly in the opinion of everyone who takes a purely legal view of this Woodward Resolution a very substantial constitutional and legal problem raised by the verbiage of this last paragraph. We certainly do not want an income tax law in this State which cannot grant exemptions. The principle of exemptions is fundam ental in the The principle of exemptions is fundamental in the principle of an income tax. It seems to me, in view of this lack of clarity in the Woodward Amendment, that we are in the position where we have practically no alternative to passing both of these resolutions, and sort of leave the future in the lap of the gods and hope for the best public solution.

Mr.EALY. Mr. President, I am sorry to disagree with the other lawyer members of the Senate that have spoken, but certainly we should not pass these two resolutions. The Senator from Bucks has said if both of them are approved by the people of Pennsylvania neither of them will become effective, or there will be a serious question

as to which one of them may become effective. I believe neither of them would be really effective.

Now this resolution of Mr. Simon's includes two different features; one is for providing for a graduated income tax and the other provides that the administrator may exempt certain property, and when the people go to vote on these proposed amendments some of them may want to vote for one feature and others for the other, and it is not fair to put these two features in two resolutions.

Now, aside from this question of the two features contained in these two resolutions the Senator from Washington, Mr. Reed, has proposed another resolution which takes care of the homestead exemption, and the only sensible way for us to do is, at this time, to pass the Woodward Resolution, and then, if you are in favor of the homestead exemption, pass Senator's Reed's Resolution, which is on the calendar today for second reading.

Mr. REED. Mr. President, I have for some time been very much interested in the homestead resolution. In a former session I offered such a resolution, and it died in committee. I am still interested in such a resolution; and the question has come up in the Committee on Constitutional Changes several times about linking the resolution concerning the graduated income tax with the resolution having to do with the homestead exemption feature, and on account of the serious discussions we had concerning the legality of combining those two features in one resolution I thought it advisable, for the purpose of keeping the homestead resolution before the body, to offer a resolution having just that one feature in it, which I did by offering this resolution of mine which is up for second reading today; and if there is any serious doubt about the legality of the Simon Resolution in the minds of any members of the Senate, they can pass the Woodward Resolution, providing for a graduated income tax, and then fall back on my resolution which has just this one feature in it—the homestead feature.

QUESTION OF LEGISLATIVE INQUIRY

Mr. WOODWARD. Mr. President, I rise to a question of legislative inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, will state his question of legislative inquiry.

Mr. WOODWARD. Mr. President, may I inquire whether it requires a two-thirds vote to pass a resolution proposing an amendment to the Constitution?

The PRESIDENT. It requires a majority vote only, as for any other bill.

Mr. WOODWARD. Mr. President, not a two-thirds vote?

The PRESIDENT. No, a majority vote.

And the question recurring,

Shall the bill pass finally?

And the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Salus,
Deltrick,	Howell,	Mundy,	Scarlett,
Dent,	Jacobs,	Pierson,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Roberts,	Woodward,
Gilson	Law,	Rodgers,	Huffman,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 63 (House Bill No. 1), entitled:

A Joint Resolution proposing an amendment to section one Article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Cavalcante,	Henney,	Law,	Roberts,
Dando,	Howell,	McCreesh,	Rupp,
Dent,	Jacobs,	McGinnis,	Ruth,
DiSilvestro,	Jaspan,	Mundy,	Salus,
Eroe,	Kahle,	Pytko,	Shapiro,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gilson,	Kunkel,	Reed,	Thompson,
Haluska,	Lanius,	Rice,	Huffman,

NAYS—12

Buckman,	Gelder,	Mallery,	Scarlett,
Deltrick,	Heyburn,	Pierson,	Wolfenden,
Ealy,	Homsher,	Rodgers,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

REASONS FOR VOTE

Mr. WOLFENDEN. Mr. President: I wish to go on record as explaining why I voted for the joint resolution sponsored by Senator Woodward which proposes graduated income tax in this State, and against the Simon resolution which purports to do the same and grants certain so-called homestead exemptions. I feel that if both Constitutional Amendments go before the people for a popular vote at the same time—as they probably will if the Woodward Amendment passes the Lower House, it will make for confusion. Senator Reed has a joint resolution calling for a Constitutional Amendment on today's calendar that takes up the matter of homestead exemptions as a specific exemption to any State Income Tax. This resolution I am very much in favor of and intend to support. I feel that the people should be given an opportunity to vote for or against a graduated income tax as one issue, and for or against homestead exemptions in a graduated income tax as an entirely different issue.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, Senate Bill No. 69, contains an amendment developed as the result of a public hearing. It was reported out yesterday by the Committee for the purpose of permitting printed copies to be distributed to those interested, so that they might have time to consider the amendment. For that reason I think that the bill should be referred back to the Committee for further consideration.

I therefore move, Mr. President, that Senate Bill No. 69, on third reading, entitled:

An Act to protect the obligors or guarantors of bonds and mortgages and owners of property affected thereby and others indirectly liable for the payment thereof and owners of mortgaged property affected thereby by prohibiting for certain periods the sale of mortgaged property at less than its fair market value and prescribing the method of fixing the fair value of said property

be recommitted to the Committee on Judiciary General.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 153, entitled:

An Act to amend the act approved the twentieth day of March one thousand nine hundred and thirteen (Pamphlet Laws six) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof" by including display or placard advertising and changing the penalties prescribed and the manner of proving violations.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. GELDER. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. McCreesh, the sponsor of the bill.

The PRESIDENT. Will the Senator from Philadelphia, Mr. McCreesh, permit himself to be interrogated?

Mr. McCREESH. Mr. President, I will.

Mr. GELDER. Mr. President, I would like to ask the Senator from Philadelphia if he will kindly explain to the members of the Senate just what this bill does by its provisions.

Mr. McCREESH. Mr. President, at this present time we have a lot of people in the State of Pennsylvania who are advertising something they have not got, and therefore they bring a lot of, perhaps, innocent people around, perhaps some child that does not know much, who will buy some inferior article they try to sell to such a purchaser, when they do not have the article they advertise. This bill will stop the displaying of such advertisements, which contain lies, will stop the printing of such lies in the newspapers and the placing of such fraudulent advertising in windows, gathering crowds around in order to sell inferior articles, the sellers never having the real article they advertise, and never intending to have it. This bill will stop that practice.

Mr. GELDER. Mr. President, I would ask the sponsor of the bill if he will kindly point out to us where it affects newspapers, or if it does affect newspapers.

Mr. McCREESH. Mr. President, I do not think this is a newspaper bill. I have just explained all about the bill and it is not necessary to say anything more, I think.

The PRESIDENT. Does that sufficiently answer the question?

Mr. WOODWARD. Mr. President, I am still somewhat in the dark. I shall vote "Present."

Mr. McCREESH. Mr. President, I might say that I am not surprised at the Senator from Philadelphia, Mr. Woodward's, not voting on this bill. He voted on several bills before and has changed his mind; and perhaps we shall not miss his vote.

Mr. HOMSHER. Mr. President, I ask unanimous consent that this bill go over in its order, so that it may be studied further.

The PRESIDENT. Is there an objection?

Mr. McCREESH. Mr. President, this bill has been in Committee for several weeks; there is no need for further time for study. I object to its going over in its order.

The PRESIDENT. The Chair hears objection.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Cavalcante,	Haluska,	Lanius,	Rice,
Dando,	Henney,	Law,	Roberts,
Deitrick,	Heyburn,	Mallery,	Rodgers,
Dent,	Howell,	McCreesh,	Rupp,
DiSilvestro,	Jacobs,	McGinnis,	Shapiro,
Ealy,	Jaspan,	Mundy,	Stiefel,
Eroe,	Kahle,	Pytko,	Thompson,
Frey,	Kilgallen,	Rankin,	Wolfenden,
Gelder	Kunkel,	Reed,	Huffman,
Gilson,			

NAYS—3

Homsher,	Pierson,	Scarlett,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 209 (House Bill No. 241), entitled:

An Act providing that in all bailable criminal or quasi criminal prosecutions desertion and non-support and surety of the peace cases bail may be entered on Sunday.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Cavalcante,	Henney,	Law,	Roberts,
Dando,	Heyburn,	Mallery,	Rodgers,
Deitrick,	Homsher,	McCreesh,	Rupp,
Dent,	Howell,	McGinnis,	Scarlett,
DiSilvestro,	Jacobs,	Mundy,	Shapiro,
Ealy,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kahle,	Pytko,	Thompson,
Frey,	Kilgallen,	Rankin,	Wolfenden,
Gelder,	Kunkel,	Reed,	Woodward,
Gilson,	Lanius,	Rice,	Huffman,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 231, entitled:

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors where there is no evidence of fraud or conspiracy and to authorize ratify confirm and validate payments on such contracts by the school district.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Cavalcante,	Henney,	Mallery,	Rodgers,
Dando,	Heyburn,	McCreesh,	Rupp,
Deitrick,	Homsher,	McGinnis,	Ruth,
Dent,	Howell,	Mundy,	Scarlett,
DiSilvestro,	Jacobs,	Pierson,	Shapiro,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	Woodward,
Gilson,	Lanius,	Roberts,	Huffman,
Haluska	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 311, entitled:

An Act authorizing the recording and copying of documents plats papers and instruments of writing by photostatic photographic or other mechanical process and relating to the effect and use of such copies and records.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Cavalcante,	Henney,	Mallery,	Rodgers,
Dando,	Heyburn,	McCreesh,	Rupp,
Deitrick,	Homsher,	McGinnis,	Ruth,
Dent,	Howell,	Mundy,	Scarlett,
DiSilvestro,	Jaspan,	Pierson,	Shapiro,
Ealy,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Thompson,
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder,	Lanius,	Rice,	Woodward,
Gilson,	Law,	Roberts,	Huffman,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk prseent said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 326 (House Bill No. 554), as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private banks defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fidiciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deed and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred four section five hundred twelve section five hundred eighteen section five hundred nineteen section seven hundred two section one thousand twenty-one section one thousand five hundred three and section one thousand five hundred four of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows and that section two section three hundred six section four hundred eleven section four hundred twelve and section seven hundred one of that act as last amended by the act approved the twenty-fourth day of April one thousand nine hundred thirty-five (Pamphlet Laws fifty-six) and that section one thousand twelve section one thousand two hundred eight and section one thousand two hundred nine of that act as last amended by the act approved the eleventh day of June one thousand nine hundred thirty-five (Pamphlet Laws three hundred six) and that section two hundred three section five hundred two and section nine hundred eight of that act as

last amended by the act approved the twentyfirst day of June one thousand nine hundred thirty-five (Pamphlet Laws three hundred sixty-nine) and that section one thousand seven and section one thousand nine of that act as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-five (Pamphlet Laws three hundred eighty-two) and that section one thousand three hundred two of that act as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred two) and that section two hundred four section eight hundred six section eight hundred eight section one thousand four hundred four and section one thousand four hundred six of that act as last amended by the act approved the second day of July one thousand nine hundred thirty-five (Pamphlet Laws five hundred seven) and that section one thousand one hundred eight of that act as last amended by the act approved the second day of July one thousand nine hundred thirty-five (Pamphlet Laws five hundred twenty-one) are hereby further amended to read as follows

Section 2 Definitions A The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Affiliated corporation or person" means such an [affiliate] affiliated corporation or person or a holding company affiliate as is defined [,] by the Department of Banking Code of May 15 1933 (Pamphlet Laws five hundred sixty-five) its amendments and supplements or by any Federal law or any regulation issued by any Federal authority pursuant to law to be a corporation or person affiliated with a national banking association or a member of a Federal Reserve Bank [or as a holding company affiliate]

"Articles" includes the original articles of incorporation any or all amendments thereto articles of merger consolidation or conversion and also what have heretofore been designated by law as certificates of incorporation or charters

"Assets" includes all the property and rights of every kind of an institution as herein defined

"Attorney" includes any attorney at law who receives a general retainer as solicitor or as counsel for an institution

"Authorized capital" means the sum of the par value of the shares authorized to be issued in the articles of incorporation or in any amendment thereto

"Bank" includes any bank which does not have the power to act as trustee guardian executor administrator or in other fiduciary capacities whether incorporated under this act [or] under the act approved the thirteenth day of May one thousand eight hundred and seventy-six (Pamphlet Laws one hundred sixty-one) entitled "An act for the incorporation and regulation of banks of discount and deposit" its amendments and supplements or under any special act of the General Assembly of this Commonwealth [,] ; or any bank and trust company which renounces or has renounced its power to act as trustee guardian executor administrator or in other fiduciary capacities

"Bank and Trust Company" includes any bank and trust company incorporated under this act or any bank incorporated under the act approved the thirteenth day of May one thousand eight hundred and seventy-six (Pamphlet Laws one hundred sixty-one) entitled "An act for the incorporation and regulation of banks of discount and deposit" its amendments and supplements which has acquired the power to act as fiduciary under the act approved the seventeenth day of July one thousand nine hundred and nineteen (Pamphlet Laws one thousand thirty-two) entitled "An act authorizing banking companies incorporated and organized under the laws of the Commonwealth and having capital stock at least equal to the capital stock which trust companies are required by law to have to act in any fiduciary capacity in which trust companies organized under the laws of the Commonwealth are empowered to act and prescribing the method of acquiring such rights" or any corporation organized "for insurance of owners of real estate mortgagees and others interested in real estate from loss by reason of defective titles liens and encumbrances" under the act approved the twentyninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws seventy-three) its amendments and supplements and which has acquired the power to engage in the business of banking and to act as fiduciary under the supplement to that act approved the ninth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws one hundred fifty-nine) or a corporation organized under any special act of the General Assembly of this Commonwealth which has the power to engage in a banking business and to act as fiduciary

"Banking" means discounting and negotiating promissory notes drafts bills of exchange and other evidences of debt receiving money and commercial paper on deposit or for transmission lending money on real or personal security buying and selling gold and silver bullion foreign exchange coin or bills of exchange

"Branch" includes any branch office agency sub-office sub-agency or place of business other than the principal place of business of an institution for the transaction of any portion of its banking or trust business

"Capital" means the sum of the par value of the preferred and common shares issued and outstanding

"Corporation" means a corporation or a joint stock association organized under the laws of this Commonwealth of the United States or of any other state territory foreign country or dependency

"Department" means the Department of Banking of this Commonwealth

"Director" includes any individual who is a member of a board of directors board of managers or board of trustees of a bank bank and trust trust company or trust company

"Incorporator" means a signer of the original articles of incorporation

"Incorporated Institution" includes any bank bank and trust company savings bank or trust company

"Institution" includes any bank bank and trust company savings bank trust company or private bank

"Net worth" means the total of all the assets of every kind employed in the business of a private bank less the total of all the liabilities of every kind of such business

"Person" means an individual or an unincorporated association including a partnership a limited partnership or any other form of unincorporated enterprise owned by two or more individuals

"Private Bank" means a banking business other than those specifically exempted by this act owned and operated in this Commonwealth by an individual a partnership or any other unincorporated association but this shall not include clubs and hotels which receive money from members and guests for temporary safekeeping express steamship or telegraph companies which receive money for transmission attorneys at law real estate agents fiscal agents and attorneys in fact who are not engaged in the business of receiving moneys in this Commonwealth or for transmission but receive and transmit moneys only as an incident to their general business or profession and brokers licensed under the laws of this Commonwealth holding membership in a lawfully constituted brokerage exchange who do and have authority to do only such banking as is incidental to their brokerage business

"Private Banker" means an individual who by himself or as a member of a partnership or other unincorporated association owns or operates a private bank

"Recognized Stock Exchange" means the stock exchange of any city having a population of more than five hundred thousand according to the latest official census

"Savings' Bank" includes any savings bank incorporated under this act or under the act approved the twentieth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws two hundred forty-six) entitled "An act to provide for the incorporation and regulation of savings banks and institutions without capital stock established for the encouragement of saving money" or under any special act of the General Assembly of this Commonwealth

"Shares" means the units into which the shareholders' right to participate in the control of an incorporated institution in its undivided profits or in the distribution of its assets are divided

"Shareholder" means a registered owner of shares in an incorporated institution

"Share Certificate" means a written instrument signed by the proper corporate officers as required by this act and evidencing the fact that the corporation or person therein named is the registered owner of the shares therein described it also includes the term "certificate of stock" as used in existing laws

"Trust Company" includes any trust company incorporated under this act or any corporation organized for insurance of owners of real estate mortgagees and others interested in real estate from loss by reason of defective titles liens and encumbrances under the act approved the twenty-fourth day of April one thousand eight hundred and seventy-four (Pamphlet Laws seventy-three) its amendments and supplements and which has acquired the power to engage in the business of banking and acting as fiduciary under the supplement to the act approved the ninth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws one hundred fifty-nine) which renounces or has renounced the power to transact a banking business or any other bank and trust company which renounces or has renounced its power to transact a banking business or a corporation organized under any special act of the General Assembly of this Commonwealth which has the power to engage in the banking business and act as a fiduciary but which renounces or has renounced its power to transact a banking business

"Trustee" includes any individual who is a member of the board of managers or board of trustees of a savings bank

"Written" includes printed typewritten engraved lithographed photographed photostated or telephotographed

B The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 203 Place of Business Change of Place of Business A Except as herein otherwise provided an institution shall not transact any banking or trust business except in the case of an incorporated institution at the place or places designated in its articles and in the case of a private bank at the place or places the address or addresses of which are filed with the Department of Banking

B [An incorporated institution may change its place of business within the limitations imposed by this act in the regular manner provided by this act for an amendment to its articles Any private bank may like-wise remove its place of business within the limitations of this act if it shall first obtain the written approval of the department Such removal by an institution shall not in case be to a place where such institution would not be entitled under the provisions of this act to establish a branch at the time it applies for authority to make such change and shall not violate the provisions of this act relating to the establishment of branches agencies sub-offices or sub-agencies] An institution may in the case of an incorporated institution in the regular manner provided by this act for an amendment to its articles and in the case of a private bank with the prior written approval of the department change its principal place of business (1) within the city borough or township in which its principal place of business is located or (2) to any city borough or township either within the county of its principal place of business or in a county contiguous to the county of its principal place of business subject however to the same limitations and requirements as are by this act prescribed in the case of the establishment of a branch in such city borough or township

Any change of the principal place of business of an institution shall automatically terminate its right to maintain and operate any branch located or authorized by the articles of incorporation or otherwise to be located in a county which is not contiguous to the county in which the principal place of business is to be located

Except in the case of any change of the principal place of business within the same city borough or township an institution shall not change its principal place of business unless in the case of a bank bank and trust company or trust company its unimpaired capital is at least equal to the minimum capital required by this act for the incorporation of a bank bank and trust company or trust company as the case may be in the proposed city borough or township and in case branches are maintained and operated or are authorized by its articles of incorporation or otherwise to be maintained and operated unless it has such additional amounts of capital and surplus as are required by this act for the establishment of branches and in the case of a savings bank unless its surplus equals a minimum amount aproved by the department and in the case of a private bank unless its net worth equals a minimum amount approved by the department

Any institution may change the place of business of any of its branches subject to the same requirements and limitations as are by this act prescribed in the case of the establishment of branches

C A private bank which upon the effective date of this act lawfully maintains one or more offices or places of business in any other state or foreign country may continue to maintain and operate any such offices or places of business and do and perform all such acts and make all such loans discounts and investments at such offices or places of business as are permitted or required under the laws of such other state or foreign country subject to such restrictions or limitations as may be imposed by the laws of such other state or foreign country

D However an institution may with the prior written approval of and for the period fixed by the department change its place of business to permit of the alteration or improvement of the premises at the time occupied by it

Section 204 Branch Offices and Sub-Agencies A An institution shall not establish maintain or operate either directly or indirectly any branch [bank branch office agency sub-office sub-agency or branch place of business] within this Commonwealth for the transaction of any part of its business but all of the business of such institution shall be carried on solely and exclusively at its principal place of business except as may be permitted by this act

B Any institution may continue to maintain and operate any branch [bank branch office agency sub-office sub-agency or branch place of business] lawfully established by such institution

C Any institution may in the case of an incorporated institution in the manner provided by this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act and in the case of a private bank with the prior written approval of the department establish a branch [bank branch office agency sub-office sub-agency or branch place of business] at any place within this Commonwealth where at the time such institution proposes to establish such branch [bank branch office agency sub-office sub-agency or branch place of business] any national banking association having its principal office in the same county as that in which the principal office of the institution proposing to take such action is located would have the power under the laws of the United States now or hereafter enacted to establish a branch [bank branch office agency sub-office sub-agency or branch place of business] of such national banking association

D Any institution may in the case of an incorporated institution in the manner provided in this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act and in the case of a private bank with the prior written approval of the department (1) establish a branch [bank branch office agency sub-office sub-agency or branch place of business] within the corporate limits of the city of the first class or the second class in which the principal place of business of the institution is located or within the corporate limits of the city or borough in which the principal place of business is located and in which the institution was authorized by law to establish a branch [bank branch office agency sub-office sub-agency

or branch place of business] on the first day of January one thousand nine hundred and thirty-five and may (2) establish a branch [bank branch office agency sub-office sub-agency or branch place of business] in any place within the county in which its principal place of business is located or in any place within any county contiguous to the county in which its principal place of business is located if the city borough or other community in which such branch [bank branch office agency sub-office sub-agency or branch place of business] is to be established is without adequate banking facilities or in the case of a merger or consolidation is without adequate banking facilities other than an incorporated institution or national banking association which is a party to the plan of merger or consolidation in accordance with the provisions of this act

Provided that an institution shall not have the power to establish a branch [bank branch office agency sub-office sub-agency or branch place of business] in any county other than the county in which its principal place of business is located if a branch [bank branch office agency sub-office sub-agency or branch place of business] is at the same time established or maintained or is authorized by the articles of incorporation or otherwise to be established or maintained in any county other than the county in which its principal place of business is located by

(1) Another institution or national banking association with which such institution is affiliated or

(2) An institution or national banking association with which such other institution or national banking association is affiliated or

(3) An institution or national banking association which is affiliated with any corporation or person with which such other institution or national banking association is affiliated or

(4) An institution or national banking association which is affiliated with any corporation or person with which such institution is affiliated [, nor shall an]

E An institution shall not have the power to establish any branch [bank branch office sub-office sub-agency or branch place of business ,] unless in the case of a bank a bank and trust company or a trust company its unimpaired capital and unimpaired surplus respectively are equal to an amount not less than the aggregate capital and surplus respectively required by the act for the incorporation of such number of similar institutions as is equal to the total number of its places of business including such branch [bank branch office agency sub-office sub-agency or branch place of business, excepting that if any place of business included in such total number is located or is to be located in a borough or township the population of which does not exceed five thousand not more than fifty per centum of the capital and surplus respectively required by this act need be included for such particular place of business in the aggregate capital and surplus respectively required by this section and in the case of a savings bank unless its surplus and expense fund equal a minimum amount approved by the department and in the case of a private bank unless its net worth equals a minimum amount approved by the department

F Articles of incorporation of amendment of merger or of consolidation as the case may be the effect of which is to establish a branch shall be subject to all of the requirements prescribed by this act for articles of the same kind generally except that

(1) If the proposed branch is to be established in a county contiguous to the county of principal place of business

(a) written notice of the intention to file such articles with the Department of State shall be given at least ten days prior to the day on which the articles are to be presented to the Department of State to every institution which has its principal place of business in the county in which the proposed branch is to be located such notice shall contain all of the statements which are required by this act to be set forth in the advertisement of intention to file articles of the particular kind with the Department of State

(b) the advertisement of intention to file such articles with the Department of State shall appear at least ten days prior to the day on which the articles are to be presented to the Department of State and shall also be inserted one time in a newspaper of general circulation in the county in which the proposed branch is to be located and which is published in the city borough or township in which the proposed branch is to be located and one time in a legal newspaper published in the county in which the proposed branch is to be located and

(c) the advertisement shall set forth a statement that written notice of the intention to file articles with the Department of State has been given to every institution which has its principal place of business in the county in which the proposed branch is to be located

(2) In the case of articles of incorporation of amendment of merger or of consolidation as the case may be the effect of which is to establish a branch except such articles the effect of which is to establish a branch in any city of the first class or of the second class in which the principal place of business of the incorporated institution is or is to be located or in the city or borough in which the principal place of business of the incorporated institution is or is to be located and in which branches were authorized by law to be established on the first day of January one thousand nine hundred and thirty-five the Department of Banking shall within sixty days after the receipt of the articles from the Department of State upon the basis of the facts disclosed by the investigation or hearing provided for by this act either approved or disapprove such articles The Department of Banking may in its sole discretion disapprove articles the effect of which is to establish a branch in a county contiguous to the county in which the principal place of business of the incorporated institution is or is to be located if it shall appear as a resule of the investigation or hearing provided for by this act that an incorporated institution having its principal place of business in the county in which the proposed branch is to be located has in good faith notified the Department of Banking of its intention to establish a branch in accordance with the provisions of this act in the same city borough or township in which such proposed branch is to be located

If the Department of Banking shall approve such articles it shall forward them to the Banking Board for review The Banking Board shall after such investigation or hearing as it may deem advisable either approve or disapprove the action of the Department of Banking and shall return the articles to the Department of Banking with notice of its decision and in the case of disapproval with a statement in detail of its reasons for doing so The decision of the Banking Board shall be binding upon the Department of Banking

Immediately upon receipt of the articles from the Banking Board the Department of Banking shall on the basis of the decision of the Banking Board either approve or disapprove them in the same manner as is provided for by this act in the case of articles of the same kind generally

Any application filed with the Department of Banking by a private bank for approval of the establishment of a branch shall be subject to the same requirements as are by this act prescribed for the advertisement notice and approval or disapproval by the Department of Banking or by the Banking Board of articles the effect of which is to establish a branch except that such application need not be filed with or approved by the Department of State

[E] G An institution national banking association corporation or person shall be deemed to be affiliated with an institution national banking association corporation or person for the purpose of this section if

(1) It is owned directly or indirectly by such institution national banking association corporation or person or

(2) It owns directly or indirectly such institution national banking association corporation or person or

(3) It is owned directly or indirectly by the same institution national banking association corporation or person which owns directly or indirectly such institution national banking association corporation or person or

(4) The election of a majority of its board of directors is controlled directly or indirectly by any instrumentality

agency or arrangement that controls directly or indirectly the election of a majority of the board of directors or trustees of such institution national banking association or corporation or

(5) A majority of its directors or trustees or a majority of the members of the executive cimmittee of its board of directors or trustees are also directors or trustees of such institution national banking association or corporation or

(6) Members of its board of directors or trustees constitute a majority of the board of directors or trustees or a majority of the executive committee of the board of directors or trustees of such institution national banking association or corporation or

(7) Substantially all of its principal executive officers constitute a majority of the board of directors or trustees of any such institution national banking association or corporation or comprises or constitutes all of the executive officers of any such institution national banking association or corporation or

(8) Its board of directors or trustees is composed of executive officers of any such institution national banking association or corporation or

(9) It dominates or controls in whole or in part the business or policy of such institution national banking association corporation or person either by contract or otherwise or

(10) Its business or policy is dominated or controlled in whole or in part either by contract or otherwise by such institution national banking association corporation or person

Provided that the ownership of more than fifty per centum of the total number of shares voted upon at the last meeting of the shareholders of an institution national banking association or corporation for the election of its directors or trustees shall be deemed to be ownership of such institution national banking association or corporation and that shares of stock held in the name of a nominee of any institution national banking association or corporation for the benefit of such institution national banking association or corporation shall be deemed to be shares owned or controlled by the institution national banking association or corporation

Section 304 Advertisement of Articles [The] Except as otherwise provided in this act the incorporators shall advertise their intention to file articles with the Department of State one time in a newspaper of general circulation and one time in a legal newspaper Advertisement shall appear at least three days prior to the day the articles are to be filed with the Department of State and shall set forth briefly

(1) The name of the proposed incorporated institution

(2) A statement that the proposed incorporated institution is to be organized under the provisions of this act

(3) The purpose or purposes of the proposed incorporated institution and

(4) The time when the articles will be filed with the Department of State

Section 306 Approval of Articles by Department of Banking A The Department of Banking shall immediately upon the receipt of the articles from the Department of State conduct such investigation as it may deem necessary to ascertain from the best sources of information at its command

(1) Whether the name of the proposed incorporated institution is likely to mislead the public as to its character or purpose

(2) Whether the convenience and advantage of the public will be served by the proposed incorporation and whether the density of the population in the neighborhood designated for the place of business of such proposed incorporated institution and in the surrounding country affords reasonable promise of adequate support for the enterprise

(3) Whether the responsibility character and general fitness for the business of the incorporators directors and officers named in the articles are such as to command the confidence of the community and to warrant the belief that the business of the proposed incorporated institution will be honestly and effieciently conducted in accordance with the intent and purpose of this act

(4) Whether any fee commission or compensation has been paid to any corporation or person for the promotion or organization of such incorporated institution or whether any part of the money collected or to be collected from subscribers or shareholders has been or is to be applied to the payment of promoters' fees for obtaining subscriptions or selling shares or for services in starting such incorporated institution whether such fee commission or compensation is provided for by contract with the proposed incorporated institution or by contract with the subscribers to the shares

(5) Whether the amount of the authorized common capital in relation to the amount of the authorized preferred capital is adequate to the needs of the bank bank and trust company or trust company and to the convenience and safety of the public

B [Within] Except as otherwise provided in this act within thirty days after the receipt of the articles from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove the articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles it shall endorse its approval thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the proposed incorporators of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking shall be conclusive and not subject to any review

Section 411 Increase of Authorized Capital A A bank a bank and trust company or a trust company may amend its articles to increase its authorized capital in the same manner and with the same approval as is required by this act for any amendment to the articles of a bank a bank and trust company or a trust company except that written notice of a proposed amendment for increasing the authorized capital of the institution shall be given to each shareholder entitled to vote thereon at least sixty days prior to such meeting and except that a proposed amendment for increasing the authorized capital of the institution shall titled to vote at such meeting and by the holders of at be adopted by the holders of at least a majority in amount of the aggregate par value of the outstanding shares enleast a majority in numbers of the outstanding shares entitled to vote at such meeting

Such increase of authorized capital shall however become invalid and inoperative unless the actual increase of capital which is authorized shall be made within one year from the date of the issuance of the certificate of amendment any portion of such authorized capital shall be created and issued within such one-year period only such portion as remains unissued within such period shall become invalid and inoperative In the case of a bank a bank and trust company or a trust company which upon the effective date of this act has an authorized capital which exceeds the par value of its outstanding shares such one-year period shall date from the effective date of this act Such actual increase may be made from time to time within such period of one year but no such increase shall be made until the shares shall be paid for in full pursuant to the provisions of this act as to the creation or issuance of any share Such increase may however be made by the declaration of a share divided in accordance with the provisions of this act concerning such share dividends

However a bank a bank and trust company or a trust company may issue common shares to provide for the concurrent retirement of shares of any class other than common shares The issuance of such common shares shall be subject to all of the requirements for and limitations upon the issuance of commonshares prescribed by this act except that if such issuance of common shares shall not effect an increase or decrease of capital no meeting of the shareholders nor their vote need be required The bank the bank and trust company or the trust company shall upon effecting such issuance of common shares and the retirement of shares of another class file articles of

amendment in the manner provided in this act except that such articles need not state that advertisement has been made or notice given or action taken by the shareholders

B Except as otherwise specifically provided in this act a common share shall not be issued pursuant to such increase for a consideration of less than the par value of such share plus fifty per centum thereof unless a share can be issued for a consideration less than such amount without reducing the surplus of the bank the bank and trust company or the trust company below one hundred per centum of the capital as increased but in no case shall such share be created or issued for a consideration which is less than the par value thereof

C The bank the bank and trust company or the trust company may withhold any cash or share dividend due on a share certificate which has not been exchanged within six months after the date upon which the shares were issued pursuant to such increase but upon the shareholder's thereafter exchanging such certificate the bank the bank and trust company or the trust company shall pay to him any dividends which were thus withheld

Section 412 Decrease of Authorized Capital A A bank a bank and trust company or a trust company may amend its articles to decrease its authorized capital either by reducing the number of its shares of any class or classes or by reducing the par value of the shares of any class or classes provided however every share shall have the same par value as every other share of the same class or by both such methods in the same manner and with the same approval as is required by this act for any amendment to the articles of a bank a bank and trust company or a trust company but the capital of a bank a bank and trust company or a trust company shall not be decreased to an amount below the minimum prescribed by this act for the incorporation at the time of such decrease of such bank bank and trust company or trust company [.]as the case may be in the particular city borough or township plus such amount of capital if the bank the bank and trust company or the trust company maintains and operates a branch or is authorized by the articles or otherwise to maintain and operate a branch as is required by this act for the establishment of branches

B The responsibility for the contracts debts or engagements of the bank bank and trust company or trust company to which its common shareholders are subject upon the date when the certificate of amendment is issued shall continue for one year thereafter

C Any capital gains resulting from such decrease of the authorized capital of a bank a bank and trust company or a trust company shal forthwith be transferred to the surplus of such bank bank and trust company or trust company or it may with the approval of the department be returned to the shareholders in the form of a cash dividend provided that the surplus of the institution after the payment of such cash dividend equals at least one hundred per centum of the resulting capital Nothing in this paragraph shall be construed to prohibit a bank a bank and trust company or a trust company from effecting a decrease in its authorized capital by the retirement of shares of any class other than common shares with the approval of the department even though the surplus of the institution after the retirement of such shares does not equal at least one hundred per centum of the resulting capital

D Upon effecting a decrease in its authorized capital a bank a bank and trust company or a trust company shall issue to its shareholders new share certificates setting forth any changes in the par value of each share issued in exchange for the outstanding shares of such shareholders which shall then be cancelled However in the case of any decrease in its authorized capital by the retirement of shares of any class other than common shares pursuant to the provisions of its articles of incorporation a bank a bank and trust company or a trust company shall not be required to effect the exchange of share certificates until the last of the shares of such class shall have been retired The bank the bank and trust company or the trust company may withhold any cash or share dividend due on a share certificate which has not been exchanged within six months after the date upon which the certificate of amendment authorizing the decrease in authorized capital was issued but upon the shareholder's thereafter exchanging such certificate the bank the bank and trust company or the trust company shall pay to him any dividends which were thus withheld

E Upon effecting a decrease in its authorized capital by the retirement of shares of any class other than common shares without a vote of its shareholders pursuant to the provisions of its articles of incorporation a bank a bank and trust company or a trust company shall at the time of such decrease file articles of amendment in the manner provided by this act except that such articles need not state that advertisement has been made or notice given or action taken by the shareholders Such articles which set forth the final retirement of shares of the particular class may also include an amendment for the striking out of such designations preferences qualifications privileges limitations options conversion rights and other special rights including such control over management as applied to such class of shares

Section 502 Term of Office and Qualification of Directors and Trustees A The business and affairs of every incorporated institution shal be managed in the case of a bank a bank and trust company or a trust company by a board of not less than five nor more than twenty-five directors and in the case of a savings bank by a board of at least fifteen trustees Except as otherwise provided by this act or by the articles or by-laws of the incorporated institution such board of directors or board of trustees shall exercise all the powers and fulfill all the duties granted to or imposed upon the incorporated institution by this act

B Each director shall hold office for the term for which he is elected and until his successor shall have been duly elected and qualified The names and terms of office of the first directors shall be stated in the article Except as otherwise provided in this act for the filling of vacancies directors other than those constituting the first board of directors shall be elected by the shareholders

C Except as otherwise specifically provided in any special act of the General Assembly creating a savings bank or in any amendment or supplement thereto each trustee shall hold office until he resigns or becomes disqualified The names of the first trustees shall be stated in the articles

D Every director or trustee shall during his term of office be a citizen of the United States and at least two-thirds of the directors or trustees shall during their terms of service be bonafide residents in this Commonwealth

E Every director shall own in his own right and free of any lien or encumbrance common shares of the bank the bank and trust company or the trust company to the aggregate par value of at least three hundred dollars but the number or par value of the common shares required to be owned by any person who is a director of a bank a bank and trust company or a trust company upon the effective date of this act shall not be greater than was required prior to the effective date of this act so long as such director shall serve continuously The share certificates for the minimum number or par value of common shares which each director must own shall be filed unendorsed unpledged and unassigned by him with the cashier or treasurer of the bank the bank and trust company or the trust company Such shares shall remain in the custody of the cashier or treasurer during the term of service of such director

Any director who during his term of service pledges assigns or in any other manner ceases to be the owner in his own right of the shares required by this section shall forthwith cease to be a director of the bank the bank and trust company or the trust company and his office shall be vacant He shall not be eligible for reelection as a director of such bank such bank and trust company or such trust company for the remainder of the term for which he was elected and for a further period of one year from the expiration of his term Any va-

cancy thus occurring shall be filled in the regular manner for filling vacancies in the board

F The following shall not be eligible to be directors or trustees in any incorporated institution

(1) A judge of any court of record in this Commonwealth but this provision shall not operate to disqualify any judge who shall be a director or trustee of an institution upon the effective date of this act as long as such judge continuously remains a director or trustee of such institution

(2) Any person holding office under this Commonwealth in the Department of Banking the Treasury Department the Auditor General's Department or the Department of Revenue

[(3) Any person authorized to receive and account for the public moneys of this Commonwealth]

G A trustee of a savings bank shall not at the same time be a trustee officer or employe of any other savings bank

Section 512 Eligibility for Cashier or Treasurer Restrictions upon Office A The following persons shall not be eligible to be cashiers or treasurers of any institution

(1) A judge of any court of record in this Commonwealth

(2) Any person holding office under this Commonwealth in the Department of Banking the Treasury Department the Auditor General's Department or the Department of Revenue

(3) [Any person authorized to receive and account for the public moneys of this Commonwealth

(4)] The treasurer of any county city township borough or other political subdivision of this Commonwealth This provision shall not apply in any case where the funds of the particular county city township borough or other political subdivision of this Commonwealth are not on deposit with the institution of which such treasurer of any county city township borough or other political subdivision is treasurer or cashier

B A cashier or treasurer of an institution shall not engage in any other gainful profession business occupation or calling either directly or indirectly but this shall not be construed to affect the right to be at the same time a member of the board of directors or the board of trustees of the incorporated institution in which he is cashier or treasurer

Section 518 Preferential Rate of Interest to Directors Trustees Officers Attorneys or Employes An institution shall not pay to any of its officers attorney or employes or in the case of an incorporated institution any of its directors or trustees nor shall it pay to the officers attorneys or employes of an affiliated institution [or] , an affiliated national banking association or affiliated corporation as defined in this act or in the case of an affiliated incorporated institution [or] , affiliated national banking association or affiliated corporation as defined in this act to any of the directors or trustees thereof a greater rate of interest on the deposits of such director trustee officer attorney or employe than that paid to any other depositor on similar deposits with such institution nor shall a lower rate of interest be charged to any such director trustee officer agent or employe on any loan or discount granted than that charged other borrowers under similar circumstances on the same types of loans or discounts

Section 519 Overdrafts by Directors Trustees Officers Attorneys or Employes A An institution shall not permit any of its officers attorneys employes and in the case of an incorporated institution any of its directors or trustees nor any of the officers atorneys or employes of an affiliated institution [or] , affiliated national banking association or affiliated corporation as defined in this act or in the case of an affiliated incorporated institution [or] , affiliated national banking association or affiliated corporation as defined in this act any of the directors or trustees to overdraw his deposit account

B Any officer attorney or employe of an institution and in the case of an incorporated institution any director or trustee thereof who knowingly overdraws his deposit account with such institution or any officer attorney or employe of an affiliated institution [or] , an affiliated national banking association or affiliated corporation as defined in this act and in the case of an affiliated incorporated institution [or] , affiliated national banking association or affiliated corporation as defined in this act any director or trustee thereof who knowingly overdraws his deposit account with such institution and fails to repay to such institution the amount of such overdraft within ten days shall be guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount to which his account is overdrawn

Section 701 Declaration and Payment of Cash and Share Dividends A Except as otherwise provided in this act and subject to any restrictions contained in the articles of incorporation any bank any bank and trust company or any trust company by its board of directors may declare and pay dividends upon its outstanding shares out of its undivided profits as hereinafter provided from time to time and to such extent as the board of directors may deem advisable A dividend shall not be declared or paid unless at the opening of business upon the day such dividend is declared [the capital the surplus and] the reserve fund required by this act and the capital and surplus of the bank the bank and trust company or the trust company would despite such dividend be unimpaired

B Such dividends may be paid to the shareholders in cash or if such increase of capital has been authorized in the manner provided by this act it may be paid in shares of the bank the bank and trust company or the trust company If the dividend is in the form of shares of the bank the bank and trust company or the trust company it may if properly authorized be paid out of unimpaired surplus provided that such surplus is not thereby reduced to an amount less than one hundred per centum of its capital as increased by virtue of such share dividend

Section 702 Determination of Net Earning Disposition Thereof A The net earnings of a bank a bank and trust company or a trust company shall at the option of the board of directors be determined [as follows] upon either a cash basis or an accrual basis system of bookkeeping

[(1) The gross earnings for any period may include

(a) All earnings actually received during such period less accured interest included in the last previous calculation of earnings

(b) Interest accrued and unpaid upon debts owning to it secured by collateral, upon which no default of more than one year exists and upon bonds or other interest bearing obligations owned by it upon which no interest default exists less unearned discount collected

(c) Any profits actually received during such period from the sale of its securities its other personal property

(d) Sums recovered on items previously charged off

(2) The following items shall be deducted from the gross earnings

(a) Expenses paid or incurred both ordinary and extraordinary in the transaction of its business in the collection of debts owing to it and in the management of its affairs less expenses incurred included in the last previous calculation of earnings

(b) Interest paid or accured and unpaid upon deposits and debts owing by it less interest accured included in the last previous calculation of earnings

(c)] B A bank a bank and trust company or a trust company shall make the following deductions from gross earnings

(1) Losses sustained by it In the computation of such losses [,] there shall be included assets which have been disallowed by the department or by the board of directors of the bank bank and trust company or trust company [shall be included Debts due such bank such bank and trust company or such trust company upon which principal or interest is due and unpaid for six months shall likewise be included in the computation of losses to the extent of the estimated loss thereon unless such debt is adequately secured] but [no] such losses [under this paragraph] shall not be deducted from the gross earnings

if [such losses shall be charged against accumulated] appropriate reserves have been set upon the books to provide [for such contingencies] therefor or of such losses be charged against undivided profits

[(d) Deferred assets in proportion to their use and prepaid expenses in proportion to the use of the service represented thereby

(3) The excess of the gross earnings over the deductions required by this section if any shall constitute the net earnings of the bank the bank and trust company or the trust company for such period]

(2) Taxes which are due and unpaid

[B] C Such portion of the net earnings of a bank a bank and trust company or a trust company as is not required by this act to be credited to surplus may be credited to undivided profits

[C] D If the deduction required by this section exceeds the gross earnings for the period the amount of such excess shall be charged against undivided profits

[D] E This section shall not be construed to limit the right of a bank a bank and trust company or a trust company to declare and pay any dividend otherwise permitted by this act out of accumulated undivided profits even if there shall be no net earnings for the current period

Section 806 Advertisement [A] Except as [herein] otherwise provided in this act the incorporated institution shall advertise its intention to file articles of amendment with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of the particular type of incorporated institution Advertisement shall appear at least three days prior to the day upon which the articles of amendment are to be presented to the Department of State [.] and

[B If the effect of the articles of amendment is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located the incorporated institution shall also advertise its intention to file articles of amendment with the Department of State one time in a newspaper of general circulation in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and which is published in the city borough or township in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and one time in a legal newspaper published in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located Such advertisement shall appear at least ten days prior to the day on which the articles are to be presented to the Department of State The incorporated institution shall also give written notice of its intention to file such articles of amendment with the Department of State to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

C The advertisement and notice] shall set forth briefly

(1) The name and location of the principal place of business of the incorporated institution

(2) A statement that the articles of amendment are to be filed under the provisions of this act

(3) The nature and character of the proposed amendment

(4) [In the case of articles of amendment the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located a statement that written notice of the intention to file articles with the Department of State has been given to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located]

[(5)] The time when the articles of amendment will be filed with the Department of State

Section 808 Approval of Articles of Amendment by Department of Banking A [The] Except as otherwise provided in this act the Department of Banking shall immediately upon the receipt of the articles of amendment from the Department of State conduct such examination as it may deem necessary to ascertain from the best sources of information at its command whether such amendment or amendments will be lawful not injurious to the community and in accordance with the purposes of the articles of incorporation The costs of such examination and any other charges of the Department of Banking bearing upon the filing of articles of amendment shall be assessed upon the incorporated institution in the manner provided by law for assessments by the Department of Banking of costs of examinations or other charges

B [1] Excepting in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city of the first class or the second class in which the principal place of business of the institution is located or the city or borough in which the principal place of business of the incorporated institution is located and in which the institution was authorized by law to establish a branch bank branch office agency sub-office sub-agency or branch place of business on the first day of January one thousand nine hundred and thirty-five within thirty days after the receipt of the articles of amendment from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action

(2) In the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city borough or other community other than the city borough or other community in which the principal place of business of the incorporated institution is located the Department of Banking shall within sixty days after the receipt of the articles from the Department of State upon the basis of the facts disclosed by the investigation or hearing provided for by this section either approve or disapprove such articles The Department of Banking may in its sole discretion disapprove articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located if it shall appear as a result of the investigation required by this section that an incorporated instituton having its principal place of business in the county in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located has in good faith notified the Department of Banking of its intention to establish a branch bank branch office agency sub-office sub-agency or branch place of business in accordance with the provisions of this act in the same place in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

If it shall approve such articles it shall forward them to the Banking Board for review The Banking Board shall after such investigation or hearing as it may deem advisable either approve or disapprove the action of the Department of Banking and shall return the articles to the Department of Manking with notice of its decision and in the case of disapproval with a statement in detail of its reasons for doing so The decision of the Banking Board shall be binding upon the Department of Banking Immediately upon receipt of the articles from the Banking Board the Department of Banking shall on the basis of the decision of the Banking Board either approve or disapprove them in the same manner as is provided by this section in the case of articles generally

If it shall approve the articles of amendment it shall endorse its approval thereon and shall return them to the Department of State]

Within thirty days after the receipt of the articles of amendment from the Department of State the Department

of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles of amendment it shall endorse its approval thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of amendment it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the incorporated institution of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking in disapproving any articles of amendment shall be conclusive and not subject to any review

[D The costs of the examination required by this section and any other charges of the Department of Banking bearing upon the filing of articles of amendment shall be assessed upon the incorporated institution in the manner provided by law for assessments by the Department of Banking of costs of examinations or other charges]

Section 908 Reserve Fund against Deposits and Demand Liabilities A Every bank bank and trust company or private bank shall establish and maintain a reserve fund in an amount equal to at least fifteen per centum of the total of its demand deposits and demand liabilities plus seven and one-half per centum of its total time deposits as herein defined

B Except in the case of a savings bank the term "demand deposits" shall be construed to refer to all deposits payment of which can legally be required on demand or within any period less than thirty days after demand

The term "demand liabilities" shall be construed to refer to all obligations of the institution other than deposits payment of which can legally be required on demand

Except in the case of a savings bank the term "time deposits" shall be construed to refer to all deposits payment of which cannot legally be required within thirty days

C Except in the case of a savings bank the total of such reserve fund may and at least one-third of the reserve fund against demand deposits and demand liabilities shall unless the department gives its written approval of a lesser amount consist of gold bullion gold coin silver coin United States gold or silver certificates notes or bills issued by any national banking association or Federal reserve bank or any other form of currency of the United States and be kept on hand at the place of business of the institution unpledged unassigned and unhypothecated

One-third of such reserve fund may consist of bonds or other interest-bearing obligations of the United States the Commonwealth of Pennsylvania or any political subdivision thereof Such bonds while being carried in the reserve fund shall be computed at their current market value They shall be the absolute property of the institution and shall not be pledged assigned or hypothecated in any manner whatsoever

Any part of such reserve fund not required to consist of gold bullion gold coin or any form of currency kept on hand at the place of business of the institution may consist of an actual net balance of moneys on deposit subject to call without notice in any reserve agent as hereinbefore defined

D Every savings bank shall establish and maintain a reserve fund in an amount equal to at least seven and one-half per centum of the total of its deposits

E In the case of savings banks the total of such reserve fund may and at least two-thirds thereof shall consist of gold bullion gold coin silver coin United States gold or silver certificates notes or bills issued by any national banking association or Federal reserve bank or any other form of currency of the United States kept on hand at the place of business of the institution unpledged unassigned and unhypothecated or an actual net balance of moneys on deposit subject to call without notice in any reserve agent as hereinbefore defined

The balance of such reserve fund may consist of bonds or other interest-bearing obligations of the United States the Commonwealth of Pennsylvania or any political subdivision thereof Such bonds while being carried in the reserve fund shall be computed at their current market value They shall be the absolute property of the institution and shall not be pledged assigned or hypothecated in any manner whatsoever

F The reserve fund prescribed by this section may be increased or decreased by the department with the approval of the Banking Board However the reserve fund shall not at any time be required to be more than double the amount prescribed by this section nor shall it be decreased to less than the amount prescribed by this section

In the case of a savings bank the additional reserve fund provided for by this paragraph may consist of bonds or other interest-bearing obligations of the United States or of the Commonwealth of Pennsylvania

Section 1007 Loans to Directors Officers or Employes of a Bank [or] , Bank and Trust Company or a Trust Company Penalty A Loans to a director of a bank a bank and trust company or a trust company shall be subject to the same limitations as are by this act prescribed in the case of loans by a bank or a bank and trust company to corporations and persons generally and to the additional limitations prescribed by this section Any director however who is at the same time a salaried officer or employe of the bank the bank and trust company or the trust company or of an affiliated bank bank and trust company or trust company or an affiliated national banking association as defined in this act shall be subject to the additional limitations of this section in respect to loans to salaried officers or employes

B A bank [or], a bank and trust company or a trust company shall not unless such loan shall be secured by collateral having an ascertained market value of at least twenty per centum more than the amount of the loan so secured grant to any director officer or employe thereof any loan or line of credit without (1) the prior affirmative vote or the prior written assent filed in the place of business of the institution of a majority of all the directors of a bank [or], bank and trust company or trust company granting the loan except that if it is a director who is directly or indirectly interested in obtaining the loan he shall not have a vote or (2) the prior vote of a majority of the executive committee of the board of directors subsequently ratified by an affirmative vote of a majority of the members of the board of directors present at the meeting at which such action of the executive committee shall be ratified

[B] C A bank [or], a bank and trust company or a trust company shall not grant a loan in excess of one thousand dollars to a salaried officer or employe thereof or to a salaried officer or employe of an affiliated bank bank and trust company or trust company or an affiliated national banking association as defined in this act unless the amount of the loan in excess of one thousand dollars be secured by readily marketable collateral the market value of which shall at no time be less than one hundred and twenty per centum of the amount of the loan in excess of one thousand dollars The aggregate amount of loans to any such salaried officer or employe including therein any extension of credit by means of letters of credit or by acceptance of drafts for or the discount or purchase of notes bills of exchange or other obligations of such salaried officer or employe shall not exceed ten per centum of the unimpaired capital plus ten per centum of the unimpaired surplus of such bank bank and trust company or trust company [This section shall not apply to loans to any such salaried officer or employe] The limitations of thus subsection relating to collateral and the amount thereof shall not be construed to prevent any such salaried officer or employe from obtaining a loan upon the security of a mortgage upon the home of such salaried officer or employe

[C] D Any director officer or employe of a bank [or], a bank and trust company or a trust company who on behalf of such bank [or], bank and trust company or trust company knowingly grants a loan in violation of this section and any director officer or employe of such bank bank and trust company trust company or national banking association who wilfully accepts such a loan with knowledge that it was granted in violation of this section shall be guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding

one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount of the loan he shall furthermore be forever disqualified from acting as a director officer or employe of any institution in this Commonwealth

Section 1009 Limitation upon Investing in Shares A Except as otherwise specifically authorized by this act a bank or a bank and trust company shall not purchase or invest in the shares of capital of any corporation whatsoever

B Any bank or bank and trust company may purchase or invest in the shades of a Federal Reserve Bank a national banking association located within this Commonwealth or any bank bank and trust company or trust company incorporated under the laws of this Commonwealth or of any corporation organized for the purpose of conducting a safe deposit business

C Any bank and trust company may in exchange or in consideration for such assets and property as comprised its title insurance business take and hold the shares of any corporation organized and existing under the laws of this Commonwealth for the purpose of conducting a title insurance business provided that such shares shall not except with the written approval of the department be entered upon its books at an amount greater than the amount at which the assets and proeprty which comprised its title insurance business were theretofore entered upon its books

D This section shall not be construed to affect the power of a bank or a bank and trust company to take or hold shares of capital of a corporation in accordance with the provisions of this act as security for loans granted by such bank or bank and trust company

Section 1012 Loans on and Investments in Bonds and Mortgages and Judgments of Record A A bank or a bank and trust company shall have the power to lend on the security of or invest in bonds secured by mortgages upon real property but it shall lend upon or invest in only such bonds and mortgages as (1) are first liens on unencumbered improved real property including improved far mland situated within the Commonwealth and (2) do not exceed two-thirds of the actual value of such real property and (3) become due within ten years after the making of such loan or investment unless amortized in equal annual installments over a period not exceeding fifteen years after the making of such loan or investment Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of such bank or bank and trust company by the borrower or mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the bank or bank and trust company maknig the investment It shall be lawful for a bank or bank and trust company to renew such policies at the expense of the borrower or mortgagor from year to year or for a longer or a shorter period not however exceeding the term of the obligation in case he shall fail to do so All necessary charge and expenses paid by such bank or bank and trust company for such renewals shall be paid by such borrower or mortgagor In case such borrower or mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of the payment of such charges and expenses constitute a lien upon the property so mortgaged All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor or borrower The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the borad of directors They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the bank or bank and trust company The restrictions imposed by this section shall not apply to bnods secured by mortgages which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions of the Natinoal Housing Act of one thousand nine hundred an dthirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four . its amendments and supplements nor to public utility railroad or industrial bonds or other securities commonly known as investment securities although such bonds may be secured in whole or in part by a mortgage upon real property

B A bank or bank and trust company shall have the power to lend on the security of or invest in judgments of record which are first liens on unencumbered real property situated within the Commonwealth to the amount of fifty per centum of the actual value of such property under the same circumstances and subject to the sa meconditions as are established by this section in the case of loans on the security of or investments in bonds secured by mortgages upon real property

C The aggregate amount of all loans and investments made by virtue of this section shall not at any time exceed twenty-five per centum of the unimpaired capital and twenty-five per centum of its unimpaired surplus or fifth per centum of the total time deposits of such bank or bank and trust company at the option of the bank or bank and trust company

Section 1021 Prohibition upon Guaranteeing Mortgages A A bank a bank and trust company or a trust company shall not in any manner whatsoever guarantee the payment of the principal or the interest of bonds or other obligations secured by mortgages upon real property [.] nor shall a bank and trust company or a trust company in any manner whatsoever guarantee the payment of the principal or income thereon of any funds held by it in a fiduciary capacity

B This section shall not however be construed to affect contracts and policies guaranteeing the payment of the principal or the interest of bonds or other obligations secured by mortgages upon real property when such contracts and policies have been lawfully executed by a bank a bank and trust company or a trust company and are valid and outstanding upon the effective date of this act or any continuation extension or renewal thereof

Section 1208 Authorized Investments of Savings Banks Not Under Special Charter A Except as otherwise specifically provided in this act a savings bank other than a savings bank organized under a special act of the General Assembly shall not make any investments except as follows

(1) Bonds or other interest-bearing obligations of the United States or those for the payment of the principal and interest on which the faith and credit of the United States is pledged including the bonds or other interest-bearing obligations of the District of Columbia

(2) Farm loan bonds issued by Federal land banks operating under the provisions of the Federal Farm Loan Act aproved the seventeenth day of July one thousand nine hundred sixteen its amendments and supplements

(3) Bonds or other inter-bearing obligations of the Commonwealth of Pennsylvania or of any state of the United States or those for the payment of the principal and interest on which the faith and credit of this Commonwealth or of such state is pledged provided that it has not at any time within the ten years immediately preceding the date of the purchase of such bonds or other obligations by the savings bank defaulted in the payment of any part of any principal or interest due by it

(4) Bonds or other interest-bearing obligations of any county city borough township school district or other political subdivision of the Commonwealth of Pennsylvania or of any city borough township schol district or other political subdivision of any state of the United States or those for the payment of the principal and interest on which the faith and credit of scch political subdivision is pledged provided that it has not within the ten years immediately preceding the date of the purchase of such bonds or other obligations by the savings bank defaulted in the payment of any part of any principal or interest due by it

(5) Obligations issued assumed or guaranteed as to principal and interest by or equipment bonds of any railroad corporation whether incorporated under the laws of this Commonwealth of any other state or of the Dominion of Canada provided that such railroad corporation has not at any time within the lve years immediately preceding the date of the investment in such obligations or bonds by the savings bank failed punctually to pay the matured principal and interest on all of its indebtedness

(6) The bonds of any corporation whether incorporated under the laws of the United States of any other state or of the District of Columbia which transacts the business of supplying electrical energy artificial gas or natural gas purchased from another corporation and supplied in substitution for or in mixture with artificial gas for light heat power and other purposes or which transacts any two or all of such businesses but at least seventy-five per centum of the gross operating revenues of such corporation shall be derived from such business and not more than fifteen per centum of the gross operating revenues shall be derived from any one kind of business other than supplying electricity and gas and such corporation shall be subject to regulation by a public service commission a public utility commission or any other similar regulatory body duly established by the laws of the United States or of any state in which such corporation operates subject to the following conditions

(a) Such corporation shall have all the franchises necessary to operate in territory in which at least seventy-five per centum of its gross income is earned which franchises shall either be intermediate permits of or agreements with or subject to the jurisdiction of a public service commission or other duly constituted regulatory body or shall extend at least five years beyond the maturity of such bond and such corporation shall file with the department and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(b) The outstanding full-paid capital stock of such corporation shall at the time of such investment be equal to at least two-thirds of the total debt secured by mortgage liens on any part or all of its property but in the case of a corporation having non-par value shares the amount of capital which such shares represent shall be the capital as shown by the books of the corporation

(c) Such corporation shall have been in existence for a period of not les sthan eight fiscal years and at no time within such period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay promptly and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion f its property was acquired by consolidation merger r purchase shall be considered together in determining such required period

(d) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its total funded debt applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice the interest charges for a full year on its total funded debt outstanding at the time of such investment and for such period the gross operating revenues of any such corporation shall have averaged per year not less than one million dollars and such corporation shall have for each such year either earned an amount available for dividends or paid an amount in dividends equal to four per centum upon a sum equivalent to two-thirds of its funded debt

(e) In determining the qualifications of any bond under this clause where a corporation shall have acquired its property or any substantial part thereof within the five years immediately preceding the date of such investment by consolidation or by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of the paragraph immediately preceding this one as to net and gross earnings and as to dividends have been complied with

(f) The gross operating revenues and expenses of a corporation for the purpose of this clause shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the public service commission or public utility commission or other similar regulatory body having jurisdiction in the matter The gross operating revenues and expenses as defined above of subsidiary companies may be included provided that all the mortgage bonds and a controlling interest in shares of such subsidiary companies are pledged as part of the security for the mortgage debt of the principal company

The net earnings of any corporation for the purpose of this clause shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses taxes other than Federal and State income taxes rentals and provision for renewals and retirements of the physical assets of the corporation and by adding to such balance its income from sercurities and miscellaneous sources but not however exceeding fifteen per centum of such balance

(g) Such bonds must be part of an issue of not less than one million dollars and must be mortgage bonds secured by a first or refunding mortgage secured by property owned an doperated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them but such bonds shall be refunded by a junior mortgage providing for their retirement the bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issue of additional bonds which are to be pledged under such junior mortgage The aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum of the value of the physical property owned as shown by the books of the corporation and subject to the lien of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(h) The term funded debt shall be construed to mean all interest-bearing debts maturing more than one year from date of issue

(7) The bonds of any corporation whether incorporated under the laws of the United States of any other state or of the District of Columbia which engages and is authorized to engage in the business of furnishing telephone service in the United States provided that such corporation is subject to regulation by the Interstate Commerce Commission a public service commission a public utility commission or any other similar Federal or State regulatory body duly established by the laws of the United States or by the laws of any state in which such corporation operates subject to the following conditions

(a) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within such period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay promptly and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in

determining the required period and such corporation shall file with the department and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(b) The outstanding full-paid capital stock of such corporation shall at the time of such investment be equal to at least two-thirds of the total debt secured by mortgage gage liens on any part or all of its property

(c) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its total funded debt applicable to that period nad for the last fiscal year preceding such investment such net earnings shall have been not less thab twice the interest charges for a full year on its total funded debt outstanding at the time of such investment and for such period the gross operating revenues of any such corporation shall have averaged per year not less than five million dollars and such corporation shall have for each such year either earned an amount available for dividends or paid an amount in dividends equal to four per centum upon all its outstanding capital stock

(d) Such bonds must be part of an issue of not less than five million dollars and must be secured by a first or refunding mortgage and the aggregate principal amount of bonds secured thereby plus the principal amount of all underlying outstanding bonds shall not exceed sixty per centum fo the value of the property real and personal owned absolutely and subject to the lien of such mortgage However if such mortgage is a refunding mortgage it must provide for the retirement of all bonds secured by prior liens on the property Not more than thirty-three and one-third per centum of the property constituting the specific security for each bonds may consist of shares or unsecured obligations of affiliated or other telephone companies or both

(e) In determining the qualifications of nay bond under this clause where a corporation shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of this clause as to earnings and dividends have been complied with

(f) The gross operating revenues and expenses of a corporation for the purpose of this clause shall be repectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the Interstate Commerce Commission or the public service commission or the public utility commission or any other similar Federal or State regulatory body having jurisdiction in the matter

(g) The net earnings of any corporation for the purpose of this clause shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses provision for depreciation of the physical assets of the corporation taxes other than Federal and State income taxes rentals and miscellaneous charges and by adding to such balance its income from securities and miscellaneous sources but not however to exceed fifteen per centum of such balance

(h) The term funded debt shall be construed to mean all interest-bearing debts maturing more than one year from date of issue

(3) Bond secured by mortgage which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth to the extent of not more than two-thirds of the actual value of such real property and for a term not exceeding ten years unless amortized in equal annual installments over a period not exceeding fifteen years and bonds secured by mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth which are insured by or for which a commitment to insure has bene made by the Federal Housing Administrator pursuant to the provisions fo mutual mortgage insurance [in title two] of the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements [for the purpose of financing the construction or purchase of dwellings and similar rseidential property and the refinancing of mortgages] Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of the savings bank by the mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the savings bank making the investment It shall be lawful for a savings bank to renew such policies at the expense of such mortgagor from yea rto year or for a longer or shorter period not however exceeding the term of the bond in case the mortgagor shall fail to do so All necessary charges and expenses paid by such savings bank for such renewals shall be paid by such mortgagor In the event that the mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of payment of such charges and expenses by such savings bank constitute a lien upon the property so mortgaged All expenses of searches examinations certicates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of trustees They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the savings bank

B A savings bank other than a savings bank organized under a special act of the General Assembly may make such additional investments as are authorized by its articles but it shall not purchase or invest in bonds secured by mortgage upon real property other than such as are expresslyauthorized by this act nor shall it invest in the shares of capital of any corporation whatsoever except a Federal Reserve Bank

Section 1209 Authorized Investments of Special Charter Savings Banks A savings bank organized under a special act of the General Assembly may make such investments as may be authorized by its articles of incorporation but no such savings bank shall purchase or invest in the shares of capital of any corporatoin whatsoever except a Federal Reserve Bank or purchase or invest in bonds secured by mortgages upon real property unless such bonds and mortgages are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth and do not exceed two-thirds of the actual value of such real property and become due within ten years after the making of such purchase or investment unless amortized in equal annual installments over a period not exceeding fifteen years after the making fo such purchase or investment or unless such bonds and mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions for mutual mortgage insurance [in title two] of the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements [for the purpose of financing the construction or purchase of dwellings and similar

residential property and the refinancing of mortgages] Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of the savings bank by the mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the savings bank making the purchase or investment It shall be lawful for a savings bank to renew such policies at the expense of such mortgagor from year to year or for a longer or shorter period not however exceeding the term of the bond in case the mortgagor shall fail to do so All necessary charges and expenses paid by such savings bank for such renewals shall be paid by such mortgagor In the event that the mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of payment of such charges and expenses by such savings bank constitute a lien upon the property so mortgaged All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of trustees They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the savings bank The restructions contained in this section with reference to real estate bonds shall not apply to public utility railroad or industrial bonds or other securities commonly known as investment securities although such bonds may be secured in whole or in part by a mortgage upon real property

Section 1302 Application to Be Filed with Department Contents On or before the thirtieth day of December one thousand nine hundred thirty-three or in the case of any private bank which has by law heretofore been exempted from the provisions of this act then on or before the thirty-first day of December one thousand nine hundred thirty-five every private bank which plans to continue in business and every private bank which is required by the provisions of this act to obtain a new certificate of authorization by reason of a change in the ownership name or place of business of such private bank shall file with the department a written application for a certificate of authorization Such application shall be signed in duplicate originals and verified in the case of a private bank owned and operated by an individual by the oath or affirmation of such individual and in the case of a private bank owned and operated by a partnership or any other unincorporated association by the oath or affirmation of [all] not less than two of the partners or members of the unincorporated association [.] and in the case of a private bank filing an application by reason of the admission of a new partner or partners the application shall also be verified by the oath or affirmation of the partner or partners being admitted The application shall be in such form as is prescribed by the department and shall be filed upon blanks supplied by the department It shall set forth

(1) The full name residence post-office address and citizenship of such individual or of each member of such partnership or other unincorporated association as well as the names and post-office addresses of the officers or agents in active charge of the business of the private bank

(2) The statement that in the case of a private bank owned by an individual such individual is a resident of Pennsylvania and in the case of a private bank owned by a partnership or other unincorporated assocaition at least one of the partners or members is a resident of Pennsylvania

(3) The name of the private bank

(4) The exact location of the place or places of business of the private bank

(5) In the case of a partnership or other unincorporated association the partnership or other agreement under which the business of the bank is being conducted or in the case of an unlimited partnership a certified extract thereof or if the partnership or other agreement does not contain provision therefor a statement setting forth the liability of each member of such unlimited partnership

(6) A detailed statement of the resources liabilities and net worth of the private bank as well as any other information bearing upon its financial condition which the department shall prescribe

Section 1404 Advertisement [A] Except as [herein] otherwise provided in this act the incorporated institution or the national banking association shall advertise its intention to file articles of merger or articles of consolidation as the case may be with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of the particular type of surviving or new incorporated institution Advertisements shall appear at least three days prior to the day on which the articles of merger or articles of consolidation are to be presented to the Department of State [.] and

[B If the effect of the merger or consolidation is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located the incorporated institution or national banking association shall also advertise its intention to file articles of merger or articles of consolidation as the case may be with the Deparetment of State one time in a newspaper of general circulation in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and which is published in the city borough or township in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and one time in a legal newspaper published in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located Such advertisement shall appear at least ten days prior to the day on which the articles of merger or articles of consolidation are to be presented to the Department of State The incorporated institution or national banking association shall also give written notice of its intention to file such articles of merger or such articles of consolidation with the Department of State to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office or branch place of business is to be located

C The advertisement and notice] shall set forth briefly

(1) The name and the location of the principal place of business of each of the constituent corporations intending to merge or consolidate

(2) The name and the location of the principal place of business of the surviving or new incorporated institution

(3) A statement that the articles of merger or consolidation are to be filed under the provisions of this act

(4) The purpose or purposes of the surviving or new incorporated institution

(5) [In the case of articles of merger or articles of consolidation the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located a statement that written notice of the intention to file articles of merger or aricles of consolidation with the Department of State has been given to very institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

(6)] The time when the articles of merger or consolidation will be delivered to the Department of State

Section 1406 Approval of Articles of Merger or Consolidation by Department of Banking A [The] Except as otherwise provided in this act the Department of Banking shall immediately upon the receipt from the Department of State of the articles of merger or articles of consolidation conduct such examination as it may deem necessary to ascertain from the best sources of information at its command

(1) Whether the name of the surviving or new incor-

porated institution is likely to mislead the public as to its character or purpose

(2) Whether the consolidation or merger is made for legitimate purposes

(3) Whether the interests of the depositors or other creditors and in the case of a bank a bank and trust company or trust company the shareholders are adequately protected

(4) Whether the surviving or new incorporated institution meets all the requirements of this act and violates none of its prohibitions applicable to a bank bank and trust company trust company or a savings bank as the case may be incorporated under this act

(5) Whether where a national banking association is one of the parties of the merger or consolidation it has complied with the requirements of the laws of the United States

B[(1) Excepting in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city of the first class or the second clas in which the principal place of business of the institution is located or the city or borough in which the principal place of business of the incorporated institution is located and in which the institution was authorized by law to establish a branch bank branch office agency sub-office sub-agency or branch place of business on the first day of January one thousand nine hundred and thirty-five within thirty days after the receipt of the articles of merger or articles of consolidation from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles

(2) In the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than city borough or other community in which the principal place of business of the incorporated institutions is located the Department of Banking shall within sixty days after the receipt of the articles from the Department of State upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles The Department of Banking may in its sole discretion disapprove articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located if it shall appear as a result of the investigation or hearing required by this section that an incorporated institution having its principal place of business in the county in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located has in good faith notified the Department of Banking of its intention to establish a branch bank branch office agency sub-office sub-agency or branch place of business in accordance with the provisions of this act in the same place in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

If it shall approve such articles it shall forward them to the Banking Board for review The Banking Board shall after such investigation or hearing as it may deem advisable either approve or disapprove the action of the Department of Banking in respect to the establishment of a branch bank branch office agency sub-office sub-agency or branch place of business and shall return the articles to the Department of Banking with notice of its decision and in the case of disapproval with a statement in detail of its reasons for doing so The decision of the Banking Board shall be binding upon the Department of Banking Immediately upon receipt of the articles from the Banking Board the Department of Banking shall on the basis of the decision of the Banking Board either approve or disapprove them in the same manner as is provided by this section in the case of articles of merger or articles of consolidation generally It shall immediately notify the Department of State in writing of its action If it shall approve the articles of merger or articles of consolidation it shall sign its approval thereon and shall return them to the Department of State]

Within thirty days after the receipt of the articles of merger or articles of consolidation from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles of merger or articles of consolidation it shall endorse its approval thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of merger of the articles of consolidation it shall return them to the Department of States stating in detail its reasons for doing so The Department of State shall immediately give notice to the corporations desiring to merge or consolidate of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking shall be conclusive and not subject to review

Section 1503 Relationship of Institution with Employes of Department A An institution shall not grant or give any sum of money or other property whether as a gift credit loan or otherwise either directly or indirectly to the Secretary of Banking or to any deputy examiner clerk or other employe of the department [.] or to a deputy receiver or other employe of the Secretary of Banking as receiver However any institution may grant a loan to the Secretary of Banking or any deputy examiner clerk or other employe of the department or to a deputy receiver or other employe of the Secretary of Banking as received if such loan is secured by a mortgage upon his own home which meets al the terms and conditions provided by this act for loans secured by mortgages and which in addition meets any additional conditions imposed and followed by such institution in making such loan

This section shall not be construed to prohibit the Secretary of Banking or any deputy examiner clerk or other employe of the department or a deputy received or other employe of the Secretary of Banking as receiver from becoming a depositor in any institution

B Any officer or employe of an institution and in the case of an incorporated institution any director or trustee who knowingly violates the provisions of this section shall be guilty of a misdeameanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount of the gift credit loan or other sum of money or the value of any other property given in violation of this section

Section 1504 Forfeiture of Articles of Incorporation or Certificate of Authorization A The articles of incorporation in the case of an incorporated institution and the certificate of authorization in the case of a private bank shall be automaticaly forfeited by operation of law when

(1) In the case of a bank a bank and trust company or a trust company the capital surplus and expense fund required by law and in the case of a saving bank the expense fund required by law have not been paid in within two years after the issuance of its certificate of incorporation

(2) In the case of an incorporated institution it has not in any manner exercised at least one of the powers conferred upon it by its articles of incorporation and in the case of a private bank by its certificate of authorization within two years after the issuance thereof

(3) In the case of an incorporated institution it has formerly exercised any of the powers conferred upon it by its articles of incorporation or in the case of a private bank by its certificate of authorization but for a period of two years it has not exercised at least one of such powers

(4) The secretary after having taken possession of the business and property of an institution as receiver has completely liquidated its assets

(5) In case of a bank a bank and trust company or

a trust company the secretary after having taken possession of the business and property of the bank or bank and trust company as receiver has paid the depositors and other creditors in full and has surrendered the assets remaining to liquidating trustees for the benefit of the shareholders

(6) The secretary after having taken possession of the business and property of an institution as receiver has surrendered possession to the institution itself because he was without funds to liquidate the business and property

(7) The secretary after having taken possession of the business and property of an institution as receiver has surrendered to the institution itself or to any other corporation or person the assets of the institution in order to permit the carrying out of a special plan of liquidation

B Whenever it shall appear to the department that any of the conditions which under the provisions of this section shall effect the forfeiture of the articles of an incorporated institution or the certificate of authorization of a private bank it shall issue a certificate of forfeiture of the articles of incorporation or of the certificate of authorization which shall be filed with the Department of State The Department of State shall send a copy of such certificate to the last known address of the institution and a copy to the Department of Banking

C If the articles of incorporation of an incorporated institution have been forfeited in the manner provided by this section the corporate powers may whenever necessary to effect the liquidation and winding up of the business and property of such institution continue for a period of [three] five years but they shall not be considered in existence for any other purposes whatsoever

Section 2 Effective Date This act shall become effective immediately upon final enactment

Agreeably to order,

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Cavalcante,	Henney,	Mallery,	Rodgers,
Dando,	Heyburn,	McCreesh,	Rupp,
Deitrick,	Homsher,	McGinnis,	Ruth,
Dent,	Howell,	Mundy,	Scarlett,
DiSilvestro,	Jaspan,	Pierson,	Shapiro,
Ealy,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gelder,	Lanius,	Rice,	Wolfenden,
Gilson,	Law,	Roberts,	Huffman,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 508 (House Bill No. 1160), entitled:

A Supplement to act No. 31-A, approved the twelfth day of July, one thousand nine hundred thirty-five (One thousand Nine Hundred Thirty-five Appropriation Acts, page twenty-five), entitled "An act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for Mothers' Assistance, Pensions for the Blind, and Old Age Assistance."

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. GELDER. Mr. President, I desire to interrogate the Senator from Luzerne, Mr. Mundy.

The PRESIDENT. Will the Senator from Luzerne, Mr. Mundy, permit himself to be interrogated?

Mr. MUNDY. Mr. President, I will.

Mr. GELDER. Mr. President, some time ago the Committee on Appropriations appointed a subcommittee to get certain information from the Department of Welfare, consisting of the cost for administration of this particular law, and I would like to ask the Senator from Luzerne, who was Chairman of the Subcommittee, whether or not we have received that information.

Mr. MUNDY. Mr. President, we have not.

Mr. GELDER. Mr. President, I would like to ask the Senator if he can tell us why we have not received the information.

Mr. MUNDY. Mr. President, my impression is, there is a reluctance to give the information we have requested, and we have not received the proper cooperation from the Department head from whom we requested this information.

Mr. GELDER. Mr. President, I would like to ask whether the information was requested as the subcommittee suggested to the Chairman it would be requested.

Mr. MUNDY. Mr. President, the information was requested at a hearing at which the Bureau Head was present.

Mr. GELDER. Mr. President, I would like to thank the Senator from Luzerne.

Mr. President, in the first special session of the Legislature last year, in the month of August, we had the question of administrative costs before us very prominently, and also the question as to whether or not those on the waiting list entitled to old age benefits, blind insurance and mothers' assistance could or could not receive the amounts they were entitled to without a special appropriation by the members of the Legislature. At that time some of our friends when anybody attempted to get some sort on an understanding on the matter, threw more or less dust by saying that any questioning of the policies of the Department, or the amount of money needed, was a reactionary effort. Letters were written at that time to Major Pennington, and first he said the money was awarded and then, in a later letter, dated August 5th, he told us there was sufficient money if they took the amount of money they then had with the understanding that the Legislature would later on provide additional means to take care of all of those who were on relief.

Every member of this Senate, I believe, has been receiving requests from people who have for months been endeavoring to raise money, by local boards, for these people who are entitled to receive it; and for whom papers had been sent here to Harrisburg but no action taken on them. For that reason the subcommittee was appointed two or three weeks ago to endeavor to get this information; and it seems to me, Mr. President, that it

is high time that the Legislature did know something about what it was doing in this direction. Now, I do not want to be misunderstood. I want it understood that I am one hundred per cent. for every man or woman receiving the assistance which they are entitled to under the law which was passed in 1933, and under the previous law for mothers' assistance. I do believe that we should get some control on this matter of cost of administration, because every dollar that is being unnecessarily expended in administration is a dollar at the expense of the taxpayer, or at the expense of the person who is entitled to relief and is not receiving it. I think probably all the members of this body are a unit on that proposition, and I am arising today, Mr. President, to call attention to the fact that this committee has not been able to receive this information, that apparently either the Welfare Department is in a muddled condition so that they cannot give it to us, or that the cost is to high they are unwilling to give it to us, and I am not sure but that this bill should be put over in order, although I am not going to make the motion, until we do receive the information that we have requested. We are reading a great deal in the newspapers and we are seeing all over Pennsylvania at the present time people who are going around advocating the Goodrich Bill, which would still further centralize, or at least entrench this relief system in a centralized government here at Harrisburg, and I believe that we, as one party at least, who are a two-horse team, if not a three-horse team, should know somethirng about what is happening, whether or not these people are getting the reliel that they should have, whether or not the Department does really need this $100,000.00 that we are giving. If they do need it, I am certainly glad to vote for it, but we would like to know just why this delay, and just how much the administration costs, whether the responsibility is on the local board at home, or whether the responsibility is here, and I do beleive that this Senate is entitled to the information, and the Senator fro Luzerne tells us that he has not been able to get it backed up by the Appropriations Committee.

Mr. MUNDY. Mr. President, I think the Senate should be in possession of the full facts so far as this committee is concerned. I believe that when we were appointed as a subcommittee, we were appointed with certain powers to investigate and secure information which I believe that every member of the Senate should be familiar with. The committee has endeavored, in conference and by direct contact with the Department of Assistance to obtain such facts. We have obtained them in part, but there are certain definite things which we are very vitally interested in, and up to this date we have been unable to get the necessary data for us to report intelligently to this body. The head of the welfare department has been appealed to in the last couple of days, and he has assured us that he will personally see that we receive this information. The Senator from Susquehanna has in part appealed to this body to put this bill over. We realize that we have a very grave and definite responsibility in the matter of informing this body, but in putting this bill over we may work some hardship on those whom we seek to help. It would be bad if by our delay somebody would be deprived of the pension which belongs to them. and of which they are in very dire need and in distress. I do agree with the Senator from Susquehanna in saying that we are making these appropriations, and is endorsing and giving out funds without having the proper checkup to know whether those funds are distributed as we would have them distributed. I would say to the Senate that the members of the committee are determined and will proceed with this investigation, and in the event that this information is not available, I will ask permission to report back to this body to be clothed with sufficient power to proceed further in this investigation, until we are able to come back and tell you gentlemen "these are the facts, and for these reasons you are appropriating money for certain purposes."

I wish to add that we want to distinguish and distinguish very definitely in the minds of the Senators between the head of the Department of Welfare, who has shown a willingness to cooperate with us, and the Department of Assistance, from which we have as yet not received the proper cooperation.

Mr. LAW. Mr. President, I want to thank the Senator from Luzerne, Mr. Mundy, for the fine way in which he has explained this situation. I want to say this: That we cannot afford to stand in the way of any of these people, blind and others, receiving the assistance to which they are entitled. For that reason I am going to vote for this bill, but I do feel that the Chief of this Bureau should be severely reprimanded for his conduct and treatment of the Senate sub-committee, and that if it is necessary to clothe that committee with authority to bring him in, that should be done at the earliest opportunity.

Mr. GELDER. Mr. President, I want to say that it was not my thought or intention to delay the bill, but that we clear the muddle so that these people will receive assistance more properly.

And the question recurring,

Shall the bill pass finally?

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 508 (House Bill No. 1160), entitled:

A Supplement to Act No. 31-A, approved the twelfth day of July, one thousand nine hundred thirty-five (one thousand nine hundred and thirty-five Appropriation Acts page twenty-five), entitled "An act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for Mothers' Assistance, Pensions for the Blind, and Old Age Assistance."

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Cavalcante,	Haluska,	Law,	Roberts,
Dando,	Henney,	Mallery,	Rodgers,
Deitrick,	Heyburn,	McCreesh,	Rupp,
Dent,	Homsher,	McGinnis,	Ruth,
DiSilvestro,	Howell,	Mundy,	Scarlett,
Ealy,	Jaspan,	Pierson,	Shapiro,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Rankin,	Thompson,
Gelder,	Kunkel,	Reed,	Wolfenden,
Gilson.	Lanius.	Rice,	Huffman,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 37, as follows:

A Joint Resolution proposing an amendment to section eighteen Article three of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section eighteen of Article three of the Constitution of the Commonwealth of Pennsylvania is hereby amended to read as follows

Section 18 No appropriations shall be made for charitable educational or benevolent puposes to any person or community nor to any denominational or sectarian institutions may be made for pensions or gratuities for military services and to blind persons twenty-one years of age and upwards and for assistance to mothers having dependent children and to aged persons without adequate means of support

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 38, as follows:

An Act to amend clause (a) of section five of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-six (Pamphlet Laws twenty-eight) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers' Assistance Fund of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts" providing for assistance to indigent persons sixity-five years of age and upwards

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (a) of section five of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-six (Pamphlet Laws twenty-eight) entitled " An act providing for and regulating the assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers' Assistance Fund of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts" is hereby amended to read as follows

(a) Has attained [the age of seventy years or upwards or who after December thirty-first one thousand nine hundred and thirty-nine attains] the age of sixty-five years or upwards

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 211 (House Bill No. 345), entitled:

An Act to further amend section one of the act, approved the twenty-sixth day of April one thousand eight hundred and fifty-five (P. L. 309) entitled "An act relating to damages for injuries producing death" by giving personal representatives the right to recover damages for hospital nursing medical funeral expenses and expenses of administration.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 216, as follows:

An Act to amend section two hundred four of the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" further regulating the adoption and use of names by insurance companies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 632) entitled "An act relating to insurance emending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds asociations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 204 Name of Company the subscribers to the articles of agreement of any company to be incorporated under the provisions of this act may adopt any name not previously used by any existing company but such

name must clearly designate the object and purpose of the company In the case of a mutual company the word "mutual" must appear in the name or title thereof The Insurance Commissioner may prohibit the use of any name when in his judgment it too closely resembles that of any existing company or is likely to confuse or mislead the public

The name so adopted shall not contain the words "State" or "Commonwealth" nor be the same as or deceptively similar to the name of any administrative department board or commission or other agency of the Commonwealth

Any company incorporated prior to the effective date of this amendment the name of which contains the words "State" or "Commonwealth" or is the same as or in the opinion of the Insurance Commissioner deceptively similar to the name of any administrative department board or commission or other agency of the Commonwealth shall in all letter heads advertising displays policies and in all other cases where such name is used add after such name so as to be clearly legible the words "This company is not an agency nor a department of the Commonwealth of Pennsylvania"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate preceeded to the second reading and consideration of Senate Bill No. 223, as follows:

An Act to amend the act approved the ninth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 621) entitled "An act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons providing for the administration of this act by the Department of Welfare the trustees who administer Mothers' Assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind and providing penalties" by making provision for th eburial of blind persons receiving pensions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby entitled by the authority of the same That the act approved the ninth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 621) entitled "An act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons providing for the administration of this act by the Department of Welfare the trustees who administer Mothers' Assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind and providing penalties" is hereby amended by adding after section eleven thereof a new section to read as follows

Section 11 On the death of any beneficiary such reasonable funeral expenses not exceeding one hundred dollars ($100.00) for burial shall be paid to such persons as the Board of Trustees of Pension Fund for the Blind directs if the estate of the deceased is insufficient to defray the same

Section 2 Section twelve of said act is hereby amended to read as follows

Section 12 Pensions and funeral expenses under this act and all expenses incurred by the Department of Welfare and the Board of Trustees of Pension Fund for the Blind in the administration of this act shall be paid by the Department of Welfare out of moneys made available for this purpose by the Legislature including any moneys contributed by the United States Government for this purpose Allocations of amounts available for pensions shall be made by the Department of Welfare among the several counties according to the number of persons receiving pensions and who are eligible for pensions up to the end of the tenth month of the previous fiscal year Pensions shall be payable to additional applicants only if funds are available to provide for payment for the entire biennium

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. EALY. Mr. President, I move that Senate Bill No. 274, on second reading, entitled:

An Act relating to statutory laws; prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, re-enactments and repeals of statutes.

be recommitted to the Committee on Judiciary General for further study.

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. EALY. Mr. President, I feel sure that the sponsor of this bill did not read it over carefully. It purports to be a bill to correct errors in legislation. In my opinion it is very full of errors, and at the end of the bill it contains a dictionary. Now, it is very good for the Senate to have a dictionary, but I think it is out of place to put a dictionary in a bill to which we must refer to find a definition of words in Acts passed ten or fifteen years hereafter. I have spoken to the sponsor of this bill, and he is willing that it should be recommitted.

Mr. LAW. Mr. President, I second the motion.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 291 (House Bill No. 553), as follows:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking

business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons, authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," as amended, by providing for the creation of the Building and Loan Board, the appointment of its members, the payment of its expenses, and defining its powers and duties; and by modifying the powers and duties of the Department of Banking, and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision; and by making inapplicable said act to certain corporations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 307, as follows:

A JOINT RESOLUTION

Proposing an amendment to section four Article two of the Constitution of the Commonwelath of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section four of Article two is hereby amended to read as follows

Section 4 The General Assembly shall meet at twelve o'clock noon on the first Tuesday of January every year and at other times when convened by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 324 (House Bill No. 440), as follows:

An Act to amend the act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended extending the provisions of said act to certain boroughs incorporated towns and townships of the first class extending the same to include building drainage imposing certain powers and duties on the Department of Health making further provisions for the administration of said act extending the specifications increasing certain fees and payments and providing increased penalties including imprisonment and repealing sections fifty-four fifty-five fifty-seven and fifty-eight of said act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two four five eight and the title thereto sections nine ten eleven twelve thirteen fifteen sixteen eighteen twenty-one twenty-two twenty-five twenty-six twenty-seven twenty-eight twenty-nine thirty-two thirty-three thirty-five thirty-six thirty-seven thirty-eight forty-three forty-five forty-six fifty-one fifty-two fifty-nine sixty-five sixty-seven sixty-eight seventy and seventy-one of the act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended by the act approved the fourteenth day of May one thousand nine hundred and nine (Pamphlet Laws 840) and by the act approved the twenty-first day of May one thousand nine hundred and thirteen (Pamphlet Laws 276) and by the act approved the twelfth day of June one thousand nine hundred thirteen (Pamphlet Laws 476) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act it shall not be lawful for any person to carry on or work at the business of plumbing or house or building drainage in cities of the second and third class in boroughs incorporated towns and townships of the first class of this Commonwealth until a certificate or license to engage in or work at said business shall have been granted said persons by the director of the department of public safety or department or board or bureau of health of such cities nor until they have registered as such in the office of the department or board or bureau of health of said cities as hereinafter provided

The word "borough" as used in this section and in this act shall be construed to mean only such boroughs as have a population of three thousand five hundred (3,500) or more

Section 2 All and every person or persons with three years or more practical experience engaged or engaging in the business or work of plumbing [and] house and building drainage in said cities shall apply in writing to the said director of the department of public safety department or board or bureau of health for such certificate or license and in boroughs incorporated towns and townships of the first class such application shall be made to the Department of Health of this Commonwealth or such department thereof or department or board or bureau of health as the said department shall designate and if after proper examination made by the department or board or bureau of health of said cities such person or persons so applying shall be found competent the same shall be certified to the director of the department of public safety department or board or bureau of health in the case of cities and to the Department of Health of this Commonwealth in the case of boroughs and incorporated towns and townships of the first class who shall thereupon issue a certificate or license to such person or persons which shall for the period of one calendar year or fractional part thereof next ensuing the date of such examination entitle him or them to engage in or work at the business of plumbing [and] house and building drainage The mayor of said cities is hereby authorized to appoint a board of examiners to consist of one member of the board or bureau of health one plumbing inspector and two competent plumbers in no wise connected with the city government who shall examine all applicants for license under the provisions of this act The Secretary

of Health of the Department of Health of this Commonwealth in the case of boroughs and incorporated towns and townships of the first class is hereby authorized to appoint a board of examiners to consist of such master plumbers or journeymen plumbers of ten years experience as he may designate who shall examine all applicants for license under the provisions of this act outside of cities in the performance of this duty he shall divide the State into a convenient number of districts and appoint separate boards for the several districts or shall direct that applicants from certain districts shall submit themselves to examination by city boards in certain cities designated by him and shall also upon satisfactory evidence that certain municipalities outside of cities have constituted a competent board of examiners appointed by the council of said borough direct that the applicants be examined by such board The said [board] boards shall make all reasonable rules regulations and examinations which shall be approved by the said director of the department or board or bureau of health in the case of cities and by the Secretary of Health in all other cases An examination of any one member of a firm or corporation [or of the superintendent or foreman] therefor shall be deemed sufficient Said person or persons firm or corporation engaged or engaging in the business of plumbing or house or building drainage shall pay for each examination the sum of [five] ten dollars and each journeyman or person engaged in the work shall pay the sum of [fifty cents] five dollars which sum shall be paid into the State city or other municipal treasury [for the use of said cities] The proper officers [of said cities] are hereby authorized to pay to the plumbers acting on said board the sum of [five] ten dollars per day for each day or session thus actually employed

The mayor of said cities is hereby authorized and required to appoint a [competent person] practical plumber of at least ten years experience and not engaged or connected directly or indirectly with the plumbing business as plumbing inspector whose duty it shall be to supervise superintend and inspect all plumbing [and] house and building drainage in conformity with the provisions of this act And the several cities are hereby authorized and required to make proper provision for the payment of the salary of the said plumbing inspector as provided by law

In order to afford the opportunity for local administration and enforcement of this law the council of any borough or incoporated town or commissioners of a first class township are hereby authorized by appropriate municipal action providing therefor to appoint a practical plumber not engaged or connected directly or indirectly with the plumbing business as plumbing inspector whose duty it shall be to supervise superintend and inspect all plumbing house and building drainage in conformity with the provisions of this act and to make provisions for the payment of the salary of the said plumbing inspector whenever this is done by such municipality When this is done the matter shall be submitted to the Secretary of Health of this Commonwealth by application setting forth the action taken and the name of the person or persons selected as inspector and his qualification If the Secretary of Health is satisfied that the enforcement of the act can safely be left to the municipality under this action taken he may commit the same to it Should in its administration after being thus committed the local authorities fail in the proper administration of the law then the Secretary of Health of this Commonwealth shall revoke such commitment upon reasonable notice and hearing subject to this provision In cases outside of cities the Secretary of Health of this Commonwealth is authorized and required to appoint such number of practical plumbers who are not engaged connected directly or indirectly with the plumbing business as plumbing inspectors for the Commonwealth of Pennsylvania whose duty it shall be to supervise superintend and inspect all plumbing house and building drainage under the provisions of this act and to do any acts necessary for carrying this act into effect He may however at his discretion and upon such terms as he may prescribe appoint permit or designate the plumbing inspector of any city or borough to perform these duties within a district or districts convenient Should the Secretary of Health elect the latter joint compensation between the several districts shall be effectuated

Every registered master plumber shall have a bona fide place of business in said cities In the case of any borough incorporated town or township of the first class either within the said municipality or within a distance of one mile from its nearest boundary and shall display on the front of his or their place of business a sign "Registered Plumber" bearing the name or names of the person firm or corporation in letters not less than three inches high

Signs displayed on buildings not occupied as a bona fide place of business (other than advertisements) of any registered master plumber firm or corporation must not be construed to permit or allow said registered master plumber firm or corporation to establish the same privileges or benefits as registered master plumbers firms or corporations within the limitations of any city or municipality

No person other than a registered master plumber as herein provided shall be allowed to carry on or engage in the business nor shall any person or persons expose the sign of plumbing [or] house or building drainage or any advertisement or display pertaining thereto (wholesale show rooms excepted) unless he or they have first secured a license or certificate and been registered in the office of the board or bureau of health of such cities or in the case of a borough incorporated town or township of the first class then register with a board or bureau of health of such municipality if any functioning and if none such then with the Department of Health of the Commonwealth nor shall any person or persons other than a registered master plumber or a registered journeyman plumber [or person] in his or their employ [or under his or their supervision] (registered apprentices excepted) be allowed to alter repair or make any connection with any water drain soil waste or vent pipe or any pipe connected therewith

Every registered master plumber firm or corporation shall give immediate notice of any change in his their or its place of business and upon his their or its retirement from business shall surrender his their or its certificate of registry to the board or bureau of health Every person firm or corporation [or representative thereof] in registering shall give the full name or names of the person firm or officers name of the corporation for which he or they shall register

At the expiration of each calendar year said certificate or license shall be null and void A licensed master or journeyman plumber desiring to continue in or work at the business of plumbing [and] house and building drainage for the ensuing year shall between the first and thirty-first days of December of each and every year surrender the said certificate or license to the department or board or bureau of health who certified it and re-register his their or its name or names and business or home address upon such form or forms as may from time to time be furnished by the several departments [said department] or board or bureau of health

A re-examination will not be necessary for re-registration unless the licensed master or journeyman plumber should have failed to make an application for re-registration at the specified time The sum of one dollar shall be paid by the master plumbers firms or corporations and the sum of twenty-five cents by journeyman plumbers for re-registration which sum shall be paid into the state city or municipal treasury for [the] their use [of said cities] A register of all such applicants and the license certificates issued shall be kept in said department board or bureau of health which said register shall be open to the inspection of all persons interested therein Any person firm or corporation holding a license or certificate granted by any [first second or third class] city borough incorporated town or township of the first class of this Commonwealth to engage in or work at the business of plumbing and drainage work desiring to do plumbing or drainage work in any other city borough incorporated town or township of the first class than the one in which said license or certificate was granted shall without examination be registered before entering upon

such work Provided however that such registration shall be restricted and limited to such plumbing and drainage work as he they or it shall have contracted for at the time of registry On the completion of such contract or contracts the registration of such person firm or corporation shall be null and void and no further permit shall be issued until he or they or it shall have first registered his or its name or their names and address as hereinbefore provided

Section 4 There shall be a separate plan for each building public or private or any addition thereto or alterations thereof accompanied by specifications showing the location size and kind of pipes traps closets and fixtures to be used which plans and specifications shall be filed with the local board or bureau of health of the municipalties where same is functioning or with the Department of Health of the Commonwealth in other cases The said plans and specifications shall be furnished by the architect plumber or owner and filed by the plumber All applications for change in plans must be made in writing Plans filed for the correction of any complaint must designate the approximate time for the completion thereof

Section 5 Plumbers before commencing the construction of plumbing work in any building in the said cities boroughs incorporated towns and townships of the first class (except in cases of repairs which are here defined to relate to the mending of leaks in soil vent or waste-pipes faucets valves and water supply pipes and shall not be construed to admit of the replacing or installation of any fixtures such as water closets bath tubs wash stands sinks refrigerator cases soda or bar fixtures et cetera or the respective traps for such fixtures) shall submit to the board or bureau of health in their respective districts plans and specifications legibly drawn in ink on blanks to be furnished by said board or bureau Where two or more buildings are located together and on the same street and the plumbing work is identical in each one plan will be sufficient Plans will be approved or rejected within twenty-four hours after their receipt

Materials of House or Building Drains

Section 8 The main drainage system of every house or building shall be separately and independently connected with the street sewer where such sewer exists except where two houses are built together on a lot with a frontage of thirty feet or less when one connection with main sewer will be allowed but there shall be a separate house drain for each house connected by a "Y" connection in the front of such houses at the property line with main house sewer or where one building exists or is erected in the rear of another on an interior lot of single ownership and no private sewer is available or can be made for the rear building through an adjoining alley courtyard or driveway the house drain from the front building may be extended to the rear building and the whole will be considered as one house or building drain Where it is necessary to construct a private sewer to connect with sewer on adjacent street such plans may be used as may be approved by the department or board or bureau of health but in no case shall joint drains be laid in cellars parallel with the street or alley

[House drains] Drains or soil pipes laid beneath floor must be extra heavy cast iron pipe (as per table in section 16) with leaded and caulked joints and carried five feet outside cellar wall All drainage or soil-pipes connected with main drain where it is above the cellar floor shall be of extra heavy cast-iron pipe with leaded and caulked joints or of heavy wrought iron pipe with screw joints properly secured and carried five feet outside of cellar wall and all arrangements of soil or waste pipes shall be as direct as possible [Wrought] All genuine wrought iron wrought steel or copperized iron pipes shall be galvanized Changes of direction on pipes shall be made with "Y" branches both above and below the ground and where such pipes pass through a new foundation-wall a relieving arch shall be built over it with two inch space on either side of the main pipe

The size of the main house drain shall be determined by the total area of buildings and paved surfaces to be drained according to the following table if iron pipe is used If the pipe is terra cotta the diameter shall be one size larger for the same amount of area drainage

Diameter	Fall ¼ Inch Per Foot	Fall ½ Inch Per Foot
4 inches ..	1,800 square feet drainage area	2,500 square feet drainage area .....
5 inches ..	3,000 square feet drainage area	4,500 square feet drainage area .....
6 inches ..	5,000 square feet drainage area	7,500 square feet drainage area .....
8 inches ..	9,100 square feet drainage area	13,600 square feet drainage area .....
10 inches ..	14,000 square feet drainage area	20,000 square feet drainage area .....

The main house drains may be decreased in diameter beyond a rain-water conductor or surface inlet by permission of the department or board or bureau of health when the plans show that conditions are such as to warrant such decrease but in no case shall the main house drain be less than four (4) inches in diameter

Section 9 The house or building drain must be provided with a horizontal intercepting trap placed [immediately] inside the cellar wall or as close thereto as practical allowing for construction circumstances and the approval of the board or bureau of health The trap must be provided with a hand-hole for convenience in cleaning the cover of which must be properly fitted and made gas and airtight with heavy brass screw-cap ferruel caulked and airtight with heavvy brass screw-cap ferrule caulked the board or bureau of health

Section 10 A fresh air inlet must be connected with the [house] drain just inside of the [house] intercepting trap Where underground it must be of extra heavy cast iron Said inlet must lead to the outer air and finish with an [automatic device] open grill approved by the board or bureau of health at a point just outside the front wall of building The fresh air inlet must be of the same size as the drain up to four inches

For five and six inch drains it must not be less than four inches in diameter for seven and eight inch drains not less than six inches in diameter or its equivalent and for larger drains not less than eight inches in diameter or its equivalent

Section 11 House or building sewers and house or building drains must where possible be given an even grade to the main sewer of not less than one-quarter of an inch per foot

Section12 When main sewer is not located on street house or building sewers must be constructed on outside of buildings and branched into each house or building separately and in no case will the sewer from one house or building to another be permitted to run through cellars

Section 13 Where the ground is of sufficient solidity for a proper foundation cylindrical terra-cotta pipe of the best quality free from flaws splits or cracks perfectly burned and well glazed over the entire inner and outer surfaces may be used if laid on a smooth bottom with a special groove cut in the bottom of the trench for each hub in order to give the pipe a solid bearing on its entire length and the soil well rammed on each side of the pipe The spigot and hub ends shall be connected The space between the hub and the pipe must be thoroughly filled with cement mortar made of equal parts of the best American natural cement and bar sand thoroughly mixed dry and enough water afterwards added to give the proper consistency The mortar must be mixed in small quantities and used as soon as made The joints must be carefully wiped out and pointed and all mortar that may be left inside removed and the pipe left clean and smooth throughout for which purpose a swab may be used It must not be laid closer than five feet to any exterior wall of a building or less than three and one-half feet below the surface of the ground or when the sewer passes near a well nor will it be allowed in bad or made grounds or inside a building with or without a cellar

Section 15 Floor French or other drains will only be permitted when it can be shown to the satisfaction of

the board or bureau of health that their use is absolutely necessary and arrangements made to maintain a permanent water seal in the traps and be provided with check or back water valves where warranted

Section 16 All cast-iron pipes must be sound free from holes and of a uniform thickness known as "extra heavy" pipe and corresponding fittings will be required The pipe must be tested to fifty pounds water pressure and marked with the maker's name

Pipes shall weigh as follows namely

Two-inch pipe [five and one-half] five pounds per lineal foot

Three-inch pipe [nine and one-half] nine pounds per lineal foot

Four-inch pipe [thirteen] twelve pounds per lineal foot

Five-inch pipe [seventeen] fifteen pounds per lineal foot

Six-inch pipe [twenty] nineteen pounds per lineal foot

[Seven-inch pipe twenty-seven pounds per lineal foot]

Eight-inch pipe [thirty-three and one-half] thirty pounds per lineal foot

Ten-inch pipe [forty-five] forty-three pounds per lineal foot

Twelve-inch pipe fifty-four pounds per lineal foot

Section 18 All yards paved ramps areas and courts must be drained and sewer connected Such as gasoline or oil service stations and buildings of similar nature or construction [tenement-houses] Tenement-houses and lodging-houses must have the paved yards ramps areas and courts drained into the sewer and under no circumstances shall surface or storm water be allowed to drain over walks or driveways These drains when sewer-connected must have connection not less than four inches in diameter They should be controlled by one trap the leader trap if possible

French Subsoil Foundation Clear Water and Absorption Tile Drains Where subsoil drains are placed under the cellar floor or used to encircle the outer walls of a building the same shall be made of open-jointed drain tile or vitrified clay pipe and shall be effectively trapped before connecting into the building drain or building sewer or shall connect into the storm water drain inside the storm water trap The pipe must be laid on no less than four inches and covered with no less than six inches of crushed stone or gravel of medium size and arrangements made to cover the stone with a material to prevent as much as possible sand or dirt from washing into and clogging the stone or gravel bed and cover Where danger of basement flooding exists they shall be protected against back-pressure by an automatic back-pressure valve accessibly located before entering the building sewer or drain or they may discharge through a cellar floor drain provided with a back-water valve

Section 21 Inside leaders must be constructed of cast-iron galvanized genuine wrought steel or copperized iron pipe [or steel] with roof connections made gas and water tight [by means of heavy copper drawn tubing slipped into the pipe The tubing must extend at least seven (7) inches into iron leader pipe] Outside leaders may be sheet metal but they must connect with house drain by means of a cast-iron pipe extending vertically five (5) feet above grade level where the building is located along public driveways or sidewalks Where the building is located off building line and not liable to be damaged the connection shall be made with iron pipe extending at least one foot above grade level

Section 22 All leaders must be trapped with cast-iron running or P traps so placed as to prevent freezing and provided with hand-hole and brass screw clean-out plug Outside traps must have clean-outs brought to grade for convenience of cleaning Brass clean-out plugs to be caulked and made gas and water tight as herein before provided

Section 25 The smallest diameter of any soil pipe permitted to be used shall be [four] three-inch The size of soil papes must be not less than those set forth in the following tables

Maximum Number of Fixtures Connected to—

Size of Pipe	Soil and Waste Combined		Soil-Pipe Alone	
	Branch	Main	Branch	Main
3 In.	7 fixtures	14 fixtures	3 water-closets	4 water-closets
4 In.	48 fixtures	96 fixtures	8 water-closets	16 water-closets
5 In.	96 fixtures	192 fixtures	16 water-closets	32 water-closets
6 In.	268 fixtures	336 fixtures	34 water-closets	68 water-closets

If the building is six (6) and less than twelve (12) stories in height the diameter shall be not less than five (5) inches if more than twelve (12) stories it shall be six (6) inches in diameter [A building six or more stories in height with fixtures located below the sixth floor soil-pipe four (4) inches in diameter will be allowed to extend through the roof provided the number of fixtures does not exceed the number given in the table]

All soil-pipes must extend at least two feet above the highest window and must not be reduced in size Traps will not be permitted on main vertical soil or waste lines Each house must have a separate line of soil and vent pipe No soil vent or waste line shall be constructed on the outside of a building A two inch relief vent shall be required for first floor closets where a main vent stack of three inch or larger is in place and fixtures are located above first floor

Fixtures with

One and one-quarter inch traps count as one fixture

One and one-half inch traps count as one fixture

Two-inch traps count as two fixtures

Two and one-half inch traps count as three fixtures

Three-inch traps (water-closets) count as four fixtures

Four-inch traps count as five fixtures

Section 26 All sewers soil and waste pipes must be as direct as possible Changes in direction must be made with fittings "Y[']'s" combination Y and eighth bends or half "Y[']'s" [branches] or one-eighth bends Offsets in soil or waste pipes will not be permitted when they can be avoided nor in any case unless suitable provision is made to prevent accumulation of rust or other obstruction Offsets shall be made with forty-five degree bends or similar fittings The use of T's ["Y's"] or sanitary T's will be permitted on up-right lines only Saddle hubbs when bolted or strapped on are prohibited

Section 27 Joints in cast-iron pipes and soil and waste-pipes must be so filled with oakum and lead and hand caulked as to make them gas-tight Connections of lead and cast-iron pipes must be made with brass sleeve or ferrule of the same size as the lead pipe inserted in the hub of the iron pipe and caulked with lead The lead pipe must be attached to the ferrule by wiped joint Joints between lead and wrought iron pipes must be made with brass nipple of same size as lead pipe The lead pipe must be attached to the nipple by wiped joint All connections of lead waste pipe must be made by means of wiped joints All connections for brass or copper pipe (which shall be full iron pipe size and weight) shall be screw joints properly secured

Section 28 Every sink bath tub basin water closet slop-hopper dental cuspidor and all outlets of chemical or experimental laboratory tables or any fixture having a waste-pipe specified defined herein or not must be furnished with a trap which shall be placed as close as practicable to the fixture that it serves and in no case shall they be more than one foot from said fixture The waste-pipe from one [the bath tub or other] fixture[s] must not be connected with a [water closet] trap of another

Section 29

[Horizontal and Vertical]	[Number of Small Fixtures]
1¼ inches	1
1½ inches	2
2 inches	3 to 8
2½ inches	9 to 20
3 inches	21 to 44

Number of Traps Permitted on Various Size Waste pipes

1—1¼ Trap permitted on 1¼ Waste Pipe

2—1½ Trap or equivalent permitted on 1½ Waste Pipe

3 to 8—2½ Trap or equivalent permitted on 2 Waste Pipe

9 to 20—1½ Trap or equivalent permitted on 2½ Waste Pipe

21 to 44—1½ Trap or equivalent permitted on 3 Waste Pipe

If building is ten (10) or more stories in height the vertical waste-pipe shall not be less than three (3) inches in diameter The use of short pattern recessed drainage fittings or wrought-iron steel or copperized pipe for waste-pipe two inches or less in diameter is prohibited

The size of traps and waste branches for a given fixture shall be as follows

Kind of fixtures	Size in inches Trap	Branch
Water-closet	3 4	3
Slop sink with trap combined	3	3
Slop sink ordinary	2	2
Pedestal urinal	3	3
Stall urinals	2-4	2-4
Wall urinals	1½ 2 3	2 3
Floor drain or wash	3 4	3 4
Yard drain or catch basin	4	4
[Urinal trough]	[2]	[2]
Laundry trays (2 or 5)	1½ 2	2
Combination sink and tray (for each fixture)	1½	2
Kitchen sinks (small) for dwellings	1½	1½
Kitchen sinks (large) hotels restaurants grease trap	2	2
Pantry sinks	1½	1½
Wash basin one only	1¼	1¼
Bath tubs 4x[10] 8 inches dum trap P or Running trap	1½	1½
Shower baths over bath tub	1½	1½
Shower baths (floor)	2	2
Sitz baths	1½	1½
Drinking fountains	1¼	1¼
Dental Cuspidor 4x8 Drum P or Running trap	1½	1½
Dish Washers motor driven	2	2

Section 32 All traps must be well supported and set true with respect to their water level [The sizes for traps must not be less than those given in the following

Traps for water closets four inches in diameter

Traps for slop sinks one and one-half inches to three inches in diameter

Traps for kitchen sinks one and one-half inches in diameter

Traps for wash traps two inches in diameter

Traps for (bowl) urinals one and one-half inches in diameter

Traps for washstands one and one-fourth inches in diameter] All bath-tubs shall be supplied with drum [-trap not less than three inches in diameter with three-inch trap-screws on floor line] "P" or running traps with clean-out trap-screw on floor or ceiling line In case where an additional fixture is required in a building and it is impossible to get re-vent pipe for the trap the board or bureau of health shall designate the kind of trap to be used This shall not be construed to allow traps without revents in new buildings or any one particular kind of an antisyphon trap No trap which depends for its seal upon the action of moveable parts or submerged interior partitions shall be allowed

Section 33 Safe or special waste-pipes must not connect directly with any part of the plumbing system Safe or special waste-pipe must discharge over an open water-supplied publicly placed ordinarily used sink placed not more than three and one half feet above the cellar floor

The [safe] waste from a refrigerator soda fountain Refrigerator case or bar fixture must be trapped with suitable traps [at the bottom of the line only] and must not discharge upon the ground floor but over an ordinary [portable pan or some] properly trapped and vented water supplied sink as above In no case shall the special [refrigerator] waste [pipe] pipes discharge over a sink located in a room used for living purposes

The branches on vertical lines must be made by "Y" fittings and be graded [carried to the safe] with as much pitch as possible Where there is an offset on a [refrigerator] waste-pipe [in cellar] there must be clean-outs to control the horizontal part of the pipe

In tenement and lodging houses the refrigerator waste-pipes must extend above the roof and not be larger than one and one-half inches nor the branches less than one and one-quarter inches [Refrigerator waste-pipes except in tenement houses and all safe waste-pipes must have brass flap-valves at their lower ends] Lead safes must be graded and neatly turned over beveled strips at their edges

Fixtures or appliances drained by Safe or Special waste-pipes include such fixtures as soda fountains refrigerators refrigerator cases bar fixtures ice boxes bottle coolers steam tables glass washers rinsing sinks bain maries air conditioning units sprinkler system drains house-tanks small or portable drinking fountains coffee urns and sterilizers

Section 35 Traps shall be protected from siphonage or air pressure by special vent-pipes Traps should not be more than approximately 24 inches from the vertical line serving the trap and of a size not less than the following tables

Size of Pipe	Maximum Developed Length in Feet	Number of 1-½ inch Traps Vented or Equivalent	
	Mains	Branch	Main Vertical
1¼ inch vent	20	1	
1½ inch vent	40	2 or less	
2 inch vent	65	10 or less	20 or less
2½ inch vent	100	20 or less	40 or less
3 inch vent	10 or more stories	60 or less	100 or less

The branch vent-pipes shall be not less than the following sizes

One and one-fourth inches in diameter for one and one-fourth inch traps

One and one-half inches in diameter for one and one-half inch to two and one-half inch traps

Two inches in diameter for three inch to four inch traps

One-half their diameter for traps five inches and over

Where two (2) or more water-closets are placed side by side on a horizontal branch the branch line shall have a relief extended as a loop vent A pipe two (2) inches in diameter will be sufficient as a loop vent for two (2) closets A pipe three (3) inches in diameter shall be used as a relief for three (3) or four (4) closets and where more than four (4) closets are located on the same branch the relief shall not be less than four (4) inches in diameter All house or building drains and soil lines on which a water-closet is located must have a [four] three-inch main vent line Where an additional closet is located in the cellar or basement and within ten feet of main soil or vent line no relief vent will be required for said closet but where it is more than ten feet a two inch vent line will be required as for first floor closets Relief vent pipes for water-closets must not be less than two inches in diameter for a length of forty feet and not less than three inches in diameter for more than forty feet

Wall Hung Water Closets

The three inch vent stack for a single wall hung closet must be directly back of the closet or have a separate

two inch vent Where two wall hung closets are placed side by side on a horizontal branch each must have a separate two inch vent back of each closet Where three or more wall hung closets are placed side by side on a horizontal branch the branch line must have a relief extended as a loop vent A pipe three inches in diameter shall be used as relief for three or four wall hung water closets In addition to the separate two inch vent directly back of each closet Where more than four closets are located on the same branch the relief must be four inches in diameter in addition to the separate two inch vent directly back of each closet

No revent from traps under bell-traps will be required Connections between P traps and bell-traps should be made as hereinbefore provided

Any building having a sewer connection with a public or private sewer used for bell-trap connections or floor drainage only a two-inch relief line must be extended to the roof of building from rear end of main drain House or building drains constructed for roof drainage only will not require a relief vent

A floor-trap for a shower shall be vented [unless located in cellar or ground floor the paving of which renders the trap inaccessible] If the number of these fixtures on a branch is two (2) or more the waste line shall be extended as a loop vent instead of back venting the separate traps and when located in basement floor they shall be provided with a removable strainer or clean-out

Back vent pipes from traps above the floor must either be connected with crown of trap with ground in brass coupling or if connected solidly to trap must have a ground in brass coupling at wall

Section 36 Where rows of fixtures are placed in a line [fittings of not less than forty-five (45) degrees to the horizontal must be used on vent lines to prevent filling with rust or condensation except on brick or tile walls where it is necessary to channel same for pipe] ninety (90) degree fittings will be allowed Trapped vent pipes are strictly prohibited No vent pipe from house side of any trap shall connect with ventilation pipe or with sewer soil or waste-pipe Vent pipes from several traps may be connected together or may be carried into main vent line above the highest fixture Where one vertical vent line connects with another [a] an inverted "Y" fitting must be used Branch vent pipes must be connected as near to crown of trap as possible

Where future connections are left in the roughing of soil and waste lines vent connections must also be provided

Section 37 All offsets on vent lines must be made at an angle of not less than forty-five degrees to the horizontal unless building construction will not permit and all ines must be connected at the bottom with a soil or waste pipe or the drain in such manner as to prevent the accumulation of rust scale or condensation

Section 38 Rubber connection for back vents will not be permitted without double couplings and thimbles inside

Section 43 The closet and all other fixtures must be set open and free from all enclosing wood [or other] work [Where water-closets will not support a rim-seat the seat must be supported on galvanized iron legs and a drip tray must be used which tray must be porcelain enameled on both sides and secured in place] In tenement houses and lodging houses sinks must be entirely open set on iron legs or brackets without any enclosing wood [or other] work Iron enameled water-proof cabinets are permissible under sinks and lavatories

Any fixture removed from service either to be discarded or replaced with new by any owner must have the inspected approval of the inspection Department of Plumbing under whose jurisdiction it is/was at time of removal before it can be re-installed If after inspection it is found to conform with proper standard so as not to create a potential hazard to Public or Private Health it may be labeled numbered and certificate issued for its re-installation with no other limitations reserved No used Plumbing Fixture intended for Sanitary purposes or any that may be connected to the domestic water system of any dwelling or building can be installed without the inspection approval of the Department of Plumbing or Board or Bureau of Health

Section 45 All earthenware traps must have heavy brass floor plates soldered to the lead bends and bolted to the trap flange and the joint made permanently secure and gas-tight Iron closet bends and flanges are permissible on ground floors only where settlement is not likely to affect them

Section 46 Water-closets must not be located in sleeping apartments nor in any room or compartment which has not direct communication with external air either by window or air shaft of at least four square feet or mechanical ventilation equivalent to six changes of air per hour

When water-closets are located adjacent to kitchens or dining rooms an intervening vestibule of at least three feet square must be provided

Section 51 In all sewer-connected occupied buildings there must be at least one water-closet and one sink and there must be additional closets so as there will never be more than fifteen persons per closet In lodging houses where there are more than fifteen persons on any floor there must be an additional water-closet on that floor for every fifteen additional persons or fraction thereof

Section 52 In tenement houses lodging houses factories workshops and all public buildings (except single family homes) the entire water-closet apartments and side-walls to a height of [sixteen] six inches from the floor except at the door must be made water proof with asphalt cement title or other water proof material as approved by the board or bureau of health In tenement houses and lodging houses the water-closet and urinal apartments must have a window or windows opening into the outer air of sufficient size all of which shall be shown on plans and shall be subject to the approval of the board or bureau of health Except that tenement or lodging house three stories or less in height may have such window opening on a ventilating shaft not less than ten square feet in area If over three stories then said shaft must not be less than twenty-five square feet In all buildings the outer partition of such apartments must extend to the ceiling or be independently ceiled over and these partitions must be air-tight The outside partitions must include a window opening to outer air on the lot whereon the building is situated or some other approved mechanical means of ventilation must be provided to change the air at least six times per hour When necessary to properly light such apartments the upper part of the partitions must be of glass The interior partitions of such apartments must be dwarfed partitions

Section 59 Wooden wash-trays sinks or bath-tubs are prohibited (except sings in commercial or manufacturing establishments handling acids or other liquids that are subject to attack or destroy fixtures as hereinbefore specified) inside of buildings Such fixtures must be construed of non absorbent material Cement or artificial stone tubs will [not] be permitted [unless] when approved by the board or bureau of health

No fixture having a water connection either to or from any direct or indirect line of sewer or waste or vent pipe the construction of which will in any way create a potential cross connection between the fresh water for drinking or domestic purposes and the sewer will be permitted

Section 65 The term "private sewer" is applied to main sewers that are not constructed by and under the supervision of the Department of Public Works

The term "house-sewer" is applied to that part of the main drain or sewer extending from a point five feet outside of the outer wall of a building vault or area to its connection with public sewer private sewer or cesspool

The term "house drain" is applied to that part of the main horizontal drain and its branches inside the walls of the building vault or area and extending to and connecting with the house sewer

The term "soil-pipe" is applied to any vertical line of pipe extending through the roof receiving the discharge of one or more water-closets with or without other fixtures

The term "waste-pipe" is applied to any pipe [extending through roof] receiving the discharge from any fixtures except water-closet

The term "vent-pipe" is applied to any [special] pipe extending through the roof provided to ventilate the system of piping and to prevent trap siphonage and back pressure

The term "plumbing fixtures" are receptacles intended to receive and discharge any liquid water or water carried wastes into a drainage system or treatment works with which they are connected

The term "Safe or special waste pipe" is supplied to any waster pipe receiving the discharge from any fixtures or drainage appliance with or without water supply not connected directly with the drainage system

The term "dwelling" applies to any building which is designed for or occupied in whole or in part as the home residence or sleeping place of one or more persons either permanently or transiently

The term "one family dwelling" a separate building designed for or occupied exclusively by one family

The term "two family dwelling" (duplex) A separate building designed for or occupied exclusively by two families one above the other or an interior accessible door or passage way

The term "tenement house" is any house or building or portion thereof which is intended or designated to be occupied as a home or residence for three or more families living in separate apartments and doing their cooking upon the premises

Section 67 When drain soil waste vent and other pipes in the building connected or to be connected with the sewer have been placed in position a preliminary water or air test of the same shall be applied in presence of the plumbing inspector [an officer] of the board or bureau of health A maximum of a five inch column of mercury held for a period of twenty minutes is prescribed when tests are made with air

Section 68 When the work has been completed a final notice shall be filed with the board or bureau of health in the district issuing the permit When a final [air or peppermint] test shall be made in presence of said [officer] plumbing inspector with and by the use of such water connections as are connected to each respective fixture when if found satisfactory a certificate of approval of the work will be issued but no such plumbing or drainage work or system shall be used until said test has been made and certificate issued

Section 70 In case of any dispute or difference of opinion existing between the department or board or bureau of health and any person firm or corporation as aforesaid regarding the construction of plumbing house or building drainage or cesspools the same shall be submitted by either party to the director of the department of public safety or the presiding officer of the department or board or bureau of health together with the two plumbers of the examining board who are in no wise connected with the city or municipal government who shall pass upon the same and whose findings therein after hearing shall be final and conclusive upon all parties

Section 71 Any person or persons who shall fail to comply with any of the provisions of this act regarding the procuring of a license or certificate to engage in or work at the business of plumbing [or] house or building drainage shall be liable upon conviction for a first offense to a fine of not less than ten dollars ($10.00) nor exceeding fifty dollars ($50.00) for each and every day he or they shall engage in or work at said business without first having obtained said certificate or license and for a second offense in a like manner to a fine of not less than twenty dollars ($20.00) nor exceeding one hundred dollars ($100.00) for each and every day and for a third offense to a like fine as for a second offense or to imprisonment in the county jail for a period not exceeding thirty days or both in the discretion of the alderman justice of the peace or magistrate together with costs of prosecution in each case and any person or persons who shall violate any of the rules regulations or requirements set forth in this act regarding the construction reconstruction or testing of plumbing house and building drainage or cesspools or water connections to private or public fixtures or equipment shall be liable upon conviction for [every such] a first offense to a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) and for a second offense to a fine of not less than twenty dollars ($20.00) nor exceeding one hundred dollars ($100.00) and for a third offense to a like fine as for a second offense or to imprisonment in the county jail for a period not exceeding thirty days or both at the discretion of the alderman justice of the peace or magistrate together with cost of prosecution in each case

[All fines and penalties imposed by this act shall be recoverable] All prosecutions for violations of this act shall be by summary proceedings brought in the name and for the use of the municipality or the Commonwealth as the case may be within or against which the alleged offense is committed before any alderman police magistrate or justice of the peace in [said cities] the county wherein the offense is alleged to have been committed [and all suits or actions at law instituted for the recovery thereof shall be in the name and for the use of the city within or against which offense is committed And upon recovery thereof] All [such] fines and penalties shall be paid to the [city] treasurer [thereof] of the municipality to apply to General Fund or to the Commonwealth for the use of the Department of Health as the case may be in default of the payment of any fine or penalty imposed by any alderman police magistrate or justice of the peace under the provisions of this act the person or persons so offending [may] shall be committed to the jail workhouse or other penal institution of the county [in which said city is situated] for a period not exceeding thirty days Provided however that in the case of third offense such period not exceeding thirty days may be added to the sentence of imprisonment

Section 2 That said act is hereby amended by adding thereto after section fifty-three a new heading and section to read as follows

Commercial or Experimental Installations

Section 53A Drainage installations for chemical manufacturing laboratories processing or other liquids used for commercial or experimental purposes that are subject to attack the materials hereinbefore specified for ordinary use such as gray cast-iron wrought steel or copperized iron lead copper or brass waste pipes are required and subject to submit to such rules and specifications for other kinds of materials as the local or state board or bureau of health may require In no case shall the materials used for this class of installation be less in quality or acid-resistance and strength than cast-iron containing fourteen and one quarter (14-¼) per centum to fourteen and three quarters (14¾) per centum silicon and not more than nine-tenths (0.9) per centum carbon and have sufficient strength to permit all joints to be caulked with molded lead in the same manner as other sail pipe hereinbefore provided Outlets are a potential danger and must be trapped and vented when left either for convenience or future connection No sanitary connection will be allowed to connect with an acid drain

Section 3 That sections fifty-four fifty-five fifty-seven and fifty-eight of said act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 383 (House Bill No. 133), entitled:

An Act requiring persons employing motion picture projectionists or operators to allow them at least one calendar day of rest in each calendar week said calendar day to be of twenty-four (24) consecutive hours

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 397 (House Bill No. 734), as follows:

An Act relating to consumer credit in amounts of one thousand dollars ($1,000) or less requiring licenses from the Secretary of Banking restricting licenses to domestic business corporations fixing minimum capital requirements conferring certain powers on the Secretary of Banking limiting interest and other charge providing certain exemptions and imposing penalties

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Consumer Discount Company Act"

Section 2 Definitions The following terms shall be construed in the act to have the following meanings except in those instances where the context clearly indicates otherwise

"Person" includes an individual partnership association business corporation non-profit corporation common law trust joint stock company or any other group of individuals however organized

"Contract" means a promissory or judgment note bill of exchange judgment mortgage conditional sales contract lease or bailment by which the lessee or bailee has the option of becoming or is bound to become the owner of real or personal property upon full compliance with the terms of the agreement or any other form of negotiable or non-negotiable instrument evidencing an agreement to pay a sum certain in money at a fixed or determinable time either by a single pavement or by stated installments

"Applicant" means a corporation applying for a license under the provisions of this act

"Licensee" means a corporation holding a license issued under the provisions of this act which license has not been cancelled surrendered or revoked and has not expired

"Consumer" means the person who is the maker on a note or the acceptor of a bill of exchange or the defendant on a judgment or the mortgagor on a mortgage or the lessee on a lease or the bailee on a bailment or the purchaser on a conditional sales contract or the person or persons obligated to pay other negotiable instrument defined as a "contract" under this act

"Charges" means the interest or discount and investigation fees which a licensee is authorized to collect by the provisions of this act

"Default" means failure to pay a contract when due or failure to pay any stated installment when due

Section 3 License Required A On and after the effective date of this act no person partnership association foreign business corporation organized under or by virtue of any laws other than those of this Commonwealth nonprofit corporation common law trust joint stock company or any other group of individuals however organized shall engage or continue to engage in this Commonwealth either as principal employe agent or broker in the business of negotiating or making loans or advances of money or credit in the amount or value of one thousand dollars ($1,000) or less and charge collect contract for or receive interest discount bonus fees fines commissions charges or other considerations which aggregate in excess of six percent (6%) per year on the amount actually loaned or advanced or on the unpaid principal balances when the contract is payable by stated installments

B On and after the effective date of this act no domestic business corporation organized under or existing by virtue of the Business Corporation Law of this Commonwealth and no director officer employe agent or member of such corporation shall engage or continue to engage in this Commonwealth either as principal employe agent or broker in the business of negotiating or making loans or advances of money or credit in the amount or value of one thousand dollars ($1,000) or less and charge collect contract for or receive interest discount bonus fees fines commissions charges or other considerations which aggregate in excess of six percent (6%) per year on the amount actually loaned or advanced or on the unpaid principal balances when the contract is payable by stated installments without first obtaining a license from the Secretary of Banking of the Commonwealth of Pennsylvania in accordance with the provisions of this act

Section 4 Application For License The application for such license shall be in writing under oath and in the form prescribed by the Secretary of Banking The application shall contain the corporate title of the applicant which shall include the words "Consumer Discount Company" the street and number if any office building and room number if any city borough township or municipality and county where the business is to be conducted date of incorporation name and residence address of all directors and such other information as the Secretary of Banking may require

A separate application on the prescribed form shall be filed for each place of business conducted by a licensee

Section 5 License Bond A bond in the penal sum of five thousand dollars ($5,000) shall accompany every application for license Such bond shall be executed by a surety company authorized by the laws of Pennsylvania to transact business within this Commonwealth the bond shall be renewed and refiled annually not later than June first The bond shall be executed to the Commonwealth of Pennsylvania and shall be for the use of the Commonwealth and for any person or persons who may have a cause of action against the licensee The condition of the bond shall be that the licensee will comply with and abide by all the provisions of this act and all the rules and regulations of the Secretary of Banking lawfully issued in accordance with this act and that the licensee will pay to the Commonwealth to the Secretary of Banking or to any person or persons any and all monies that may come due to the Commonwealth to the Secretary of Banking or to any person or persons from the said licensee under and by virtue of the provisions of this act If any person shall be aggrieved by the misconduct of a licensee and shall recover judgment against such licensee such person may on any execution issued under such judgment maintain an action upon the bond of the licensee in any Court having jurisdiction of the amount claimed provided the Secretary of Banking assents thereto

A separate bond shall be provided for each place of business conducted by a licensee

Section 6 License Fee A licensee fee of one hundred dollars ($100) shall accompany each application for license under this act All licenses shall expire on June first annually The license fee of one hundred dollars ($100) shall be paid annually on or before June first No abatement of the said license fee shall be made if the license is issued for less than one year An additional license fee of on hundred dollars ($100) shall be paid for each place of business conducted by a licensee

All license fee and fines received by the Secretary of Banking under this act shall be deposited in the State Treasury to the credit of the Banking Department Fund for the use of the Secretary of Banking in administering this act

Section 7 Organization Minimum Capital A license under the provisions of this act shall be issued only to a corporation organized under the Business Corporation Law of the Commonwealth of Pennsylvania Such corporation shall be incorporated with a minimum capitalization of twenty-five thousand dollars ($25,000) At the time of applying for a license under this act the minimum subscribed capital shall be twenty-five thousand dollars ($25,000) and the minimum paid in capital shall be ten thousand dollars ($10,000) The minimum subscribed capital of twenty-five thousand dollars ($25,000) shall be fully paid

in within one year of the date of issuance of the license

Section 8 Issuance Of License The Secretary of Banking if he approves the application for license shall issue to each applicant a certificate showing the name of the corporation and address of the place of business Such license shall be posted in a conspicuous place in the office of the licensee so that it will be in full view of the public at all times A license may not be transferred or assigned A licensee may with the approval of the Secretary of Banking change his place of business to another location within the same municipality A licensee desiring to change his place of business shall give written notice thereof to the Secretary of Banking and return the license certificate to the Secretary of Banking for amendment The Secretary of Banking if he approves the removal of the place of business shall endorse on the license his approval of the change of address and the date thereof which shall thereafter be the authority for the operation of such business under such license at the new location No change in the place of business of a licensee to a location outside the original municipality shall be permitted provided however a licensee may obtain a new license for a place of business in a new location in a municipality other than that in which the original place of business was located Only one place of business may be operated under the same license

A licensee may operate more than one place of business by obtaining a separate license by filing an application for each additional place of business and by furnishing a bond for each additional place of business and by paying the license fee provided in this act for each additional place of business.

Section 9 Records Required Licensees operating under the provisions of this act shall maintain adequate and complete records of all business transacted containing such information and in such form as shall be prescribed by the Secretary of Banking by general rule or regulation The records of licensees shall be maintained in the English language The records of licensees shall be retained for a period of two years after the date of final payment on any contract

Section 10 Reports To The Secretary of Banking Licensees operating under the provisions of this act shall annually on or before the first day of March file a report with the Secretary of Banking giving such relevant information concerning the business and operations during the previous calendar year as the Secretary of Banking may require Such report shall be made under oath and shall be in the form prescribed by the Secretary of Banking A separate report shall be filed for each place of business maintained by a licensee The Secretary of Banking may at any time upon thirty (30) days notice require a licensee to file special reports in addition to the annual report For failure to file such reports within the time specified the licensee shall pay to the Secretary of Banking a penalty of ten dollars ($10) for each calendar day which such report is overdue but the Secretary of Banking may in his discretion relieve a licensee of any portion or of all such fine Such fine which has not been paid by the licensee and for the payment of which the licensee has not been relieved may be collected by the Secretary of Banking from the bonding company which has executed the bond required under this act and the Secretary of Banking may maintain an action for the recovery of such fine in any Court of competent jurisdiction

Section 11 Examinations By The Secretary Of Banking The Secretary of Banking and any person designated by him for that purpose may at any time investigate the business and affairs and examine the books accounts papers records documents and files therein of every licensee and of every person who shall be engaged in business contemplated by this act whether such person shall act or claim to act as principal agent or broker or under or without the authority of this act For this purpose the Secretary of Banking shall have free access to the offices and places of business books accounts papers records documents files safes and vaults of all such persons A person who is not licensed under this act shall be presumed to be engaged in business contemplated by this act if he advertises or solicits business as principal agent or broker for which a license is required by the provisions of this act and the Secretary of Banking and any person designated by him for that purpose is in such cases authorized to examine the books accounts papers records documents files safes and vaults of such persons for the purpose of discovering violations of this act

The cost of every examination of the business of a licensee by the Secretary of Banking or his duly authorized representative shall be paid by the licensee so examined and the Secretary of Banking may collect such costs from the licensee or from the surety company which has executed the bond required under this act and he may maintain an action for the recovery of such costs in any Court of competent jurisdiction

Section 12 Authority Of The Secretary of Banking The Secretary of Banking shall have the power to reject any application for license if he is satisfied that the financial responsibility experience character and general fitness of the person or persons shown on the application for license as officers and directors of the applicant corporation are not such as to command the confidence of the community and to warrant the conclusion that the business will be operated honestly fairly and within the intent and purpose of this act and in accordance with the general laws of this Commonwealth or if he is not satisfied that allowing such applicant to engage in business will promote the convenience and advantage of the community in which the business of the applicant is to be conducted provided however that no license may be issued if any director officer employee or agent of the applicant corporation has been convicted under this act for engaging in business contemplated by this act without having obtained a license under this act or if any director officer employee or agent of the applicant corporation was a director officer employee or agent of a corporation which had been convicted of second offense violation of this act and had its license revoked

The Secretary of Banking upon thirty (30) days' written notice to the licensee forwarded by registered mail to the place of business of such licensee as shown on the application for license stating the contemplated action and in general the grounds therefor may revoke any license if the licensee shall violate any provision of this act or if the licensee shall violate any rule or regulation issued by the Secretary of Banking under and within the authority of this act or if a licensee shall fail to comply with any demand rule or regulation lawfully made by the Secretary of Banking under and within the authority of this act or if the licensee shall refuse to permit the Secretary of Banking or his designated representative to make examinations authorized by this act or if the licensee shall fail to pay the cost of examination by the Secretary of Banking or his duly authorized representative or if the licensee has failed to maintain in effect the bond required under the provisions of this act or if the licensee has failed to maintain records prescribed by the Secretary of Banking or if the licensee has failed to file the annual report to the Secretary of Banking within the time stipulated in this act or if the licensee having failed to file the annual report within the stipulated time has not paid the fine required under this act or if any fact or condition exists or is discovered which if it had existed or had been discovered at the time of filing of the application for such license would have warranted the Secretary of Banking in refusing to issue such license Whenever the Secretary of Banking has issued a notice of intention to revoke a license the licensee may within the period of thirty (30) days provided in the notice appeal from such action to the Courts of Dauphin County Whenever such license is revoked the Secretary of Banking shall not issue another license to the licensee until the expiration of at least one year from the date of revocation of said license and not at all if such licensee or any officer director employee or agent thereof shall have been convicted for a second offense violation of this act

The Secretary of Banking is hereby authorized and empowered to issue rules and regulations governing the records to be maintained by licensees the statements of contract to be given consumers the receipts for payment of contracts to be given consumers the foreclosure and replevin of real or personal property upon default and the procedure for sale of real or personal property upon default and he is further authorized and empowered to

issue such general rules and regulations as may be necesary for the protection of the public for insuring the proper conduct of the busines contemplated by this act and for the enforcement of this act which rules and regulations shall have the force and effect of law

The Secretary of Banking shall be authorized to require the attendance and testimony of witnesses and the production of any books accounts papers records documents and files relating to such business which the Secretary of Banking has authority by this act to investigate and for this purpose the Secretary of Banking may sign subpoenas administer oaths and affirmations examine witnesses and receive evidence In case of disobedience of any subpoena or the contumacy of any witness appearing before the Secretary of Banking the Secretary of Banking may invoke the aid of the Courts of Dauphin County or any Court of the Commonwealth and such Court shall thereupon issue an order requiring the person subpoenaed to obey the subpoena or to give evidence or to produce books accounts papers records documents and files relative to the matter in question Any failure to obey such order of the Court may be punished by such Court as a contempt thereof

Section 13 Powers Conferred On Licensees In addition to the general powers conferred upon a corporation by the Business Corporation Law of this Commonwealth a corporation licensed under this act shall have power and authority

A To lend money credit goods or things in action in amounts not exceeding one thousand dollars ($1,000) and charge interest and fees herein provided

B To lend money on the security of real or personal property or without security

C To lend money on promissory or judgment notes with or without co-makers endorsers guarantors or sureties

D To purchase contracts evidencing an agreement to pay a sum certain in money or credit at a fixed or determinable time

E To charge contract for receive or collect interest or discount at a rate not to exceed six percent (6%) of the principal amount of a contract which is payable in one year by a single payment or is payable in equal installments amortized over a period of one year On contracts for periods which are less or greater than one year the interest or discount shall be computed proportionately on even calendar months provided however that for a period less than one month the computation may be based on a full calendar month

F To charge contract for [received] receive or collect an investigation fee of one dollars ($1.00) for each fifty dollars ($50) or fraction thereof on a contract of five hundred dollars ($500) or less and one dollar ($1.00) on each one hundred dollars ($100) or fraction thereof of the amount of a contract in excess of five hundred dollars ($500) on any contract not exceeding one thousand dollars ($1,000)

G To collect for interest and investigation fee a minimum charge of three dollars ($3.00) on any contract of twenty-five dollars ($25) or less which is payable in one year by a single payment or is payable in equal installments amortized over a period of one year and a minimum charge of six dollars ($6.00) on any contract in excess of twenty-five dollars ($25) which is payable in one year by a single payment or is payable in equal installments amortized over a period of one year On contracts for periods which are less or greater than one year a proportionate minimum charge may be collected which shall be computed on even calendar months provided however that for a period less than one month the computation of the minimum charge may be based on a full calendar month

H To collect or deduct interest and investigation fees in advance or to add interest and investigation fees to the principal amount of the contract and divide the total into equal installment payments or to collect interest and investigation fees wholly or partially at any time during the term of the contract or to collect interest and investigation fees at the end of the term of the contract

J To require payment of contracts in equal weekly semi-monthly monthly or any other periodic installments

K To collect an additional charge for default in the payment of any contract or for default in the payment of any installment on a contract at the rate of one and one-half percent (1½%) per month on the amount in arrears provided however a minimum charge of twenty-five cents ($.25) may be collected for any default

L To renew contracts and or extend or defer any or all installments payments on a contract On a contract which is renewed prior to the expiration of the term of the contract a proportionate refund shall be made of unearned interest or discount which has been prepaid On payments which have been extended or deferred additional interest or discount may be collected which shall be computed at the rate applicable to the original contract

M To collect from the consumer in addition to the interest or discount and investigation fees permitted under this act the actual fees charged by a public official or agency of the Commonwealth for recording and satisfying a judgment mortgage encumbrance or lien on any real or personal property which constitutes security on a contract

N To collect from the consumer in addition to the interest or discount and investigation fees permited under this act the premium actually paid for insuring real or personal property pledged as security on a loan provided insurance is obtained from an insurance company authorized by the laws of Pennsylvania to conduct business in this Commonwealth

P To collect attorneys fees and court costs incurred in the collection of any contract in default

Section 14 Licensee Requirments and Limitations A licensee shall not charge contract for collect or receive interest discounts fees fines commissions charges or other considerations in excess of the interest or discount investigation fees default charges recording and satisfaction fees or premiums for insurance authorized by the provisions of this act

A licensee shall not split or divide any contract so as to obtain charges in excess of those authorized by this act

A licensee shall permit a consumer to pay partially or wholly any contract or any installment on a contract prior to the due date On any contract which is prepaid the licensee shall refund to the consumer unearned interest or discount in excess of twenty-five cents ($.25) Such refund may be computed and paid at the time of final payment on the contract

A licensee shall not charge contract for receive or collect the investigation fee authorized by this act on any contract which is renewed prior to the expiration of eight (8) months from the date of the original contract provided however that when a contract is renewed for an amount in excess of the original contract prior to the expiration of eight (8) months from the date of the original contract the investigation fee may be charged on the excess amount

All installment contracts shall provide for repayment in equal periods and in equal amounts or as nearly equal as circumstances permit

A licensee shall not charge or collect a fee for investigating an application or any other fee if a contract is not consummated

A licensee shall not discount or deduct interest in advance on any contract for any period in excess of two years

Section 15 Statement Of Contract A licensee shall furnish to the consumer a statement setting forth the type of contract description of the security on the contract the date of the contract the total amount due on the contract the date upon which the contract is due or the dates upon which the installment payments are payable the amount of such installments payments and a statements indicating the basis for computing default charges No default charges may be collected if the statement of contract does not give due notice of the licensee's intention to collect default charges This statement of the contract shall contain such additional information as the Secretary of Banking may require

Section 16 Receipts For Payment A licensee shall furnish at the time of payment of a contract or at the time of payment of any installment on a contract a

receipt setting forth the date of the payment the amount paid and the amount remaining due and identifying the contract upon which the payment is to apply If the payment includes charges for default the receipt shall show the amount to such charges separately The receipt of payment shall contain such additional information as the Secretary of Banking may require

Section 17 Scope Of Act This act shall not affect any existing laws special or general authorizing a charge for the loan of money in excess of interest at the legal rate This act shall not apply to any person persons partnership association or corporation operating under the laws related to banking institutions building and loan associations credit unions or licensed under the Small Loans Act approved June 17 1915 and supplements or amendments or licensed by the Secretary of Banking of the Commonwealth of Pennsylvania under the provisions of any other statute

Section 18 Penalties Any person partnership association foreign business corporation non-profit corporation common law trust joint stock company or any other group of individuals however organized or any domestic business corporation which has not obtained a license from the Secretary of Banking of the Commonwealth of Pennsylvania in accordance with the provisions of this act or any partner director officer employe agent or member thereof who shall engage in the business of negotiating or making loans or advances of money or credit in the amount or value of one thousand dollars ($1,000) or less and charge collect contract for or receive interest discount bonus fees fines commissions charges or other considerations which aggregate in excess of six percent (6%) per year on the amount actually loaned or advanced or on the unpaid principal balances when the contract is payable by stated installments shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred dollars ($500) or more than five thousand dollars ($5,000) and or suffer imprisonment not less than six (6) months nor more than three (3) years in the discretion of the Court

A corporation licensed under the provisions of this act or any director officer employe or agent who shall violate any provision of this act or shall direct or consent to such violations shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000) for the first offense and for each subsequent offense a like fine and or suffer imprisonment not to exceed one year in the discretion of the Court

The payment of one thousand dollars ($1,000) or less in money credit goods or things in action as consideration for any sale or assignment of or order for the payment of wages salary commissions or other compensation for service whether earned or to be earned shall for the purposes of regulation under this act be deemed a loan secured by such assignment and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall for the purpose of regulation under this act be deemed interest or charges upon such loan from the date of such payment to the date such compensation is payable Such transaction shall be governed by and subject to the provisions of this act

The payment of one thousand dollars ($1,000) or less in money credit goods or things in action as consideration for any sale of real or personal property which is made on condition or agreement expressed or implied that such property be sold back at a greater price shall for the purpose of this act be deemed to be a loan secured by such property and the amount by which the repurchase price exceeds such original purchase price actually paid shall be deemed interest or charges upon such loan from the date such original payment is made until the date such repurchase price is paid Such transaction shall be governed by and subject to the provisions of this act

When real or personal property is pledged as security on a loan of one thousand dollars $(1,000) or less and the lender requires the borrower to pay for insurance thereon such charge for insurance shall be construed as interest under this act when the lender has failed to have such insurance written by an insurance company legally authorized to conduct business in Pennsylvania When the amount charged for such insurance is in excess of the standard cost of similar insurance in other insurance companies legally authorized to conduct business in Pennsylvania the excess shall be construed as interest under this act

Section 19 Interpretation Of Act The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the Court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included

Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine or neuter

Section 20 Repealer All acts or parts of acts which are inconsistent herewith are hereby repealed

Section 21 Effective Date This act shall become effective on the first day of June 1937 or if subsequently enacted this act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 399 (House Bill No. 852), as follows:

An Act to re-enact and amend the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 519) entitled "An act authorizing and regulating the reorganization of banks and bank and trust companies" by extending its effective period

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all the sections of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 519) entitled "An act authorizing and regulating the reorganization of banks and bank and trust companies" are hereby re-enacted and amended as follows

An Act authorizing and regulating the reorganization of banks and bank and trust companies.

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any plan for the reorganization of a bank or a bank and trust company which the Department of Banking shall deem equitable and to the best interests of all depositors other creditors and shareholders may be adopted subject to any terms or conditions prescribed by the Department of Banking in the maner hereinafter provided in this act

Section 2 The plan of reorganization shall be valid only if approved after such notice as the Department of Banking shall sanction by the holders of at least seventy-five per centum of the outstanding shares of capital stock of the bank or the bank and trust company and by depositors and other creditors of such bank or of such trust company to whom is due at least seventy-five per centum of the total amount of all liabilities of the bank or the bank and trust company to depositors and other creditors However claims of depositors or other creditors which will be satisfied in full under the provisions of the plan of reorganization shall not be included among the total deposits and other liabilities of the bank or the bank and trust company in computing the seventy-five per centum thereof required by this section

Section 3 In the case of a bank or a bank and trust

company which has restricted the withdrawal of deposits and which has received or is receiving new deposits in accordance with the provisions of act number six approved the eighth day of March one thousand nine hundred thirty-three entitled "An act relating to bank trust companies savings banks and other banking institutions providing for the protection of depositors therein and empowering the Secretary of Banking to permit the withholding of payments to depositors under certain conditions" the plan of reorganization shall provide for the payment of all such new deposits in full and upon demand After a plan of reorganization has become effective every such new deposit shall continue to be segregated until the bank or the bank and trust company shall receive from the depositor written authority signed by him to mingle his new deposit with the other funds of the bank or the bank and trust company In the event of the subsequent liquidation of such bank or such bank and trust company by the Secretary of Banking or by liquidating trustees any new deposits which have been mingled with the other funds of the bank or the bank and trust company pursuant to the provisions of this section shall have no preference over any other deposits. At any time after the plan of reorganization has become effective the bank or the bank and trust company shall have power to repay in full any such new deposit the owner of which shall refuse to authorize the bank or the bank and trust company in the manner provided by this section to mingle his deposit with the other funds of such bank or such bank and trust company.

Section 4 Any plan of reorganization which shall have been adopted and approved in the manner provided by this act shall be binding upon all depositors other creditors and shareholders of the bank or the bank and trust company whether or not they have consented to such plan of reorganization

Section 5 This act shall apply to all banks or bank and trust companies within this Commonwealth incorporated under general or special act of General Assembly whether or not they are operating upon a restricted basis in accordance with the provisions of the aforementioned act number six approved the eighth day of March one thousand nine hundred thirty-three but it shall not apply to banks or bank and trust companies in possession of the Secretary of Banking

Section 6 If any part of this act shall be declared unconstitutional by any court the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

Section 7 The power of a bank or a bank and trust company to reorganize in the manner provided by this act shall be in addition to any power to reorganize granted and notwithstanding any limitation imposed by existing law The operation of any act or part of any act inconsistent herewith shall be suspended during the period this act shall continue to be effective

Section 8 This act shall become effective immediately upon its approval by the Governor and shall be retroactive to the thirty-first day of March nineteen hundred thirty-five and shall continue to be effective until the thirty-first day of March one thousand nine hundred [thirty-seven] thirty-nine

Section 2 Effective Date This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 425, as follows:

An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wages boards and defining the powers and duties of such boards and of the Department of Labor and Industry imposing duties on employers providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders and providing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Factual Background women and minors are employed in some occupations in trade and industry in the Commonwealth of Pennsylvania for wages unreasonably low and not fairly commensurate with the value of the services rendered Such a condition is contrary to public interest and public commands its regulation Women and minors employed in such industries are not as a class on a level of equality in bargaining with their employers in regard to minimum fair wage standards and "freedom of contract" as applied to their relations with their employers is illusory Judged by any reasonable standard wages in such industries are often found to bear no relation to the fair value of the services rendered Women and minors employed for gain in such occupations are peculiarly subject to the overreaching of inefficient harsh or ignorant employers and under unregulated competition where no adequate machinery exists for the effective regulation and maintenance of minimum fair wage standards the stndards such as exist tend to be set by the least conscionable employers In the absence of any effective minimum fair wage rates for women and minors the constant lowering of wages by unscrupulous employers constitutes a serious form of unfair competitution against other employers reduces the purchasing power of the workers and threatens the stability of industry The evils of oppressive unreasonable and unfair wages as they affect women and minors employed in the Commonwealth of Pennsylvania are such as to render imparitive the exercise of the police power of the Commonwealth for the protection of industry and of the women and minors employed therein and of the public interest of the community at large in their health and well being

Section 2 Definitions As used in this act

(1) "Secretary" shall mean the Secretary of Labor and Industry

(2) "Department" shall mean the Department of Labor and Industry

(3) "Wage board" shall mean a board created as provided in this act

(4) "Women" shall mean a female of twenty-one years or over

(5) "Minor" shall mean a person of either sex under the age of twenty-one years

(6) "Occupation" shall mean an industry trade business or class of work in which women or minors are gainfully employed but shall not include domestic service in the home of the employer or labor on a farm

(7) "A fair wage" shall mean a wage fairly and reasonably commensurate with the value of the service or class of service rendered

Section 3 Powers of Investigation The department shall have power

(1) To investigate and ascertain the wages of women and minors employed in any occupation in the Commonwealth

(2) To enter the place of business or employment of any employer of women and minors in any occupation for the purpose of

(a) Examining and inspecting any and all books registers payrolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the wages of any such women or minors and

(b) Ascertaining whether the orders of the department have been and are being complied with

(3) To require from such employer full and correct statements in writing at such times as the department

may deem necessary of the wages paid to all women and minors in his employment

Section 4 Investigation of Occupation The Department shall have power and it shall be the duty of the department on the petition of fifty or more residents of the Commonwealth to cause an investigation to be made by any duly authorized representative of the wages being paid to women or minors in any occupation to ascertain whether any substantial number of women or minors in such occupation are receiving wages which are less than sufficient to maintain their health or cfficiency If on the basis of information in its possession with or without a special investigation the department is of the opinion that any substantial number of women or minors in any occupation or occupations are receiving such wages the secretary shall appoint a wage board to report upon the establishment of minimum fair wages for such women or minors in such occupation or occupations

Section 5 Basis of Fair Wage In establishing a minimum fair wage for any service or class of service under this act the secretary and the wage moard without being bound by any technical rules of evidence or procedure may

(1) Take into account all relevant circumstances affecting the value of the service or class of service rendered

(2) Be guided by like considerations as would guide a court in a suit for the reasonable value of services rendered where services are rendered at the request of an employer without contract as to the amount of the wage to be paid

(3) Consider the wages paid in the Commonwealth for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards

Section 6 Wage Boards

(1) A wage board shall be composed of not more than three representatives of employers an equal number of representatives of employers and of not more than three disinterested persons representing the public one of whom shall be designated by the secretary as chairman The secretary shall appoint the members and employes to be selceted so far as practicable from nominations submitted by employers and employs in such occupation or occupations Two-thirds of the members of such wage board shall constitute a quorum and the reccommendations or report of such wage board shall require a vote of not less than a majority of all its members The members of a wage not exceeding ten dollars per day for each meeting attended by them or each day actually spent in the work of the board They shall also be paid their reasonable and necessary traveling and other evpenses while engaged in performance of their duties he department shall make and establish from time to time rules and regulations not inconsistent with this act governing the selection of a wage board and its mode of procedure

(2) The department shall present to a wage board promptly upon its organization all the evidence and information in its possession relating to the wages of women and minor workers in the occupation or occupations for which the wage board was appointed and an other information which is deemed relevant to the establishment of a minimum fair wage for such women and minors and shall cause to be brought before the board any witnesses whom the department deems material A wage board may summon other witnesses or call upon the department to furnish additional information to aid it in its deliberation

(3) A wage board shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses and the production of all books records and other evidence reative to any matters under investigation Such subpoenas shall be signed and issued by a member of the wage board and shall be served and have the same effect as if issued by the department under the authority vested in it by the Act approved the ninth day of April one thousand nine hundred twenty-nine (Pam phlet Laws 177) and designated as the Administrative Code of 1929 A wage board shall have power to cause depositions of witnesses residing within or without the Commonwealth to be taken in the manner prescribed for like depositions in civil actions in the court of common pleas

(4) Within sixty days of its organization a wage board shall submit a report including its recommendations as to minimum fair wage standards for the women or minors in the occupations of wage standards of which the wage board was appointed to investigate If its report is not submitted winthin such time the secretary may constitute a new wage board

(5) A wage board may classify employments in any occupation according to the nature of the service rendered and recommend appropriate minimum fair wage rates for different classes of employment A wage board may also recommend minimum fair wage rates varying with localities if in the judgment of the wage board conditions make such local differentiation proper and do not effect an unreasonable discrimination against any locality

(6) A wage board may recommend a suitable scale of rates for learners and apprentices in any occupation or occupations which scale of learner's and apprentices' rates may be less than the regular minimum fair wage rates recommended for experienced women or minor workers in such occupation or occupations

(7) In addition to the report a wage board may recommend such regulations as it may deem appropriate to safeguard the minimum fair wage standards recommended in its report Such regulations may among other things define and govern learners and apprentices their rates number proportion or length of service piece rates or their relation to time rates overtime or part-time rates bonuses or sepcial pay for special or extra work deductions for board lodging apparle or other items or services supplied by the employer and other special conditions or circumstances and in view of the diversities and complexities of different occupations and the dangers of evasion and nullification without departing from the basic minimum rates recommended by wage board the board may provide for such modifications or reductions of or additions to such rates in or for such special cases or clasess of cases as those herein enumerated as the board may find appropriate to safeguard the basic minimum rates established

Section 7 Action on Report of Wage Board

(1) A wage board shall submit its report and recommendations to the department which shall within ten days thereafter accept or reject such report During such ten days the secretary or his representative may confer with the wage board which may make such changes in hte report or recommendations as it may deem fit If the report is rejected the department shall resubmit the matter to the same wage board or to a new wage board If the report is accepted it shall be published together with such of the regulations recommended by the board and with such modifications and amendments as the department may approve The department shall give notice of a public hearing to be held by the secretary or his representative not sooner than fifteen nor later than thirty days after such publication at which all persons in favor of or opposed to the recommendations contained in such report or in such proposed regulations may be heard

(2) Within ten days after such hearing the department shall approve or disapprove the report of the wage board If the report is disapproved the department may resubmit the matter to the same wage board or to a new wage board If the report is approved the department shall make a directory order which shall definie minimum fair wage rates in the occupation or occupations as recommended in the report of the wage board and shall include the regulations as approved by the department

Section 8 Special Licenses For any occupation for which minimum fair wage rates have been established the department may cause to be issued to a woman or minor including a learner or apprentice whose earning capacity is impaired by age or physical or mental deficiency or injury a special license authorizing employment at such wages less than such minimum fair wage rates and for

such period of time as shall be fixed by the department and stated in the license

Section 9 Order Made Mandatory If at any time after a directory minimum fair wage order has been in effect for three months the department is of the opinion that the persistent non-observance of such order by one or more employers is a threat to the maintenance of fair minimum wage standards in any occupation of occupations the department may give notice of its intention to make such order mandatory and of a public hearing to be held not sooner than fifteen nor later than thirty days after such publication at which all persons in favor of or opposed to a mandatory order may be heard by the secretary or his representative After such hearing the department may make an order making the previous directory order or any part thereof mandatory and shall publish such order

Section 10 Publication of Names of Employers Not Observing Order If the department has reason to believe that any employer is not observing the provisions of any directory or mandatory order it may on fifteen days' notice summon such employer to appear before it to show cause why the name of such employer should not be published as having failed to observe the provisions of such order After such hearing and the finding of non-observance of such order by the secretary or his representative the department may cause to be published in a newspaper or newspapers published and circulating within the Commonwealth or in such other manner as it may deem appropriate the name of any such employer or employers as having failed in the respects stated to observe the provisions of such order of the department neither the secretary nor any authorized representative of the department nor any newspaper publisher proprietor editor nor any employe thereof shall be liable to an action civil or criminal for publishing the name of any employer as provided for in this article unless guilty of wilful misrepresentation

Section 11 Reconsideration of Minimum Fair Wage Order (1) At any time after a minimum fair wage order has been in effect for one year or more whether during such period it has been directory or mandatory the department may on its own motions and shall on a petition of fifty or more residents of the Commonwealth reconsider the minimum fair wage rates set therein and reconvene the same wage board or appoint a new wage board to recommend whether or not the rate or rates contained in such order should be modified The report of such wage board shall be dealt with in the manner prescribed in section seven of this act provided that if the order under reconsideration has theretofore been made mandatory in whole or in part by the department then the department in making any new order or confirming any old order shall have power to declare to what extent such order shall be directory and to what extent mandatory

(2) The department may from time to time propose such modifications of or additions to any regulations included in any directory or mandatory order of the department without reference to a wage board as may be deemed appropriate to effectuate the purposes of this act provided such proposed modifications or additions could legally have been included in the original order and shall give notice of a public hearing to be held by the secretary or his representative not less than fifteen days after such publication at which all persons may be heard in respect to such proposed modifications or additions After such hearing the department may make an order putting into effect such of the proposed modifications of or additions to the regulations as it may deem appropriate and if the order of which the regulations form a part has theretofore been made mandatory in whole or in part then the department in making any new order shall have the power to declare to what extent such order shall be directory and to what extent mandatory

Section 12 Review of Orders

(1) All questions of fact arising under this act except as otherwise herein provided shall be decided by the secretary of his representative and there shall be no appeal from the decision on any such question of fact but there shall be a right of review by the court of common pleas from any ruling or holding on any question of law included or embodied in any decision of the secretary or his representative or order of the department

(2) Any such review shall be by the Court of Common pleas of Dauphin County Any person aggrieved by the decision of the secretary of his representative or by any order of the department may petition said court for such a review within thirty days after notice of such decision or order A copy of such petition shall be filed with the department which filing shall constitute service Within thirty days after service of the petition the department shall file with the prothonotary of said court a transcript of the record of the proceedings duly certified over the seal of the department which record shall include all papers on file and all evidence taken including stenographic notes of testimony The cost of said transcript at twenty-five cents per folio and one dollar for certification shall be entered as part of the record costs to be paid as the court may direct

(3) The court upon application of either party shall fix a time and place for argument After argument and review of the record and testimony the court may sustain modify or reverse the decision of the secretary or his representative or the order of th department as in its judgment the law may warrant

Section 13 Duty of Employer Every employer of women and minor workers shall keep a true and accurate record of the hours worked by each and the wages paid by him to each and shall furnish to the department or its duly authorized agent upon demand a sworn statement of the same Such records shall be open to inspection by any duly authorized agent of the department at any reasonable time Every employer subject to a minimum fair wage order whether directory or mandatory shall keep a copy of such order posted in a conspicious place in every room in which women or minors are employed Employers shall on request be furnished copies of order without charge Employers shall permit any duly authorized agent of the department to question any employe of such employer in the place of employment and during work hours in respect to the wages paid to and the hours worked by such employe or other employe

Section 14 Penalties

(1) Any employer and his agent or the officer or agent of any corporation who discharges or in any other manner discriminates against any employe because such employe has served or is about to serve on a wage board or has testified or is about to testify before any wage board or in any other investigation or proceeding under or related to this act o rbecause such employer believes that said employer may serve on any wage board or may testify before any wage board or in any investigation or proceeding under this act shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than fifty nor more than one hundred dollars and in default of the payment of such fine and costs shall be sentenced to imprisonment for not less than ten days nor more than thirty days

(2) Any employer or the officer or agent of any corporation who pays or agrees to pay to any woman or minor employe less than the rates applicable to such woman or minor under a mandatory minimum fair wage order shall upon conviction thereof be sentenced to pay a fine of not less than fifty nor more than two hundred dollars or to undergo imprisonment of not less than ten nor more than ninety days or both such fine and imprisonment and each week in any day of which such employe is paid less than the rate applicable to him under a mandatory minimum fair wage order and each employe who paid less shall constitute a separate offense

(3) Any employer or the officer or agent of any corporation who fails to keep the records required under this act or to furnish such records or any information required to be furnished under this act to the department the secretary or any authroized representative of the department upon request shall upon conviction thereof in a summary proceding be sentenced to pay a fine of not less than twenty-five nor more than one hundred dollars and each

day of such failure to keep the records requested under this act or to furnish such records or information shall constitute a separate offense

Section 15 Civil Action If any woman or minor worker is paid by his or her employe less than the minimum fair wage to which such worker is entitled under or by virtue of a mandatory minimum fair wage order such worker may recover in a civil action the full amount of such minimum wage less any amount actually paid to the worker by the employer together with costs and such and any agreement between the employer and the worker reasonable attorney's fees as may be allowed by the court to work for less than such mandatory minimum fair wage shall be no defense to such action At the request of any woman or minor worker paid less than the minimum wage to which such worker was entitled under a mandatory order the department may take an assignment of such wage claim in trust for the assigning worker and may bring any legal action necesary to collect such claim and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court

Section 16 Unconstitutionality If any provisions of this act or the application thereof to any person or circumstances is held invalid the remainder of the act and the application of such provisions to other persons or circumstances shall not be affected thereby

Section 17 Effective Date This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. SHAPIRO. Mr. President, in reference to the next bill on the calendar (Senate Bill No. 13) will the Senator from Cambria, Mr. Haluska, state whether it is not true that under the existing laws persons receiving assistance under the present act would be required, if they have property assessed at $5,000, to repay the assistance received?

Mr. HALUSKA. Mr. President, that is correct.

Mr. SHAPIRO . Mr. President, whether it is not true that under the present amendment, a person or his family if possessed of property, real or personal, to the extent of $5,000 or more, that under this present amendment the Commonwealth would not be able to get back the amount of assistance granted?

Mr. HALUSKA. Mr. President, that is correct.

Mr. SHAPIRO. Mr. President, I believe there should be a line of demarkation, that when a person receives assistance he should be obliged to return the assistance. I am inclined to feel that there is a point where a person may have some property and still be entitled to assistance. I can see that if these cases were eliminated by law, it would work a hardship; but I also feel that we do not want to create a class of people by law who would be encouraged, if in the possession of property, who would look to someone to support them, without any intention on their part to return the money they received, when the properties they are possessed of might be convrted, and while I may not see merit in this bill, I feel the Senate should not place itself on record.

Last year, when we passed a bill here providing that no one should be deprived of relief if he received a bonus, as a result of that I heard of a party having a check in his pocket for $1500 walking into the Emergency Relief Board and receiving relief, and I would ask by what manner of means would a man do that? We ought not pass a bill which would encourage that kind of conduct. and there is no objection on the part of the Senator from Cambria, who is one of the proponents of this bill. I would like to move that this bill be recommitted to the committee to which it came, so that it can be given study and a proper compromise reached.

Mr. HALUSKA. Mr. President, this bill was introduced on the first day of this session. It is very simple. It states that any person receiving assistance of any kind shall assign his or her property back to the government. I know of a case in my town of about 8,000 people where thirty or forty individuals have acquired homesteads who found themselves in distress and then applied for assistance. Under our present laws, if they should die before they received that assistance, they must assign their property and give away all that they have fought and worked for, and I do not think that is right. I can agree with the Senator from Philadelphia, Mr. Shapiro, that possibly a person might have a home that might be worth $5,000 or $10,000 or more and apply for assistance, and probably after death someone might sell that home, and, of course, make a nice thing of it, but I do not know of any case in this Commonwealth where anyone who would acquire a home and spend $30,000 or $40,000 that they would apply for old age assistance. I would say that 95% of the people are in dire need and I see no reason that this bill should go back to committee. If we could pass it on second reading, and if the Senator from Philadelphia would like to make further amendments on the floor of the Senate on Monday night, we will give him an oportunity to do so, but I object to the bill going back to the committee.

Mr. SHAPIRO. Mr. President, I shall not insist on my motion to recommit this bill. I made my suggestion and have placed my reasons on record, and when it comes to a vote, if the Senator from Cambria thinks it should pass in its present shape, that is a matter for him to decide, and I will govern myself accordingly.

BILL OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 13 on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. RODGERS. Mr. President, I move that Senate Bill No. 425, the bill just read, be recommitted to the Committee on Labor and Industry.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 457 (House Bill No. 928), as follows:

An Act requiring persons employing others in or about motion picture theatres to allow them at least one calendar day of rest in each calendar week.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 479, as follows:

A Supplement to the act approved the eighteenth day of March one thousand eight hundred and seventy-five (Pamphlet Laws 30) entitled "An act to authorize changes of venue in criminal cases" forbidding changes of venue in criminal prosecutions by court on application of the Commonwealth or prosecutor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter in criminal prosecutions the venue may be changed by the Supreme Court of Pennsylvania or the court in which the indictment shall be pending on application of the defendant or defendants only and not on applicaton of the Commonwealth or the prosecutor

Section 2 No writ of certiorari shall hereafter be issued by the Supreme Court of Pennsylvania to remove the record of any criminal prosecution thereto for the purpose of changing the venue on petition of the Commonwealth or the prosecutor but such writs shall issue only on petition of the defendant or defendants

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 497 (House Bill No. 617), entitled:

An Act to amend section nine of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," regulating physical examination of applicants.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 546, as follows:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding section one A

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth Article thereof

That Article nine be amended by adding thereto section one A as follows

Section 1-A The General Assembly may also by general law exempt from taxation a uniform value in money of the total taxable value of each person's real property in any one municipality or township

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. DENT. Mr. President, I ask unanimous consent that Senate Bill No. 592 on second reading, entitled:

A Supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled "An act directing the County Commissioners of employer to pay damages for injuries received by an employe in the course of employment; establishing a compulsory system and schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties", as amended and re-enacted, providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions and procedure related to such diseases, and making an appropriation.

Go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

REPORTS FROM COMMITTEES

Mr. RUPP. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUPP from the Committee on Forests and Waters reported as committed, Senate Bill No. 329 (House Bill No. 735), entitled:

An Act to further amend section two of the act, approved the twenty-first day of April one thousand nine hundred fifteen (Pamphlet Laws one hundred forty) entitled "An act directing the county commissioners of the several counties to offer for sale to the Department of Forestry tracts of land which they may have purchased at County Treasurers' sales for acceptance or refusal for forestry purposes and to convey to the Commonwealth of Pennsylvania the tracts so offered to be sold if accepted by the department" by limiting the consideration to be paid for lands acquired.

Also from the Committee on Appropriations reported as committed, amended, Senate Bill No. 184, entitled:

An Act making an appropriation to the Department of Military Affairs for the purchase of certain tract of land in the name of the Commonwealth.

BILL RECOMMITTED

Mr. RUPP. Mr. President, I move that Senate Bill No. 184, the Bill just reported from Committee be recommitted to the Committee on Military Affairs.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. RANKIN from the Committee on Elections reported to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RANKIN from the Committee on Elections reported as committed, amended, Senate Bill No. 453 (House Bill No. 603), entitled:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further

condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureau police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties.

BILLS INTRODUCED

Mr. McGINNIS. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS, read in place and presented to the Chair Senate Bill No. 608, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further defining the duties of the secretary of the board of school directors.

Which was committed to the Committee on State Boards.

Mr. DENT. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT, read in place and presented to the Chair Senate Bill No. 609, entitled:

An Act permitting and regulating fishing in certain reservoirs used for public water supply purposes in accordance with rules and regulations adopted by the Board of Fish Commissioners; modifying the laws with respect to trespass; and imposing penalties

Which was committed to the Committee on Game and Fisheries.

Mr. ROBERTS. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ROBERTS, read in place and presented to the Chair Senate Bill No. 610, entitled:

An Act providing for the creation of a legal holiday on September 17, 1937, to be known and observed as "Constitution Day."

Mr. LANIUS. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANIUS, read in place and presented to the Chair Senate Bill No. 611, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of York.

Which was committed to the Committee on Highways.

MOTION TO READ BILLS THE FIRST TIME

Mr. McGINNIS. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 219, entitled:

An Act to amend section two hundred and seventy-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as amended; providing for the appointment and compensation of a detective to the district attorney in counties of the fifth class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 241 (House Bill No. 235), entitled:

An Act authorizing the adjournment and re-adjournment of any County Treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight; validating any action in adjourning or re-adjourning tax sales taken prior to the effective date of this act; and preserving the lien of all taxes on lands to be sold at such sales.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 305, entitled:

An Act to amend the act, approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing counties of the second class to assist political subdivisions in the county in negotiations and contests with public service companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 313 (House Bill No. 616), entitled:

An Act to amend sections one and six of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" including dining cars under the provisions of this act and making it unlawful to sleep or to permit persons to sleep in a room where food is prepared or served.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 329 (House Bill No. 735), entitled:

An Act to further amend section two of the act, approved the twenty-first day of April, one thousand nine hundred fifteen (P. L. 140), entitled "An act directing the County Commissioners of the several counties to offer for sale to the Department of Forestry, tracts of land which they may have purchased at County Treasurers' sales, for acceptance or refusal for forestry purposes, and to convey to the Commonwealth of Pennsylvania the tracts so offered to be sold, if accepted by the department," by limiting the consideration to be paid for lands acquired.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 351 (House Bill No. 520), entitled:

An Act to amend section ten of the act, approved the twenty-first day of May one thousand nine hundred and thirty-one (P. L. 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" as amended providing that counties may use moneys received from the Liquid Fuels Tax Fund for the payment of principal due on bonds issued for highways and bridge purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 355 (House Bill No. 561), entitled:

An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 385 (House Bill No. 741), entitled:

An Act to amend the title and sections two and twelve and to repeal section five of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1513) entitled "An act regulating the construction equipment maintenance operation and inspection of elevators outside of cities of the first and second and second A classes granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by extending the provisions of said act to elevators located in cities of the first second and second A classes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 533, entitled:

An Act prescribing a uniform method for the collection of all county, township, town, borough, school, poor and other local taxes in the several boroughs, incorporated towns and townships of this Commonwealth, except county taxes, in counties of the second class and in counties having local laws providing for the election of the collector of taxes and the filling of vacancies in said office; defining the rights, powers and duties of the collector of taxes; regulating the form and time for delivery of the tax duplicate and warrant, the notice to taxables and tax bills; providing for uniform discounts and penalties; the settlement of accounts, exonerations and compensation of such tax collectors; prescribing the liability of taxables and others for the payment of such taxes, and the right of the collector and the taxing authorities to institute suit therefor; imposing certain duties upon the Department of Internal Affairs; imposing penalties; creating liens and repealing certain existing laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 583, entitled:

An Act concerning reciprocal agreements for the interstate transportation and the support of poor and indigent persons; and to make uniform the law with reference thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

RESOLUTION RELATIVE TO ADJOURNMENT OF TAX SALES

Mr. RANKIN. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RANKIN offered the following resolution which was twice read:

In the Senate, March 17, 1937.

Whereas, The authorities of certain municipalities throughout the Commonwealth of Pennsylvania are advertising or about to advertise tax sales, and have declined the requests of taxpayers to further postpone said tax sales until legislation can be enacted by the General Assembly for the relief of delinquent taxpayers; and

Whereas, The members of the General Assembly and many people and organizations throughout the Commonwealth are in favor of the continuation of any such tax sales so as to enable the Legislature now in session to enact appropriate legislation; therefore be it

Resolved, (if the House of Representatives concur), that the General Assembly hereby directs the attention of the public authorities of the municipalities throughout the entire Commonwealth of Pennsylvania to the fact that, bills are now before the General Assembly authorizing the abatement of penalties and interest on municipal and other local taxes permitting the payment of such delinquent taxes by installments, and adjourning tax sales for a certain period, and therefore urges the public authorities of the municipalities in the Commonwealth to adjourn any tax sale which, under existing law, such authorities have authorized to be held during the months of March and April, 1937, until legislation may be enacted relative to the abatement of tax penalties and interest and the postponement of tax sales.

Mr. RANKIN. Mr. President, I move that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 107 (Senate Bill No. 612), entitled:

An Act to safeguard the lives, health and means of livelihood of employes and the property of owners of mines from accumulations of water or poisonous gases, in partially or temporarily abandoned mines; by requiring the remedying or elimination of such conditions by, or imposing the cost thereof on, the owners, operators or lessees of such mines; conferring powers and imposing duties on the Department of Mines; and prescribing penalties.

Which was committed to the Committee on Mines and Mining.

House Bill No. 749 (Senate Bill No. 613), entitled:

An Act requiring County Commissioners to provide, at the expense of the county, telephone, typewriter and stenographic services for the county superintendent of schools.

Which was committed to the Committee on County Government.

House Bill No. 964 (Senate Bill No. 614), entitled:

An Act to amend section five A of Article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 381), entitled "First Class City Charter Law" as amended, by changing the number and method of appointment of the civil service commissioners in said cities.

Which was committed to the Committee on City Government.

House Bill No. 1235 (Senate Bill No. 615), entitled:

An Act to amend section four hundred seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law" by providing the method of designating, and the qualifications of the depositories selected for the deposit of funds of counties of the second class.

Which was committed to the Committee on County Government.

BILLS SIGNED

The PRESIDENT PRO-TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 1160, entitled:

A Supplement to Act No. 31-A, approved the twelfth day of July, one thousand nine hundred thirty-five (One Thousand Nine Hundred Thirty-five Appropriation Acts, page twenty-five), entitled "An act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for Mothers' Assistance, Pensions for the Blind, and Old Age Assistance."

House Bill No. 241, entitled:

An Act providing that in all criminal or quasi criminal prosecutions, desertion and non-support, and surety of the peace cases, bail may be entered on Sunday.

House Bill No. 1, entitled:

A Joint Resolution proposing an amendment to section one, Article nine of the Constitution of the Commonwealth of Pennsylvania.

Whereupon,

The PRESIDENT PRO-TEMPORE, (Mr. Harvey Huffman) in the presence of the Senate, signed the same.

ANNOUNCEMENT BY THE SECRETARY

The Committee on County Government will meet on Tuesday, March 23rd, at 11:00 a. m. in Room 402.

ADJOURNMENT

Mr. LAW. Mr. President, I move that the Senate do now adjourn.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:53 p. m. until nine o'clock Monday evening, March 22, 1937

HOUSE OF REPRESENTATIVES

WEDNESDAY, March 17, 1937.

The House met at 1:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain Rev. EPHRIAM Z. GALLAHER, offered the following prayer:

Our gracious Father we do acknowledge Thy universal Father book and we pray for the universal brotherhood of man. May Thy Spirit so permeate all mankind the world over that no nation or race of man will seek to do injustice or violance to other races or look down upon other races as inferior or with malicious jealousy. We are happy to join hearts with those who do honor to the memory of a leader of many centuries ago. Honor to whom honor is due without regard to race, color or blood. May this assembly labor in the interest of the common brotherhood of man.

In Christ's name—Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. BOLTZ the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. MURRIN. HOUSE BILL No. 1580.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 1581.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act, establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 1582.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundrde and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance an construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 1583.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 1584.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities; persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 1585.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 1586.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Deptrement of Highways and local authorities, persons, associations and corporations for sharing the cost of the

maintenance and construction of such highways; making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 1587.

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 1588.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 1589.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 1590.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. STACKPOLE. HOUSE BILL No. 1591.

An Act to further amend section one hundred seventy-one of the act, approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," reducing the mileage to be received by members of boards of view in counties of the third and fourth classes.

Referred to the Committee on Counties.

By Mr. STACKPOLE. HOUSE BILL No. 1592.

An Act to amend section ninety-three of the act approved the second day of July one thousand eight hundred thirty-nine (P. L. 519) entitled "An act relating to the elections of this Commonwealth," reducing the mileage chargeable by return judges.

Referred to the Committee on Elections.

By Mr. STACKPOLE. HOUSE BILL No. 1593.

An Act to amend section five of the act, approved the eighteenth day of May, one thousand eight hundred and ninety-three (P. L. 102) entitled "An act to establish boards of arbitration to settle all questions of wages and other matters of variance between capital and labor," reducing the mileage to be received by the members of the boards of arbitration.

Referred to the Committee on State Boards.

By Mr. STACKPOLE. HOUSE BILL No. 1594.

An Act to repeal the act, approved the twenty-second day of June, one thousand nine hundred and thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," and the amendments thereto.

Referred to the Committee on Ways and Means.

By Mr. STACKPOLE. HOUSE BILL No. 1595.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Elk.

Referred to the Committee on Highways.

By Mr. STACKPOLE. HOUSE BILL No. 1596

An Act discontinuing occupation, poll and per capita taxes on housewives.

Referred to the Committee on Municipal Corporations.

By Mr. STACKPOLE. HOUSE BILL No. 1597.

An Act requiring certain associations of persons to be incorporated; and providing penalties.

Referred to the Committee on Corporations.

By Mr. STACKPOLE. HOUSE BILL No. 1598.

An Act to repeal section twenty-one of the act, approved the first day of June, one thousand eight hundred and eighty-nine, (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," and the amendments thereto.

Referred to the Committee on Ways and Means.

By Mr. STACKPOLE. HOUSE BILL No. 1599.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Elk.

Referred to the Committee on Highways.

By Mr. STACKPOLE. HOUSE BILL No. 1600.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Elk.

Referred to the Committee on Highways.

By Mr. STACKPOLE. HOUSE BILL No. 1601.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Elk.

Referred to the Committee on Highways.

By Mr. STACKPOLE. HOUSE BILL No. 1602.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Elk.

Referred to the Committee on Highways.

By Mr. STACKPOLE. HOUSE BILL No. 1603.

An Act to amend further section one of the act, approved the twentieth day of July one thousand nine hundred seventeen (P. L. 1158, No. 401) entitled "An act, to fix, regulate, and establish the fees to be charged and received by constables in this Commonwealth," reducing the mileage chargeable to constables.

Referred to the Committee on Municipal Corporations.

By Mr. MUNLEY. HOUSE BILL No. 1604.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lackawanna.

Referred to the Committee on Highways.

By Mr. FLANNERY. HOUSE BILL No. 1605.

An Act to amend section one of the act, approved the thirtieth day of March, one thousand nine hundred and fifteen (P. L. 34), entitled "An act to promote the health and efficiency of firemen in cities of the second class, by providing for a two-platoon system for firemen in the department of public safety of such cities," as amended by changing the hours of the day and night shifts in certain cases.

Referred to the Committee on Cities.

By Mr. FLANNERY. HOUSE BILL No. 1606.

An Act to amend section one of the act, approved the twenty-fifth day of April, one thousand nine hundred and thirty-five (P. L. 82), entitled "An act requiring certain cities to allow members of the fire departments twenty-four consecutive hours of rest each week, and fourteen days vacation each year, except in emergency cases," by extending said act to fire alarm operators and fire box inspectors; providing that the provisions of said act shall be mandatory; and prohibiting any diminution of salary or compensation by reason thereof.

Referred to the Committee on Cities.

By Mr. FLINCHBAUGH (By Request). HOUSE BILL No. 1607.

An Act to amend section 4, clause A of section 12, clause B of section 18 and section 26 of, and to add sections 18.1, 18.2 and 18.3 to the act, approved the second day of January, one thousand nine hundred and thiry-four (P. L. 174, 1933-34), entitled as amended "An act relating to milk and the products thereof; declaring an emergency with respect to their production and marketing; creating a Milk Control Board; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacture, processing, storage, distribution, delivery, and sale of milk and the products thereof; authorizing the board, with the approval of the Governor, to fix prices to be paid or charged for milk and the products thereof; pro-

viding for the licensing of milk dealers and the payment of fees therefor; requiring licensees to furnish bonds for the protection of producers; authorizing the examination of the business, papers, and affairs of, and requiring the filing of reports by licensees, other milk dealers and producers, and permitting with limitations the dissemination of information obtained therefrom; authorizing the issuance of subpoenas by the board or its agents, and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board; providing for appeals to the courts from decisions of the Milk Control Board; imposing penalties; and making an appropriation," as re-enacted and amended; changing the composition of the Milk Control Board; reducing the salary of the members of the board; providing for signed receipts from dealers to producers; regulating minimum and maximum prices to producers and consumers; changing the amounts of the bonds of milk dealers, and providing for corporate sureties; relieving producers from certain transportation costs; and making the provisions of the act permanent.

Referred to the Committee on Agriculture.

By Mr. FLINCHBAUGH. HOUSE BILL No. 1608.

An Act to further amend clause fifty-three of section one thousand two hundred two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" by further regulating contracts by boroughs.

Referred to the Committee on Boroughs.

By Mr. FLINCHBAUGH. HOUSE BILL No. 1609.

An Act to further amend the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further regulating the affairs of boroughs, and revising, amending and changing the law relating thereto.

Referred to the Committee on Boroughs.

By Mr. DAVID H. WEISS. HOUSE BILL No. 1610.

An Act to amend section four hundred and fifteen of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions shall be determined," by limiting appointments to the State Board of Optometrical Examiners to nominees of the Pennsylvania Optometric Association; and prescribing qualifications of such nominees.

Referred to the Committee on State Boards.

By Messrs. SAMUEL A. WEISS and DAVID H. WEISS. HOUSE BILL No. 1611.

An Act to punish attacks on race or religion or on a person or persons because of race or religion by writing, printing, utterance or publication tending to incite to violence.

Referred to the Committee on Judiciary Special.

By Mr. SAMUEL A. WEISS. HOUSE BILL No. 1612.

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class, by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; imposing duties on county taxing authorities; abolishing the department of assessors in cities of the second class; and transferring certain property and functions to county taxing authorities.

Referred to the Committee on Cities.

By Mr. SAMUEL A. WEISS. HOUSE BILL No. 1613.

An Act providing for an regulating the assessment and valuation of persons, property and subjects of taxation for county, city, borough, township, school, and poor purposes in counties of the second class; creating and prescribing the powers and duties of a Board of Tax Assessment Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties.

Referred to the Committee on Municipal Corporations.

By Messrs. SLOAN and STEWART. HOUSE BILL No. 1614.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thiry-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Indiana.

Referred to the Committee on Highways.

By Mrs. HORTING. HOUSE BILL No. 1615.

An Act authorizing the Department of Property and Supplies to acquire by purchase, or gift or lease or condemnation on behalf of the Commonwealth of Pennsylvania, the property of the Seventh Day Baptists of Ephrata, in whole or in part; to provide for the control, management and the supervision of the property when acquired by the Pennsylvania Historical Commission; authorizing the commission to maintain the same and make and enforce rules and regulations for its preservation and visitation thereof and making an appropriation for such acquisition and maintenance.

Referred to the Committee on State Government

By Mr. TRONZO. HOUSE BILL No. 1616

An Act relating to the employment of teachers and other employes in school districts of the first class; providing for the establishment of a system of service requirements; creating the office of director of examinations and defining his powers and duties; defining the powers and duties of the Board of School Directors with relation thereto.

Referred to the Committee on Education.

By Mr. TRONZO. HOUSE BILL No. 1617.

An Act providing for the survival of certain rights of action by or against executors or administrators representing decedents where such rights would have existed in favor of or against such decedents if living; and further providing for extension of statutes of limitations in such cases.

Referred to the Committee on Judiciary General.

By Mr. TRONZO. HOUSE BILL No. 1618.

An Act providing for the establishment of State Youth Commission and local Youth Commissions, prescribing powers and duties and making and appropriation.

Referred to the Committee on State Boards.

By Mr. BOHN. HOUSE BILL No. 1619.

An Act to amend sections one thousand one and one thousand seven hundred one of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," as amended; further regulating the annual budgets of such townships.

Referred to the Committee on Townships.

By Mr. HOLLAND. HOUSE BILL No. 1620.

An Act providing for the regulation of tourists cabins by the Department of Health; requiring an annual permit for operating and maintaining such cabins; fixing the fees therefor; and prescribing penalties.

Referred to the Committee on Public Health and Sanitation.

By Mr. HOLLAND (By Request). HOUSE BILL No. 1621.

An Act to amend sections five, six and twelve of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," by providing for a secretary-treasurer and vice-president of the board; and establishing a method for determining classification of beneficiaries.

Referred to the Committee on Cities.

By Mrs. HORTING. HOUSE BILL No. 1622.

An Act permitting certain written instruments to be verified by a method other than by oath or affirmation, and imposing the penalties of perjury for signing and issuing any statement, so verified, which is wilfully false in a material matter.

Referred to the Committee on Judiciary General.

By Mr. VAN SICKLE. HOUSE BILL No. 1623.

An Act to amend section three, as added, of the act, approved the twentieth day of December, one thousand nine hundred thirty-three—one thousand nine hundred thirty-four (P. L. 89), entitled "An act appropriating the moneys in the State Stores Fund," providing for the transfer of certain profits of The State Stores Fund to the several counties instead of the General Fund.

Referred to the Committee on State Government.

By Mr. STOCKHAM. HOUSE BILL No. 1624.

An Act to authorize cities of the third class, boroughs, and townships to sue out writs of scire facias on certain municipal claims, or to revive judgments on such claims, where more than five years have elapsed since said claims were filed or such judgments were entered or revived, and to reduce such claims to judgments or to revive such judgment; and providing for the revival and collection of such judgments.

Referred to the Committee on Municipal Corporations.

By Mr. CHERVENAK. HOUSE BILL No. 1625.

An Act providing for and regulating joint purchases by counties (other than counties of the first and second classes), cities of the third class, boroughs, towns, townships, school districts and poor districts.

Referred to the Committee on Municipal Corporations.

By Messrs. BRIGERMAN and McGEE. HOUSE BILL No. 1626.

An Act to amend section one of the act, approved the twentieth day of May, one thousand nine hundred and thirteen (P. L. 229), entitled "An act defining and regulating public amusements, and places used therefor; requiring and regulating the licensing thereof; restricting the scope of certain acts of Assembly relating thereto, and providing penalties for violation of this act," by providing that certain amusement places are not liable for the tax imposed herein.

Referred to the Committee on Ways and Means.

By Messrs. BRIGERMAN, OSTROFF and McGEE. HOUSE BILL No. 1627

An Act limiting the hours of work of persons engaged in domestic services.

Referred to the Committee on Labor.

By Mr. BOHN. HOUSE BILL No. 1628.

An Act to amend section eight hundred and one of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one, (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," limiting the requirement of bonds of township treasurers to fidelity bonds and regulating such bonds.

Referred to the Committee on Townships.

By Messrs. COLEMAN, DOUGHERTY, DAVIES, TOOLE and BIERLY. HOUSE BILL No. 1629.

An Act dedicating and setting aside certain lands in Lackawanna and Luzerne Counties as a public park and pleasure ground; and imposing certain powers and duties in connection therewith on the Department of Forests and Waters.

Referred to the Committee on Forestry.

By Mr. COLEMAN. HOUSE BILL No. 1630.

An Act validating certain sales of real estate of decedents and the titles of such real estate in the hands of the purchaser.

Referred to the Committee on Judiciary General.

By Messrs. COLEMAN and DAVIES. HOUSE BILL No. 1631.

An Act making an appropriation to the Department

of Internal Affairs to aid financially distressed townships of the first class.

Referred to the Committee on Appropriations.

By Mr. VAN SICKLE. HOUSE BILL No. 1632.

An Act relating to contingent remainders; prescribing the effect thereof.

Referred to the Committee on Judiciary General.

By Mr. BLANK. HOUSE BILL No. 1633.

An Act relating to the recovery of taxes against a registered owner of mortgages.

Referred to the Committee on Judiciary General.

By Mr. PERRY. HOUSE BILL No. 1634.

An Act to amend article twenty-four of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined;" requiring the Department of Property and Supplies to furnish mimeographing services to departments, bureaus, boards, commissions and agencies.

Referred to the Committee on State Government.

By Mr. FLANAGAN. HOUSE BILL No. 1635.

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 284), entitled, as amended "An act imposing a State tax, payable by those herein defined as manufacturers, and by others, on malt or brewed beverages used, sold, transported, or delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, or in the transportation, of malt or brewed beverages taxable hereunder; and providing penalties," as amended and re-enacted, by imposing an additional reciprocal tax; by providing for the assessment and revision of, and appeal from, additional taxes; and by making further provision with regard to refunds, evidence of payment of the tax, and penalties.

Referred to the Committee on Ways and Means.

By Mr. SHEPARD. HOUSE BILL No. 1636.

An Act to amend section six hundred one of the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (P. L. 1001), entitled "An act providing for the regulation of aeronautics within this Commonwealth; conferring powers and imposing duties upon the Department of Revenue in respect thereto, providing for the licensing and registration of airman and aircraft; establishing the legal status of air navigation; providing for sovereignty in, and ownership of space; providing for lawfulness of flights; regulating civil causes of action arisnig out of operation of aircraft; fixing the status of contracts, crimes, and torts in, by, or by means of operation of aircraft; imposing duties upon officers, burgesses, magistrates, aldermen, justices of the peace, the courts and clerks thereof; providing for denial or revocation of licenses; providing for certain penalties and their disposition; and repealing certain existing laws," by prohibiting the carrying of passengers under the influence of liquor or drugs in aircraft, and extending certain penalties to owners of aircraft.

Referred to the Committee on Aeronautics.

By Mr. WHALEN. HOUSE BILL No. 1637.

An Act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," as amended, by making further provision for the imposition of liability upon, and the payment by, individuals, counties and poor districts of the cost of admission, care and maintenance of mental patients and inebriates; and by requiring the furnishing of bonds conditioned upon the payment of the cost of care and maintenance of mental patients and inebriates, or, in lieu thereof, the furnishing of endorsements of the poor authorities of counties or poor districts in certain cases.

Referred to the Committee on Public Health and Sanitation.

By Mr. HARRY T. MATTHEWS.
HOUSE BILL No. 1638.

An Act to amend section five of the act, approved the first day of May, one thousand nine hundred and nineteen (P. L. 103), entitled "An act creating a State Art Commission in the Board of Commissioners of Public Grounds and Buildings; requiring the approval of the commission of the design and location of all public monuments, memorials, buildings, or other structures, and certain private structures, proposed to be erected anywhere in this Commonwealth other than in cities of the first and second classes," extending the powers of the State Art Commission to bridges, and subjects and over bordering streams.

Referred to the Committee on State Boards.

By Mr. YANOSHAT. HOUSE BILL No. 1639.

An Act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception, care, maintenance, detention, employment and training of defective delinquents; providing for the commitment and transfer of such persons to such institution and discharge therefrom; conferring powers and imposing duties on the Department of Welfare and courts; and imposing certain charges on counties.

Referred to the Committee on Welfare.

By Messrs. CAPUTO and SCHOR.
HOUSE BILL No. 1640.

A Supplement to the act, approved the second day of June, one thousand nine hundred fifteen (P. L. 736), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing a com-

pulsory system and schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties;" as amended and re-enacted, providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions and procedure related to such diseases, and making an appropriation.

Referred to the Committee on Labor.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 264. (HOUSE BILL NO. 1641.)

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight.

Referred to the Committee on Constitutional Amendments.

BILLS INTRODUCED AND REFERRED

By Messrs. O'KEEFE and SHAW. HOUSE BILL No. 1642.

An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrats, inspectors of registration and their appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

Referred to the Committee on Elections.

By Messrs. OSTROFF, LEWIS, McSHANE and FITCH. HOUSE BILL No. 1643.

An Act requiring every person registering a motor vehicle in the Commonwealth to furnish proof of financial responsibility with respect to liability for personal injury or death arising from the ownership, operation or use of such motor vehicle on the ways of the Commonwealth by the registrant or by any other person with his express or implied consent; providing the nature of public liability policy which may be used as such proof; providing for the regulation of the risk, classifications, underwriting rules, premiums, rates and schedule or merit rating, plans of insurance companies issuing such policies; providing penalties; and repealing all inconsistent acts and parts of acts.

Referred to the Committee on Motor Vehicles.

By Mr. BROAD. HOUSE BILL No. 1644.

An Act to amend sections one, two, four and fifteen of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "An act to provide for the safety of persons employed, housed, or assembled in certain building and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," as amended; extending the provisions of said act to additional buildings; providing additional safety regulations and for the closing of certain buildings.

Referred to the Committee on State Government.

By Messrs. OSTROFF, LEWIS, McSHANE and FITCH. HOUSE BILL No. 1645.

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania to permit the enactment of laws providing for compensation regardless of fault for bodily injuries, disease, death or property damage arising from the ownership, maintenance or use of any kind or kinds vehicles, and fixing basis of ascertaining limits and providing remedies for its collection.

Referred to the Committee on Constitutional Amendments.

By Messrs. OSTROFF and LEWIS. HOUSE BILL No. 1646.

An Act prohibiting judges from participating in political activities of any character, or from being candidates for any political office other than judicial office; and making some sufficient grounds for impeachment and removal from office.

Referred to the Committee on Elections.

By Messrs. SPENGLER, HABBYSHAW, WOODSIDE and DICKINSON. HOUSE BILL No. 1647.

An Act making an appropriation to the Harrisburg Hospital, Harrisburg, Pennsylvania.

Referred to the Committee on Appropriations.

By Messrs. LONG and LEVY. HOUSE BILL No. 1648.

An Act making an appropriation to the Saint Christopher's Hospital for Children, Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Messrs. JOHN A. SMITH, DYSON, DICKINSON, and HETRICK. HOUSE BILL No. 1649.

An Act to re-enact and further amend the act, approved the second day of January, one thousand nine hundred and thirty-four (P. L. 174, 1933-34), entitled as amended "An act relating to milk and the products thereof; declaring an emergency with respect to their production and marketing; creating a Milk Control Board; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacture, processing, storage, distribution, delivery and sale of milk and the products thereof; authorizing the board, with the approval of the Governor, to fix prices to be paid or charged for milk and the products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring licensees to furnish bonds for the protection of producers; authorizing the examination of the business, papers, and affairs of, and requiring the filing of reports by, licensees, other milk dealers and producers, and permitting with limitations the dissemination of information obtained therefrom; authorizing the issuance of subpoenas by the boards or its agents, and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board;

providing for appeals to the courts from decisions of the Milk Control Board; imposing penalties; and making an appropriation;" making the Milk Control Board a permanent agency; changing the personnel of said board, and providing for the appointment of the members thereof; further prescribing the powers of said board; providing for compliance committees of producers; prescribing the powers of such committees. and providing for the financing of such committees by a charge imposed upon producers; regulating the price fixing powers of the board; further regulating appeals; providing for the bonding of milk dealers; regulating agricultural cooperative associations and corporations; and making an appropriation.

Referred to the Committee on Agriculture.

By Mr. LEWIS. HOUSE BILL No. 1650.

An Act creating in counties of the first class the position of Bail Commissioner; prescribing the powers and duties thereof and conferring and imposing such powers and duties upon the controllers of counties of the first class; providing for the appointment by such Bail Commissioner certain necessary clerks and employes and prescribing the duties and compensation thereof; imposing duties on judges of the Court of Quarter Sessions and Over and Terminer and upon magistrates in Counties of the first class; prescribing offenses and providing penalties therefor.

Referred to the Committee on Counties.

By Mr. ALEXANDER. HOUSE BILL No. 1651.

An Act to amend the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended, further defining State employes; providing for retirement allowances where all back deductions have not been paid; specifying when State employes shall join the system; imposing certain duties on the heads of agencies of the State government; fixing the liability of certain special operating funds; further regulating retirements rights, retirement allowances, withdrawals and the computation of service allowances; imposing certain duties on the board; and providing for contributions by members.

Referred to the Committee on State Government.

By Mr. TERRY. HOUSE BILL No. 1652.

An Act to amend clause (d) of section eight hundred of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 762), entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth, excepting counties of the first and second class; and revising, amending, consolidating, and changing the law relating thereto," as amended; further regulating the acquisition of legal settlements.

Referred to the Committee on Judiciary General.

By Messrs. MURRIN and IMBRIE.
HOUSE BILL No. 1653.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways conferring certain powers upon the Department of Highways and local authorities persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Messrs. MURRIN and IMBRIE.
HOUSE BILL No. 1654.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persnos, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Messrs. MURRIN and IMBRIE.
HOUSE BILL No. 1655.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. OSTROFF. (By Request) HOUSE BILL No. 1656

An Act to amend section one of the act, approved the twenty-sixth day of April, one thousand eight hundred and fifty-five (P. L. 309), entitled "An Act relating to damages for injuries producing death," as amended, by providing that a husband who has deserted his wife shall not be entitled to recover or make claim.

Referred to the Committee on Judiciary General.

By Mr. OSTROFF. (By Request) HOUSE BILL No. 1657.

An Act to add section thirteen to the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," providing an additional ground for divorce.

Referred to the Committee on Judiciary General.

By Mr. REUBEN E. COHEN, LEWIS, MORAN, REESE and OSTROFF. HOUSE BILL No. 1658.

A Joint Resolution proposing an amendment to Article five, section two of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Messrs. LEWIS and FINNERTY. HOUSE BILL No. 1659.

A Joint Resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth, with special reference to the adequate, efficient economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commission to make a report of it finding to the Governor, together with it recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry, which are prejudicial to the interests of the citizens of this Commonwealth, authorizing the commission to employ counsel and employes, and making an appropriation.

Referred to Committee on Public Utilities.

By Mr. WRIGHT. HOUSE BILL No. 1660.

An Act to amend section two hundred fourteen, and section five hundred and twenty-two as added, of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, ad of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number trative officers, and of all deputies and other assistants and employes of certain departments, boards and commissions shall be determined," by fixing minimum rate of pay of employes of the Commonwealth and on contracts with the Commonwealth.

Referred to the Committee on State Government.

By Mr. MURRIN. HOUSE BILL No. 1661.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain townships roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes in the County of Butler.

Referred to the Committee on Highways.

By Mr. MOOMAW. HOUSE BILL No. 1662.

An Act making an appropriation to the Department of Forests and Waters for the acquisition of lands, and the development and improvement of such lands in connection with the Birthplace of James Buchanan.

Referred to the Committee on Appropriations.

By Mr. MOOMAW. HOUSE BILL No. 1663.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registrars of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation;" requiring the Department of Revenue to permit county commissioners to inspect certain returns.

Referred to the Committee on State Government.

By Mr. ALLEN. HOUSE BILL No. 1664.

An Act to amend the act, approved the twenty-eighth day of April, one thousand eight hundred and eight-seven (P. L. 63), entitled "An act in relation to the imprisonment, government and release of convicts in the Pennsylvania Industrial Reformatory at Huntingdon," authorizing the superintendent to give certain school products to the trustees thereof.

Referred to the Committee on Welfare.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk as follows:

CIVIL SERVICE

Resolutions from Loyal Order of Moose No. 65 and the Pile Drivers Dock and Wharf Builders of Local Union No. 2264, urging passage of State Liquor Control Board Employes Bills Nos. 584 and 589.

Referred to the Committee on State Government.

ORPHANS' COURT

A resolution addressed to Mr. JIROLANIO from the Bar Association of Northampton County praying for a separate Orphans' Court in and for the county of Northampton.

Referred to the Committee on Judiciary General.

LEAVES OF ABSENCE

Mr. Ominsky asked and obtained leave of absence for Mr. FINNERTY.

REPORTS FROM COMMITTEES

Mr. ELPERN, from the Committee on Labor, reported as committed, House Bill No. 1393, entitled:

An Act to protect the public health and welfare, by regulating the employment of persons in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be

posted; by providing for the enforcement of this act by the Department of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof.

Mr. JAMES W. PATTERSON, from the Committee on Counties, reported as committed, House Bill No. 1310, entitled:

An Act to provide for advance installment payments of taxes due counties of the second class, and regulating the collection and application thereof.

Mr. VALIBUS, from the Committee on Labor, reported as committed, House Bill No. 1246, entitled:

An Act to prohibit the recruiting of, the securing or offering to secure employment for, and the transportation to places of employment of, persons to take the places of employes involved in industrial disputes.

Mr. FITCH, from the Committee on Labor, reported as committed House Bill No. 1267, entitled:

An Act to prohibit the refusal to employ and the discharge of persons and employes because of industrial disputes.

Mr. WILSON, from the Committee on Motor Vehicles, reported as amended, House Bill No. 662, entitled:

An Act to amend sections four hundred thirteen and seven hundred ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; istrates, aldermen, justices of the peace, the courts and the providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds"; changing the registration year and adjusting registration fees.

Mr. HARKINS, from the Committee on Education, reported as amended, House Bill No. 77, entitled:

An Act to amend section two thousand eight hundred and nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," extending the provisions of said section relating to clauses and stipulations in the proposals for certain contracts; and to the preparation of cut stone for use in buildings, to all school districts.

Mr. KEENAN, from the Committee on Counties, reported as committed, House Bill No. 1415 (Senate Bill No. 77), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws twelve hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" empowering counties of the second class to employ police officers at the expense of such counties and defining their powers

Mr. JAMES W. PATTERSON, from the Committee on Counties, re-reported as committed, House Bill No. 64, entitled:

An Act to amend section two hundred and one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subject of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" making the real estate of public service companies subject to taxation and providing certain exceptions.

BILL RE-REFERRED

Mr. SIMPSON returned from the Committee on Motor Vehicle with the recommendation that it be re-referred to the Committee on Highways, House Bill No. 1400, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public saftey; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, regulating the sale and further regulating the installation, use and operation of traffic regulation devices, signals, signs and markings, and the operation of motor vehicles on the highways; affecting the powers of municipal authorities in certain cases and of the Secretary of Highways; and changing and imposing penaltics.

The SPEAKER. The bill is now re-referred to the Committee on Highways.

HOUSE BILL No. 77

The SPEAKER. The Chair wishes to announce that the original of Bill No. 77 was lost and the bill that has been reported from Committee is a certified copy of that bill.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1142, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to the State employes receiving compensation from the Game Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1134, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1139, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1155, entitled:

An Act to amend paragraph one of clause (a) of section forty-one of the act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and also generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, by further providing with respect to investments of trust funds by fiduciaries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1140, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 826, entitled:

An Act making an appropriation for the preparation of the Eightieth Division History, and creating a commission for such purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1292, entitled:

An Act authorizing council in cities of the second class to make appropriations for the use of the Director of the Department of Supplies and his assistant; providing for the deposit of such moneys from time to time in a special fund which may be drawn upon for certain purchases without prior approval.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1309, entitled:

A Supplement to the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class;" creating the position of solicitor for the department of city controller.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1335, entitled:

An act regulating the employment and hours of employment of officers and members of the uniformed fire protection forces of the cities of the first class and repealing existing laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1071, entitled:

A Joint Resolution authorizing the appointment of a Commission to make a survey of the topography of the Commonwealth to make recommendations concerning landing fields and aviation facilities and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1137, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1295, entitled:

An Act to amend sections one and two of the act, approved the seventh day of June, one thousand nine hundred and eleven (P. L. 667), entitled "A supplement to an act, entitled 'An act for the government of cities of the second class,' approved the seventh day of March, one thousand nine hundred and one; regulating the certification, recording, advertising, and proof of passage of legislative acts of councils; and prescribing the effect of the production thereof when required as evidence," by allowing council to shorten the publications provided for.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1311, entitled:

An Act to authorize cities of the second class to sue out writs of scire facias on certain tax leins, to revive writs of scire facias on such liens, or to revive judgments on such liens, where more than five years have elapsed since said liens were filed or such judgments were entered or revived, and to reduce such liens to judgment, or to revive such judgments, and providing for the revival and collection of such judgments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1154, entitled:

An Act making an appropriation to the General State Authority.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1078, entitled:

An Act to amend clause thirty-four of section two thousand four hundred and three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," by extending the provisions for appropriations to posts of veterans.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1410, entitled:

An Act relating to the manufacture, repair renovating, cleansing, sterilizing, and disinfecting of mattresses, pillows, bolsters, feather beds, and other filled bedding, cushions and upholstered furniture intended for sale or lease and to the sale or lease thereof; requiring the placing of tag and adhesive stamp on such material; providing for the sale of adhesive stamps; authorizing and requiring the Department of Labor and Industry to adopt rules and regulations; providing penalties; and repealing certain acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1296, entitled:

An Act to amend section one of Article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," as amended; further regulating the giving of contracts relating to city affairs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1150, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1297, entitled:

An Act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale for the non-payment of taxes and the reconveyance or private sale of such property.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 817, entitled:

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1366, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section four A.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1038, entitled:

An Act providing that in all cases where writs of habeas corpus are granted, the judge shall inquire into the fact of the case, including an examination into the record, proceedings and evidence produced against the person committed or detained before the committing judge, officer, magistrate or grand jury, and making such records, proceedings and evidence available for inspection by the petitioner or his counsel.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1081, entitled:

An Act to amend clause forty-two of section one thousand two hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs, by extending the provisions for appropriations to posts of veterans.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading,

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1032, entitled:

An Act to amend section four hundred ninety-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as added, providing for county airports.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading,

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1304, entitled:

An Act to amend section eight of the act, approved the the sixteenth day of May, one thousand eight hundred and ninety-one (P. L. 75), entitled "An act in relation to the laying out, opening, widening, straightening, extending, or vacating streets and alleys, and the construction of bridges, in the several municipalities of this Commonwealth; the grading, paving, macadamizing, or otherwise improving streets and alleys; providing for ascertaining the damages to private property resulting therefrom; the assessment of the damages, costs, and expenses thereof upon the property benefited; and the construction of sewers, and payment of the damages, costs, and expenses thereof, including damages to private property resulting therefrom," as amended, by providing for a temporary improvement or paving, the assessment of costs and expenses upon property benefited thereby and assessment of costs and expenses upon property benefited by a subsequent permanent improvement upon credit being given for the prior assessment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading,

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1283, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by designating who shall be known as professional employes in the several school districts, and making provisions for their election and dismissal.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading,

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1131, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading,

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1143, entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State Employes receiving compensation from the State Stores Fund.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1080, entitled:

An Act authorizing cities of the first and second class and second class A and incorporated towns to make appropriations to organizations of ex-service men to aid in defraying the expenses of Memorial Day and Armistice Day.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1265, entitled:

An Act to further amend the title and section one of the act, aproved the eighth day of May, one thousand nine hundred and twenty-nine, (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury," extending said act to all political subdivisions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1079, entitled:

An Act to amend section four hundred and thirty-one of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second,

third, fourth fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by extending the provisions for appropriations to veterans' organizations for expenses of Memorial Day and Armistice Day.

And said bill having read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 904, entitled:

An Act prohibiting municipal policemen from being employed or serving as industrial police; requiring their dismissal for so doing; and providing penalties.

And said bill having been read at length the first time, Order, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 999, entitled:

An Act providing for the appointment of a Commission to draft a report on a plan for the future government of the City of Philadelphia, in accordance with a proposed amendment to the Constitution, consolidating the City and County governments of the said City; providing for the employment of certain persons by the Commission; giving the Commission the power to subpoena witnesses, books, papers and records; to hold hearings:; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1421, (Senate Bill No. 370), entitled:

An Act authorizing cities of the first class to set-off delinquent taxes and interest, penalties and costs due thereon, against claims and accounts due by such cities; and prescribing the powers and duties of the city

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1058, (Senate Bill No. 151), entitled:

An Act relating to the protection of agriculture and horticulture including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts or products thereof from plant pests, and revising, consolidating and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; providing penalties and repealing present laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 876, (Senate Bill No. 31), entitled:

A Joint Resolution proposing an amendment to Article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1420 (Senate Bill No. 369), entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by designating who shall be known as professional employes in the several school districts, and making provisions for their election and dismissal.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1284, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by prociding for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act: providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such turnpike shall become free; providing for condemnation; and authorizing the issuance of turnpike revenue refunding bonds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 664.

An Act to amend section twenty-one of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 551), entitled "An act relating to roads, highways, and bridges," providing for the vacation of parts of former State roads and turnpike roads where State highways are changed or relocated.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1200, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight, and one thousand nine hundred thirty-nine; permitting the use of any surplus funds for construction and reconstruction of township roads and bridges; requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years; authorizing the Department of Highways to rent

road building machinery and equipment belonging to such townships in carrying out the purposes of this act; and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first, one thousand nine hundred forty.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreebaly to order,

The House proceeded to the first reading and consideration of House Bill No. 1303.

An Act abating certain tax penalties and interest on city and school taxes in cities of the first class and school districts of the first class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in the case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 959, as follows:

An Act to amend section one hundred and one of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended withdrawing the skunk or polecat from the furbearing animal class as defined in said act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one hundred and one of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as last amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 901) is hereby further amended to read as follows

Section 101 Definitions Whenever used in this act unless a contrary intention is evident from the context the word "person" shall include individuals copartnerships associations and corporations the singular shall include the plural and the masculine the feminine and neuter

The word "board" shall mean the Board of Game Commissioners

The word "secretary" shall mean the Executive Secretary of the Board of Game Commissioners

The term "game birds" shall include (a) The anatidae commonly known as geese brant and river and sea ducks (with the exception of wood duck and eider duck) the rallidae commonly known as rails coots mudhens and gallinules (c) the limicolae commonly known as shore birds plover surf birds snipe woodcock sandpiper tattlers and curlew (d) the gallinae commonly known as wild turkey grouse pheasants partridges and quail and (e) the birds commonly known as blackbirds

The term "game animals" shall include (a) The wapiti or elk (b) the deer (c) the bear (d) the wild rabbit and hare (e) the red gray black and fox squirrel and (f) the raccoon

The word "game" shall include "game animals" and "game birds"

The term "fur-bearing animals" shall include (a) The mink (b) the muskrat (c) the opossum (d) the otter [(e) the skunk commonly called the polecat] and [(f)] (e) the beaver

The word "vermin" shall include all wild animals not classed as game animals or fur-bearing animals and all wild birds other than game birds and protected birds

The term "unprotected birds" shall include (a) The blue jay (b) the English sparrow (c) the European starling (d) the king-fisher (e) the buzzard (f) the gos-hawk (g) the sharp-shinned hawk (h) the Cooper's hawk (i) the red-tailed hawk (j) the red-shouldered hawk (k) the broad-winged hawk (l) the marsh hawk (m) the rough-legged hawk (n) the duck hawk (o) the pigeon hawk (p) the barred owl (q) the great horned owl (r) the snowy owl and (s) the crow

The term "protected birds" shall include all wild birds not included within the terms "game birds" and "unprotected birds"

The term "wild birds" includes all birds other than domestic birds

The term "open season" shall mean the time during which game or fur-bearing animals may be legally taken or killed and shall include both the first and last day of the season or period designated by this act

The term "close season" shall mean the time during which game or fur-bearing animals may not be legally taken or killed and includes all periods of time not included within the open season

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in the case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1159, as follows:

An Act to amend section one thousand six of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four) entitled "An act relating to the business of banking and to exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engaged in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholder attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by providing further with regard to limitations upon loans to one corporation or person

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 That section one thousand six of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversions of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engaged in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys

and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended is hereby amended to read as follows

Section 1006 Limitations upon Loans to One Corporation or person A A bank or a bank and trust company shall not directly or indirectly lend to any corporation or person an amount which including any extension of credit to such corporation or person by means of letters of credit or by acceptance of drafts for or the discount or purchase of the notes bills of exchange or other commercial paper of such corporation or person shall exceed ten per centum of the unimpaired capital and ten per centum of the unimpaired surplus of the bank or bank and trust company However this restriction shall have no application whatsoever to the following

(1) Loans to the United State or loans secured by not less than the face amount of bonds or other interest bearing obligations of the United States or bonds or other interest bearing obligations for the payment of the principal and interest on which the faith and credit of the United States is pledged

(2) Loans to the Commonwealth of Pennsylvania or any county or city thereof or an Authority which has as a body corporate and politic under any law of this Commonwealth or loans secured by bonds or other interest bearing obligations of the Commonwealth or of any county or city thereof or of any Authority which has been created as a body corporate and politic under any law of the Commonwealth or bonds or other interest-bearing obligations for the payment of the principal and interest on which the faith and credit of the Commonwealth or any county or city thereof or to any Authority created been created as a body corporate and politic under any law of this Commonwealth is pledged

(3) The discount of drafts or bills of exchange drawn in good faith against actual existing values

(4) The discount of trade acceptances or other commercial paper actually owned by the corporation or person negotiating it to the bank or bank and trust company and indorsed without restrictions by such corporation or persons

(5) The discount of notes secured by shipping documents warehouse receipts or other similiar documents conveying or securing title to readily marketable nonperishable staple goods including livestock when the actual market value of the property securing the obligations is not at any time less than one hundred fifteen per centum of the face amount of the notes secured by such documents and when such property is fully covered by insurance

B However a bank or a bank and trust company may in addition to the ten per centum authorized by this section lend to any corporation or person an additional fifteen per centum of the unimpaired capital and fifteen per centum of the unimpaired surplus of the bank or the bank and trust company if such additional fifteen per centum is secured by collateral having an ascertained market value of at least twenty per centum more than the amount of the liability so secured

C In computing the totals liabilities of any individual to a bank and trust company there shall be included all liabilities to the bank or bank and trust company of any partnership or any unincorporated association of which he is a member any loans made for his benefit or for the benefit of such partnership or unincorporated association and any loans made to or for the benefit of a corporation of which he owns fifty per centum or more of the capital

In computing the total liabilities of any partnership or unincorporated association to a bank or a bank and trust company there shall be included all liabilities of its individual members to such bank or bank and trust company loans made for the benefit of such partnership or unincorporated association or any member thereof and loans made to or for the benefit of any corporation of which the partnership or unincorporated association or any member thereof own fifty per centum or more of the capital

In computing the total liabilities of any corporation to a bank or a bank and trust company there shall be included all loans made for the benefit of the corporation and all loans to or for the benefit of any individual (to) or any partnership or unincorporated association or any member thereof who owns fifty per centum or more of the capital of such corporation

A loan shall be deemed to be made for the benefit of a corporation or person to the extent that the proceeds of such loan are transferred to such corporation or person

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in the case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1085, as follows:

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" changing the manner of creation of townships of the second class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two hundred five two hundred six two hundred eight two hundred nine two hundred ten two hundred eleven two hundred thirteen two hundred fourteen and two hundred thirty-five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 205 Manner in which Townships May be Created The courts of quarter sessions may upon the presentation of petitions as hereinafter provided create new townships

[(a) Out of parts of two or more townships of the second class located in the same county

(b) By the division of a township of the second class into two townships

(c) By] by the consolidation of two or more townships of the second class located in the same county

Section 206 Petitions (a) Petitions for creation of townships in the manner hereinbefore provided shall be signed [either (a) by the owners of real property representing at least twenty-five per centum of the assessed valuation of the townships or each of the townships affected by such creation division or consolidation as the case may be or (b) by registered voters] by electors equal in number to at least [twenty-five] five per centum of the highest total vote cast for candidates for any office in the [township or] townships affected [as the case may be] at the last preceding municipal election Such petition shall be sworn to and subscribed by at least three of the signers [(c)]

(b) Petitions for the consolidation of townships may also be presented when signed by a majority of the supervisors of each of the townships proposed to be consolidated and sworn to and subscribed by at least one supervisor from each such township

Such petitions shall set forth the name of any proposed new township and shall specify the reasons for such [creation division or] consolidation Each such petition shall be accompanied by an accurate map or plot prepared by an engineer showing [the lines of any new township proposed to be created out of parts of two or more townships

and the lines of the existing townships as affected by such creation or the lines of any township and the division line in case where a township is divided or] the lines of the new township [where two or more townships are to be consolidated] and the present division lines between such townships Where natural marks are on such lines they shall also be shown

Section 208 Exceptions Confirmation Absolute of Petition Within thirty days after the filing of such petition any taxpayer of the [township or] townships affected [as the case may be] may file exceptions to such petition questioning the sufficiency of the number of signers or the legality of any signatures or the accuracy or sufficiency of the map or plot attached thereto The court upon the filing of any exceptions shall fix a day for hearing of which such notice shall be given as the court may direct At such hearing the court shall hear all parties interested and their witnesses If the exceptions in the opinion of the court are sustained and the court deems the petition or map or plot amendable it may permit either the petition or the map or plot or both to be amended and when so amended it shall confirm the same absolutely but if it shall deem the same not amendable it shall dismiss the petition

Section 209 Elections When any petition is confirmed absolutely the court shall order an election held on the question of the [creation division or] consolidation of such [township or] townships which shall be held on the day of the next general or municipal election occurring at least sixty days after such order of court Such election shall be held at the regular polling places in the [township or] townships affected [as the case may be] At any such election all of the qualified electors of the [township or] townships affected by such [creation division or] consolidation shall have the right to vote The ballot at any such election shall be furnished by the county commissioners and the question to be placed thereon shall be framed and printed on the ballots as provided by the election laws of the Commonwealth

Section 210 Notice of Election The constable of the [township or] townships affected [as the case may be] or if there be no constable then one of the supervisors designated by the court shall give at least fifteen days' notice of the time and place of holding such election by posting not less than six printed handbills in at least six public places in each of such townships The notice of election shall contain a statement of the [township or] townships to be affected thereby [whether] that it is proposed to make [a division or] a consolidation [or create a new township] and the court may prescribe the form of the notice and include therein such other matters as the circumstances of the individual case may render desirable

Section 211 Return of Election Decree The election officers after the polls have been closed shall count the ballots and certify the number of votes cast for and against such [creation division or] consolidation to the clerk of the court of quarter sessions who shall tabulate and compute the same and lay the result before the court If it shall appear that a majority of the votes cast [in such township or] in each of the townships affected are in favor of [the creation of a new township or the division of a township or] the consolidation of two or more townships [as the case may be] the court shall order and decree the new township agreeably to the name and lines set forth in the petition and the government of the new township shall be organized and become effective on the first Monday of January succeeding such election If a majority of the votes cast [in any such township or] in any of the townships affected are against the [creation division or] consolidation of such [township or] townships no further action shall be had upon said proceedings No new proceeding shall be considered for a period of two years

Section 213 Classification of [Old and] New Townships [The parts of a township remaining after the division of a township or the parts remaining of townships out of which parts have been taken for the creation of a new township shall remain townships of the second class] The new township created shall [also] be a township of the second class unless and until by subsequent proceedings in accordance with laws relating to townships of the first class and having the required population it shall be created a township of the first class

Section 214 Costs When a new township is created as hereinbefore provided the cost of the proceedings shall be paid by the new township and where any petition is dismissed or a majority of the electors of any one or more townships shall vote against the [creation division or] consolidation of any such township the cost of the proceedings shall be paid by the [petitioners] townships proposed to be consolidated

Section 235 Whenever a new township is created [out of parts of two or more townships or by the division of a township or] by the consolidation of townships or as the result of the amendment of the charter of a borough or when a township is re-established the court of quarter sessions shall appoint the elective officers for the new township and fix the polling place or places in such new township The officers so appointed shall hold their offices until the first Monday of January following the next municipal election occurring at least ninety days after such appointments At such municipal election an assessor and a tax collector shall be elected for regular four-year terms if such election occurs in the year when such officers are elected for regular terms and if not then such officers shall be elected for terms of two years each and their successors shall be elected for four-year terms At said first municipal election one supervisor and one auditor shall be elected for terms of six years each one supervisor and one auditor for terms of four years each and one supervisor and one auditor for terms of two years each All such officers shall take office on the first Monday of January next following their election

Section 2 That section two hundred sixteen of said act is hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in the case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 918, as follows:

An Act to amend section five hundred forty-seven as amended and sections eight hundred two and nine hundred two of and to add section nine hundred two A to the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the making of the annual budget on a uniform form prepared by representatives of the township supervisors the Department of Highways and the Department of Internal Affairs requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred forty-seven of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1299) is hereby further amended to read as follows

Section 547 Completion Publication and Filing of Auditors' Statement Filing of Reports with Department of Internal Affairs The auditors shall complete their audit settlement and adjustment within as short a time as possible and in no case shall more than twenty days be expended on such audit They shall within ten days thereafter publish by advertisement in at least one newspaper of general circulation printed in the township or county or by posting at least five copies in public places in the

township a concise itemized statement of the receipts and expenditures of the several officers for the proceeding fiscal year They shall also within ten days thereafter file a copy of such statement with the secretary and another copy of such statement with the clerk of the court of quarter sessions When any two offices are exercised by the same person only one statement shall be required

The auditors shall also annually make a report of the financial condition of the township to the Department of Internal Affairs within sixty days after the close of the fiscal year signed by each auditor and duly verified by the oath of one of the auditors Any auditor refusing or wilfully neglecting to file such report shall upon conviction thereof in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond said sixty days and costs All fines recovered shall be for the use of the Commonwealth

The report to the Department of Internal Affairs shall be presented on a uniform form prepared and furnished as provided in section nine hundred and two A of this act To avoid unnecessary duplication in the preparation of reports this report shall include the information required in section five hundred eighteen of this act to be required to the State Department of Highways

Section 2 That sections eight hundred two and nine hundred two of said act are hereby amended to read as follows

Section 802 Letting Contracts All purchases of materials equipment [and/or] and machinery for the construction reconstruction and improvement of roads and bridges involving an expenditure in excess of two hundred dollars shall be by contract in writing It shall be unlawful for the supervisors to evade the provisions of this section by making two or more contracts for small amounts which should have been in one If the auditors find there has been any such evasion they shall refuse to approve the same

All [such] contracts which in this section are required to be in writing and all contracts for the construction reconstruction and improvement of roads and bridges shall be valid only when approved by the Department of Highways of the Commonwealth

A record of all purchases of material equipment [and/or] and machinery for road purposes involving an expenditure of less than two hundred dollars shall be kept by the supervisors and furnished to the Department of Highways in the annual report

Section 902 Annual Budget The board of township supervisors of townships of the second class shall annually [before their organization meeting in January or as soon thereafter as practicable make a written estimate of the amount of money required] at least thirty days prior to the beginning of the fiscal year prepare a proposed budget for the ensuing fiscal year [beginning on the first Monday of January] which shall be filed with the treasurer The budget shall be prepared on a uniform form prepared and furnished as provided in section nine hundred two A of this act [Such] The estimates in the budget for the purpose of aiding the board in determining how much road [tax] and other taxes to levy shall specify

(a) The amount of money necessary for the maintenance repair and improvement of highways including sluices

(b) The amount of money necessary for the repair and construction of culverts and bridges

(c) The amount of money necessary for the purchase hire repair and custody of tools implements and machinery

(d) The amount of money necessary for each other governmental activity of the township for which a special tax levy may or may not be authorized

[(d)] (e) The amount of money necessary for the payment of debts or other miscellaneous purposes

Final action shall not be taken on the proposed budget until after at least ten days' public notice The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the budget The board of supervisors after making such revisions and changes in the budget as appear advisable shall adopt the budget

Within fifteen days after the adoption of the budget the board of supervisors shall file a copy of the same in the office of the Department of Internal Affairs

The supervisors may by resolution transfer unencumbered moneys from one [fund to another except] road tax account to another but no moneys shall be transferred from the fund alocated for the payment of debts or from any fund raised by a special tax levy for a particular purpose Any such transfer shall be made only during the last nine months of the fiscal year

Section 3 That said act is hereby amended by adding thereto the following section

Section 902A Preparation and Distribution of Forms Uniform forms for the annual report of township auditors to the Department of Internal Affairs as required in section five hundred forty-seven of this act and the uniform forms for the annual budget as required in section nine hundred and two shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Township Supervisors one representative from the State Department of Highways and the Secretary of Internal Affairs or his agent who shall be a person trained in the field of municipal finance

Such representatives of the Association of Township Supervisors shall be appointed by the president of said organization within sixty days after the effective date of this act As far as possible such representatives shall be chosen to represent townships in the various population groups among the range of townships of the second class The president of said organization shall supply to the Secretary of Internal Affairs the names and addresses of such representatives immediately upon their appointment The representative of the Department of Highways shall be appointed by the Secretary of Highways

Said representative shall serve without compensation but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in cooperation with said committee In the event that said committee should for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After they are prepared he shall issue said forms and distribute them annualy as needed to the proper township officers

Section 4 The provisions of this act shall become effective immediately upon it's approval by the Governer They shall be first put into operation in conection with the preparation of budgets for the fiscal year nineteen hundred and thirty-eight and the preparation of annual reports of financial transactions for the fiscal year nineteen hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. MOOMAW. Mr. Speaker, I move that this bill be recommitted to the Committee on Townships for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 793, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be admisistered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the requirements for free transportation of pupils removing certain exemptions from the compulsory attendance act providing for standards for vehicles used requiring public liability insurance coverage authorizing the withholding of reimbursement in certain cases

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the second paragraph of section one thousand four hundred and four of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by section seven of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1152) is hereby further amended to read as follows

Section 1404 The board of school directors in any school district in this Commonweath may out of the funds of the district provide for the free transportation of any pupil to and from the public schools All vehicles hereafter purchased or placed in use for the transportation of pupils whether owned or hired by the school district shall conform to standards prescribed by the State Council of Education Such standards when promulgated by the State Council of Education may be revised not oftener than once each year and whenever new requirements are made they shall be published at least six months before they shall become effective and shall apply only to vehicles thereafter purchased or which may be remodeled or equipped to conform to the standards

On the question,

Will the House agree to the section?

Mr. KELSO. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 1, page 3, lines 5 and 6, by striking out the words "which may be remodeled or equipped to conform to the standards," and inserting in lieu thereof the following: "put in use"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 Section one thousand four hundred and six of said act as amended by section thirty-four of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1406 The board of school directors of any school district in this Commonwealth may on account of the small number of pupils in attendance or the condition of the then existing school building or for the purpose of better gradation and classification or other reasons close any one or more of the public schools in its district and upon such school or schools being so closed the pupils who belong to the same shall be assigned to other schools or upon cause shown be permitted to attend schools in other districts

[Provided That whenever] Whenever the average term attendance of pupils regularly enrolled at any one-room school in any school district of the fourth class or township which is a district of the third class is ten or less than ten the board of school directors shall close such school

If the board of school directors does not deem it feasible to close such school it may present its petition to the State Council of Education showing the reasons why such school should not be closed thereupon the State Council of Education shall consider such petition and shall make such order as may seem just in the premises [providing however] if any school as aforesaid has been closed because the average term attendance of pupils enrolled was ten or less than ten and has been reopened upon an order of the State Council of Education and the average term attendance is twelve or more after such re-opening such school shall be considered re-established [Provided further That in]

In any district of the fourth class or township which is a district of the third class elementary school pupils who reside within that part of the school district last served by any elementary school closed since the first Monday of July one thousand nine thousand nine hundred and seven or within a district all of whose schools have been closed or who are assigned to a training school of a State Normal school and reside one and one-half miles or more from the school to which they are assigned shall be furnished proper transportation at the expense of the district to and from the elementary school to which they are assigned All vehicles hereafter purchased or placed in use for the transportation of pupils whether owned or hired by the school district shall conform to standards prescribed by the State Council of Education Such standards when promulgated by the State Council of Education may be revised not oftener than once each year and whenever new requirements are made they shall be published at least six months before they shall become effective and shall apply only to vehicles thereafter purchased or which may be remodeled or equipped to conform to the standards

[And provided further That whenever] Whenever the board of school directors in any fourth class district or township which is a district of the third class agrees to or is required to provide transportation for any pupils such board of school directors may upon petition of the parent guardian or person in parental relation to any of said pupils in lieu of providing such transportation pay for suitable board and lodging for such pupils if such board and lodging is secured in the home of a near relative of the pupil or in a proper school or home approved by the person making the petition [Provided That] [in no] In no such case shall the State's share exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is in attendance at school not exceeding five days in any such one week

[Provided That if] If the Department of Public Instruction approves the transportation as to methods and means and the contracts provided therefor the Commonwealth will pay annually to the school district furnishing such transportation [an amount determined by (a) the true valuation per teacher per district as provided by section one thousand two hundred and ten of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school [system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent there-

with" as amended and by (b) a given per centum of the sum which has been expended during the previous school year by such a school district for transporting pupils of said schools to and from said schools as follows The amount paid by the Commonwealth to a school district which has a true valuation per teacher of assessable property of fifty thousand dollars ($50,000) or less shall be seventy-five (75) per centum more than fifty thousand dollars ($50,000) to one hundred thousand dollars ($100,000) sixty (60) per centum and more than one hundred thousand dollars ($100,000) fifty (50) per centum Provided That in case said] an amount determined according to the following schedule of reimbursement to a school district which has a true valuation per teacher of assessable property of twenty-five thousand dollars ($25,000) or less ninety per centum (90%) more than twenty-five thousand dollars ($25,000) but not more than fifty thousand dollars ($50,000) eighty per centum (80%) more than fifty thousand dollars ($50,000) but not more than seventy-five thousand dollars ($75,00) seventy per centum (70%) more than seventy-five thousand dollars ($75,000) but not more than one hundred thousand dollars ($100,000) sixty per centum (60%) more than one hundred thousand dollars ($100,000) fifty per centum (50%) In any case where any school district has purchased or shall hereafter purchase an approved school conveyance which is used exclusively for approved school purposes said [sum] payment by the Commonwealth for such transportation may include a reasonable charge for depreciation and repairs not to exceed in any year fifteen (15) per centum of the cost of said approved school conveyance [Provided That the]The State's share of such depreciation and repairs shall not exceed two hundred dollars ($200) per vehicle per year [Provided further That the State's share for] The State shall not pay transportation [shall not exceed] in excess of one dollar ($1.00) per day per pupil for the actual number of days such pupil is transported to and from school and any transportation charge in excess of this amount shall be paid by the local school district [provided further That districts receiving reimbursement on the basis of seventy-five (75) per centum and sixty (60) per centum shall not receive more than four thousand dollars ($4,000) in any one school year from the State for transportation Provided further That districts receiving reimbursements on the basis of fifty (50) per centum shall not receive more than three thousand dollars ($3,000) in any one year from the State for transportation]

Provided That no district shall receive from the Commonwealth in any one year more than eight thousand dollars ($8,000) as reimbursement for transportation

On or before the first day of July of each year each school district of the third and fourth class transporting pupils as herein provided shall present to the Superintendent of Public Instruction in such form as he may prescribe and on blanks to be furnished by him a sworn statement of the amount expended during the previous school year for transporting pupils to and from school as herein provided On the basis of such a statement the Superintendent of Public Instruction shall by requistion upon the State Treasurer pay during the month of September to such school district such reimbursement for the previous school year as is provided for in this act The State Council of Education may for cause specified by it direct the withholding of such reimbursement in any given case permanently or until the school district has compiled with the law or regulations of the State Council of Education

On the question,

Will the House agree to the section?

Mr. KELSO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 2, page 5, lines 3 and 4, by striking out the words "or which may be remodeled or equipped to conform to the standards" and inserting in lieu thereof the following: "put in use"

Amend section 2, page 7, line 3, by striking out the words "HC an amount de-"

Also on page 7, lines 4 to 14, inclusive, by striking out all the words in said lines .

Also on page 7, line 15, by striking out the following words: "thousand dollars ($100,000) fifty per centum (50%)" and inserting in lieu thereof the following: "an amount determined according to the following schedule of reimbursement: to a school district which has a true valuation per teacher of assessable property of twenty-five thousand dollars ($25,000) or less, ninety per centum (90%); more than twenty-five thousand dollars ($25,000) but not more than fifty thousand dollars ($50,000), eighty per centum (80%); more than fifty thousand dollars ($50,000) but ont more than seventy-five thousand dollars ($75,000), seventy-five per centum (75%); more than seventy-five thousand dollars ($75,000) but not more than one hundred thousand dollars ($100,000), seventy per centum (70%); more than one hundred thousand dollars ($100,000) but not more than one hundred fifty thousand dollars ($150,000), sixty-five per centum (65%); more than one hundred fifty thousand dollars ($150,000) but not more than two hundred thousand dollars ($200,000), sixty per centum (60%); more than two hundred thousand dollars ($200,000) but not more than two hundred fifty thousand dollars ($250,000), fifty-five per centum (55%); more than two hundred fifty thousand dollars ($250.000), fifty per centum (50%).

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third to the sixth sections inclusive and title were separately read and agreed to as follows:

Section 3 Section one thousand four hundred and eight of said act as last amended by section four of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 328) is hereby further amended to read as follows

Section 1408 Where by the terms of this act or any other act any distance is specified between the residence of any pupil and any public school to be attended by him or any transportation is provided for within or beyond any particular distance in computing such distance no allowance shall be made for the distance that the dwelling house of the pupil is situated off the public highway All such distances shall be computed by the public highway from the nearest point where a private way or private road connects the dwelling house or the pupil with said highway to the nearest point where said highway touches the schcol grounds of the school to which pupil has been assigned [Provided That the] The free transportation of pupils as required or authorized by this act or any other act may be furnished by using either school conveyances private conveyance or electric railways or other common carriers when the total distance which any pupil must travel by the public highway to and from school in addition to such transportation does not exceed one and one-half miles and when stations or other proper shelters are provided for the use of such pupils where needed All private motor vehicles employed in transporting pupils for hire shall be adequately covered by public liability insurance in such amount as the board of school directors shall require

Section 4 Section one thousand four hundred and eighteen of said act as last amended by section one of the act approved the twenty-ninth day of March one thousand nine hundred and twenty-seven (Phamphlet Laws 75) is hereby further amended to read as follows

Section 1418 In case there is no public school in session

within two miles by the neasest public highway of the residence of any child in a township which is a district of the third class or in a school district of the fourth class such child shall [be exempt from the provisions of this act relating to compulsory attendance unless proper free transportation] be furnished [to such child] free transportation to and from school [Provided] from and to a point on a public highway not more than two miles distant from the residence of such child All vehicles used for the transportation of pupils whether owned or hired by the school district shall conform to standards prescribed by the State Council of Education [if] For such proper free transportation [is] furnished to any child [under sixteen years of age] to and from school the Commonwealth shall reimburse any school district of the fourth class or any township which is a district of the third class furnishing such transportation in the same manner and amounts as provided for in this act for transportation of pupils from closed schools When it is not feasible to provide such transportation the board of school directors may in lieu thereof pay for suitable board and lodging for any such child Provided That in no case shall the State's share exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is in attendance at school not exceeding five days in any one week it shall be unlawful for any driver or owner of a vehicle transporting pupils under a contract with a school district or for any member of or board of school directors to demand request or accept any compensation for transportating pupils other than the compensation stipulated in the contract filed with and approved by the Department of Public Instruction

Section 5 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared os the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 6 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the requirements for free transportation of pupils; removing certain exemptions from the compulsory attendance act; providing for standards for vehicles used; requiring public liability insurance coverage; and authorizing the withholding of reimbursement in certain cases.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 673, as follows:

An Act regulating and prescribing the computation and running of sentences for criminal offenses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act all sentences for criminal offenses of person who at the time sentence is imposed are held in custody in default of bail or otherwise shall begin to run and be computed from the date of commitment for the offense for which said sentence shall be imposed unless the person sentenced shall then be undergoing imprisonment under a sentence imposed for any other offense or offense in which case the said sentence shall begin to run and be computed either from the date of imposition thereof or from the expiration of such other sentence or sentences as the court shall in its discretion direct

Section 2 The date of commitment referred to in section one of this act shall be the date of the last commitment for the offense for which the sentence is imposed

Section 3 If the sentence imposed shall be to any penitentiary or prison other than that in which the person sentenced shall have held in custody it shall be the duty of the court to state in the sentence the date of commitment of such person

Section 4 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

And said bill having ben read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 825, as follows:

An Act to validate contracts for the erection and construction of school buildings additions to and improvements of existing school buildings and improvements of the grounds appurtenant to the same and orders for extra work and material in connection therewith and to authorize payment therefor by the school districts where there is no evidence of fraud or conspiracy

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever heretofore any board of school directors of any school district shall have advertised for bids and let contracts for the construction and erection of any school building or additions to or improvements of an existing school building or improvements of the grounds appurtenant to the same and such building addition or improvement has been actually constructed erected and completed by the contractor or contractors and has become available for use by the school district or whenever heretofore any board of school directors of any school district after advertising for bids and letting contracts for the construction and erection of any school building or additions to or improvements of an existing school building or improvement of the grounds appurtenant to the same shall for the purpose of making such school building addition or improvement suitable fit or adequate for school purposes have ordered or directed any person persons firm firms corporation or corporations to do extra work or furnish extra material not required to be performed or furnished by the terms of the original contract for such erection or construction or shall have entered into a seperate or additional contract or contracts for such extra work or material and such extra work or material shall have actually been performed or furnished and become available for school use or whenever heretofore any board of school directors shall have accepted or used on behalf of the school district and for school purposes any newly constructed school building or addition to or improvement of an existing school building or improvement of the grounds appurtenant to the same and where any such contract or contracts order or orders direction or directions acceptance or use shall not evidence any fraud or conspiracy to violate any law or laws of the Commonwealth in such case made and provided then and in such cases any such contract or contracts order or orders direction or directions aceptance and use and all proceedings of such board of school directors in connection therewith are hereby ratified confirmed validated and made binding upon such school district and the board of school directors is hereby authorized on behalf of the school district

to accept such building addition improvement extra work or extra material to use the same for school purposes and to pay to the contractor or contractors or the person persons firm firms corporation or corporations doing any such work or furnishings any such material the amount and amounts due thereto under the terms of such contract or contracts order or orders direction or directions or if the amount or amounts to be paid therefor are not so fixed then not to exceed the fair value thereof from the funds of the school district raised by taxation notwithstanding the fact in either or any of the above cases such contract or contracts order or orders or direction or directions relating to extra work or material shall have been null and void for the reason that bids therefor were not asked for by advertisement or otherwise or were not received or that reference to extra work or material was or was not contained in any contract or contracts order or orders or direction or directions entered into or given for other parts of the work or in the plans and specifications used in connection with such other work or where bids were advertised for the construction and erection of such building addition to or improvements of an existing school building or improvements of the grounds appurtenant thereto or for such extra work or material the bids received and contracts let were not in accordance with the advertisements or bidders did not bid on a like basis with each other as to the time for the completion of the work or verbal changes in the plans and specifications for such work were made by responsible agents of the school district prior and subsequent to receipt of bids which changes were never duly advertised or after the contract or contracts were awarded or the order or orders or direction or directions were given the board of school directors agreed to pay for the completion bond or bonds given by the contractor or contractors or other person persons firm firms corporation or corporations doing such work or furnishing such material or agreed to dispense with such bond or bonds or because of a failure on the part of the board of school directors to comply with the requirements of section six hundred and seventeen of the School Code approved May eighteenth one thousand nine hundred and eleven (Pamphlet Laws 309) as amended by the acts of Assembly approved July tenth one thousand nine hundred and nineteen (Pamphlet Laws 899) May seventh one thousand nine hundred and twenty-nine (Pamphlet Laws 1625) and May twenty-ninth one thousand nine hundred and thirty-one (Pamphlet Laws 243) or with any other law or laws of the Commonwealth or because such contract or contracts order or orders direction or directions were executed entered into or given or such work was done or such material furnished or such building addition thereto or improvement of the grounds appurtenant thereto was accepted or used in violation of any law or laws of the Commonwealth or because the advertisements for bids if any did not fix the time at which the building addition or improvement was to be completed or the extra work or material to be performed or furnished or for any other reason whatever

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 249 as follows:

An Act to provide revenue by taxation by an assessment of a two per centum tax from the premiums of foreign insurance companies doing what is commonly known as an automobile theft property and accident insurance and to provide for the distribution of the revenues of said tax by the State Treasurer to the treasurers of the several cities boroughs incorporated towns and townships for certain purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter it shall be the duty of the president secretary or attorney of every foreign insurance company association and exchange doing what is commonly known as theft property and accident insurance on motor vehicles to make report in writing under oath to the Department of Revenue semi-annually on or before the thirty-first days of January and July in each year setting forth the entire amount of gross premiums and assessments received from business transacted in this Commonwealth by such company association or exchange during the preceding six calendar months whether such premiums and assessments were received in money or in the form of notes credits or other substitutes for money and every such company association and exchange shall pay into the State Treasury through the Department of Revenue on or before the thirty-first days January and July a tax of two per centum on the dollar upon the gross amount of said premiums and assessments received from business transacted within this Commonwealth during the period for which the report is made Such companies associations and exchanges in making such report may deduct from the gross premiums received all premiums returned on policies concelled or not taken and all premimus actually paid for re-insurances where the same are effected in companies duly licensed to do business in this Commonwealth by contracts of agreements entered into or executed by all parties thereto within this Commonwealth If such contract or agreement is not entered into or executed by all parties thereto within this Commonwealth such company association or exchange may not deduct such premiums so paid unless a tax thereupon is paid when due by the company in which such re-insurance is effected Stock companies with participating features in addition to the aforesaid deductions may deduct that portion of th premiums returned to policyholders Mutual companies associations and exchanges may deduct that proportion of the advance premium or deposit returned to members upon the expiration or termination of their contracts Provided That it shall be the duty of the Department of Revenue to add a penalty of ten per centum to the amount of the tax due by any company association or exchange whose officer or attorney shall refuse for a period of thirty days to make said report or pay into the State Treasury the tax imposed by this act

The tax imposed by this act shall be in lieu of the tax imposed under existing laws and shall not be construed as an additional tax

Section 2 On and after the twenty-first day of July one thousand nine hundred and thirty-seven and annually thereafter there shall be paid by the State Treasury to the treasurers of the several cities boroughs incorporated towns and townships within this Commonwealth the entire net amount received from the said two per centum tax paid upon premiums by the said foreign insurance companies associations and exchanges doing what is commonly known as automobile theft property and accident insurance

The amount to be paid to each of the treasurers of the several cities boroughs incorporated towns and townships shall be based upon the return of said two per centum tax upon premiums received from foreign insurance companies associations and exchanges doing what is commonly known as automobile theft property and accident insurance within the said cities boroughs incorporated towns and townships as shown by the report made to the Department of Revenue

Warrants for the above purpose shall be drawn by the Auditor General payable to the treasurers of the several cities boroughs incorporated town and townships in accordance with this act whenever there are sufficent funds in the State Treasury to pay for the same

Each city borough incorporated town or township re-

ceiving any payment from the State Treasury hereunder shall forthwith pay the amount received to the police pension fund association of the police departments of such city borough incorporated town or township where such association exists or is hereafter organized

Section 3 If any provisions of this act shall be held by any court to be unconstitutional such judgement shall not affect any other section or provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 4 All act or parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 234 as follows:

An Act to re-enact the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred twenty-six) entitled "An act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance or return days of writs of execution and authorizing sales thereon without issuance of further writs" as amended

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred twenty-six) entitled "An act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs" as re-enacted and amended by the act of March twenty-seventh one thousand nine hundred and thirty-five (Pamphlet Laws seven) is hereby further re-enacted to read as follows

Whereas The present economic emergency has brought increasing distress to home owners and farmers and

Whereas Foreclosures in this emergency work tremendous inequities to such persons yield a minimum of satisfaction to execution creditors and deprive families of shelter and means of subsistence thus endangering the health safety welfare and morals of the public

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Definitions That when used in this act the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context clearly requires a different meaning

"Writ of execution" shall mean any writ of fieri facias venditioni exponas levari facias or any other writ or form of execution for the sale of any dwelling and the land appurtenant thereto or any farm where such dwelling or farm shall be occupied by an owner thereof as his or her residence or any proceeding for the sale of real property as herein defined for failure to pay taxes

"Real property" shall mean any dwelling together with the land appurtenant thereto and any farm occupied by an owner of such dwelling or farm as a residence

Section 2 Every court of common pleas of this Commonwealth shall have authority under the conditions hereinafter set forth to stay any writ of execution from time to time and for such periods as the court in its discretion may deem proper Such stays shall be allowed only upon application of an owner lienholder or any other person in interest and unless the plaintiff consent thereto only upon the applicant's showing to the court such facts as the court may deem sufficient to warrent such relief In granting any such stay or continuance the court may impose such condition as it deems proper as to payment of costs taxes accruing interest repairs advertising and notice of sale insurance and any other pertient matters

Section 3 In exercising the powers conferred by this act acourt shall have the discretion of a chancellor sitting in equity It shall be a sufficient reason for the grant of a stay hereunder that immediate execution sale against the real property would work serious inequity by reason of the economic emergency hereinabove referred to

Section 4 The stay of any execution under this act shall continue the return day of the writ of execution to the first regular return day for such writs which shall occur after a sale held under such writ In the meantime the writ shall remain in full force and effect and sale may be made thereunder without the issuance of an alias or any other writ

Section 5 The powers herein conferred on courts of common pleas shal be in addition to all powers now possessed by such courts to stay and otherwise control writs of execution against real property as herein defined

Section 6 This act shall become effective immediately upon final passage by the Legislature and approval by the Governor and shall continue in force only until the thirty-first day of March one thousand nine hundred and [thirty-seven] thirty-nine Provided That the provisions of this act shall not apply to the foreclosure of mortgages insured under Title II of an Act of Congress of the United States entitled the "National Housing Act" approved the twenty-seventh day of June one thousand nine hundred and thirty-four

Section 7 All acts and parts of acts inconsistent herewith are suspended while this act is in effect

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 228, Printer's No. 317 was passed over at the request of Mr. JAMES W. PATTERSON.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 964 entitled:

An Act to amend section five A of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended by changing the number and method of appointment of the civil service commissioners in said cities

On the question,

Will the House agree to the bill onthird reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. McDEVITT. Mr. Speaker and members of the House, this bill proposes to rip out the Civil Service Commission of the City of Philadelphia. First of all I would like to give you a history of the bill and then you can judge for yourselves just the type of legislation it is.

The mayor of Philadelphia had an argument with the Civil Service Commission. There was a question about certain people that wanted to be placed in positions and whether or not they had taken an examination. First of

all when the bill was prepared, they tried to get a Republican to introduce it but in the City of Philadelphia we believe that the Civil Service Commission as it is now constituted is just as good as it would be under some other form of appointment. We refused to introduce such legislation and today the Democrats are the ones who are sponsoring it. Now it is not even in the form in which it was originally prepared. The mayor sought to have a commission of five members, three to be appointed by him and two by the controller. In its present form it provides for the appointment of five members in this fashion: two to be appointed by the mayor, two to be apointed by the controller and the fifth member to be chosen by the other four, and if the four do not agree upon the fifth to be appointed in thirty days, then the Governor shall appoint the fifth member. There is certainly no reason why the Governor should appoint a Civil Service Commissioner in the City of Philadelphia or in the City of Pittsburgh or in any other place for that matter. I believe it is nothing but a bare faced ripper, and there is no possible justification for it. The bill does not suggest any changes in the law. I might say to you, very frankly, that possibly we could make changes in the civil service law that would be a real benefit to the City of Philadelphia and a real benefit, real assistance and protection to the employes of the City of Philadelphia, but this bill does not make any such suggestion at all. The only thing it does is to saddle an additional expense on the people of the City of Philadelphia. Each Civil Service Commissioner there receives $5,000 salary a year. We at the present time have three Commissioners. This bill, for no reason that I can see at all, proposes that we have five Commissioners so that it is simply going to cost $10,000 more a year at least to operate the Civil Service system

I would like to ask the members of the House to give this bill their earnest consideration and also to consider the fact that we tried to get a public hearing, not for the mayor, not for some associations or employes, but for the Commissioners themselves, men against whom no charges whatever have been made, men who so far as I know have performed their duties creditably, who have had no hearing, and yet we are supposed to vote for a bill to rip them out and to place an additional burden upon the people of the City of Philadelphia in the sum of $10,000. I ask the members of the House to vote "no" on this bill.

Mr. OMINSKY. Mr. Speaker and members of the House, in rising to ask your vote for House Bill No. 964, Printer's No. 231, we are doing something in line with what we are endeavoring to do, namely, to clean house.

The Civil Service Commission today in Philadelphia is purely a political commission. Under the present system the Commissioners are appointed by council, which is one hundred per cent aligned with one particular party. There are charges and counter charges today in relation to the administration of the Civil Service Commission, also controversies that we have arisen between the public officals of the City of Philadelphia in that the Civil Service Commision has become a disgrace and a bad feeling exists all around as far as appointments are concerned, among others that under the present set-up there has been a practical abandonment of the civil service system in Philadelphia. Appointments, transfers, re-instatements, promotions, dismissals, and so forth are no longer made in accordance with the true provisions of the civil service articles of the city charter, but they are made practically along political lines. This bill or amendment to the city charter providing for the Civil Service Commission intends to make the Civil Service Commission a real commission, so that the laws of civil service which we have in Philadelphia can properly be enforced. To this commission, as the bill proposes, the mayor shall appoint two members, the controller shall appoint two members, making it a non-partisan commission, and that these four shall appoint the fifth Commissioner. Now, the only other provision that the bill proposes is that in the case of a controversy the Governor may appoint a fifth Commissioner, but I will tell you, frankly, that the Governor in that case will merely act as an arbitrator, in the event that the four Commissioners are not able to agree on the fifth one. It is a necessary thing for the City of Philadelphia to purge the Civil Service Commission and the Civil Service appointments generally from the bad feeling which the people of Philadelphia have towards the Civil Service Commission today.

I would ask your whole hearted support for House Bill No. 964.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—138

Achterman,	Falkenstein,	McDermott,	Shaw,
Alexander,	Fitch,	McElroy,	Shea,
Allen,	Flanagan,	McGee,	Shepard,
Allmond,	Flannery,	McShane,	Shoemaker,
Arnold,	Ganser,	Melchiorre,	Shugarts,
Baker, J. J.,	Gerard,	Mihm,	Siegel,
Balthaser	Gorski,	Mccmaw,	Simon,
Bierly,	Haberlen,	Mooney,	Skale,
Blank,	Hagerty,	Moran,	Smith, James A.,
Bohn,	Hamilton, F. P.,	Munley,	Smith, John A.,
Boles,	Harkins,	Murrin,	Spengler,
Boltz,	Harmuth,	Nagel,	Stank,
Brancato,	Hays,	O'Brien,	Thomas,
Brigerman,	Hering,	O'Connor,	Thompson,
Broad,	Hess,	O'Keefe,	Toole,
Brown,	Hetrick,	Ominsky,	Tronzo,
Brownfield,	Hindman,	Ostroff,	Tumelty,
Burrows,	Holland,	Patterson, J. W.,	Valibus,
Caesar,	Holmes,	Pearson,	VanSickle,
Caputo,	Holstrom,	Pershing,	Vogt,
Chervenak,	Hontz,	Pole,	Wagner
Coakley,	Horting,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preaton,	Weiss, D. H.,
Cohen, R. E.,	Kelso,	Readinger,	Weiss, S. A.,
Coleman,	Kilroy,	Reese,	Welliver,
Coolahan,	Kroll,	Reising,	Welsh,
Decker,	LaRue,	Richter,	Westrick,
DeNote,	Levy,	Robinson,	Wharton,
Dickinson,	Lewis,	Rothenberger,	Whitenight,
Donohoe,	Long,	Ruffennach,	Wright,
Dougherty,	Lopresti,	Rush,	Yanoshat,
Downey,	Lovett,	Sarraf,	Yourishin,
Dubbs,	Matthews, H. T.,	Scanlon,	Zappala,
Dyson,	McArdle,	Schor,	Furman,
Elpern,	McCullough,	Schrope,	

NAYS—44

Baker, F. T.,	Imbrie,	Perry,	Strode,
Boose,	Kline,	Royer,	Trout,
Boyer,	Leisey,	Schrock,	Turner,
Cadwalader,	Longaker,	Schumacher,	Wall,
Davies,	Lyons,	Serrill,	Wampole,
Eckels,	Mallen,	Sloan,	Watkins,
Fiss,	Matthews, J. F.,	Snyder,	Weidemann,
Gillette,	McDevitt,	Sollenberger,	Winner,
Habbyshaw,	McKinney,	Sproul,	Wood,
Hall,	Merrell,	Stackpole,	Woodside,
Hamilton, R. S.,	Muir,	Stewart,	Yeakel,
Huntley,	Peale,	Stockham,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 646, Printer's No. 314 was passed over at the request of Mr. JAMES W. PATTERSON.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 370, entitled:

An Act relating to the business of selling or leasing furniture and household articles on the installment or deferred payment plan and prohibiting the joining in one agreement of sale or lease of articles purchased or leased at different times.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Fiss,	McElroy,	Simpson,
Alexander,	Fitch,	McGee,	Skale,
Allen,	Flanagan,	McKinney,	Sloan,
Allmond,	Flannery,	McShane,	Smith, James A.,
Arnold,	Flinchbaugh,	Melchiorre,	Smith, John A.,
Atkins,	Ganser,	Mellott,	Snyder,
Aukerman,	Gerard,	Mihm,	Sollenberger,
Baine,	Gorski,	Mooney,	Spengler,
Baker, F. T.,	Haberlen,	Moran,	Sproul,
Baker, J. J.,	Hagerty,	Moul,	Stackpole,
Balthaser	Hall,	Munley,	Stank,
Bierly,	Hamilton, F. P.,	Murrin,	Stewart,
Blank,	Harkins,	Nagel,	Stockham,
Bohn,	Harmuth,	O'Brien,	Strode,
Boies,	Hays,	O'Connor,	Terry,
Boltz,	Hering,	O'Keefe,	Thomas,
Boose,	Hess,	Ominsky,	Thompson,
Boyer,	Hetrick,	O'Neill,	Toole,
Bradley,	Hindman,	Ostroff,	Tronzo,
Brancato,	Hirsch,	Patterson, C. S.,	Trout,
Brigerman,	Holland,	Patterson, J. W.,	Tumelty,
Broad,	Holmes,	Peale,	Turner,
Brown,	Holstrom,	Pearson,	Valibus,
Brownfield,	Hontz,	Perry,	VanAllsburg,
Burrows,	Horting,	Pershing,	VanSickle,
Cadwalader,	Imbrie,	Pole,	Vogt,
Caesar,	Jirolanio,	Powers,	Wagner,
Caputo,	Kane,	Preston,	Wall,
Chervenak,	Keenan,	Readinger,	Walsh,
Coakley,	Kelso,	Reese,	Wampole,
Cohen, H. B.,	Kilroy,	Reising,	Watkins,
Cohen, R. E.,	Kline,	Richter,	Webster,
Coleman,	Kroll,	Robinson,	Weidemann,
Coolahan,	LaRue,	Rothenberger,	Weiss, D. H.,
Corrigan,	Leisey,	Royer,	Welliver,
Costanzo,	Levy,	Ruffennach,	Welsh,
Davies,	Lewis,	Rush,	Westrick,
Decker,	Long,	Sarraf,	Whalen,
DeNole,	Longaker,	Scanlon,	Whitenight,
Dickinson,	Lopresti,	Schor,	Wilson,
Donohoe,	Lovett,	Schrope,	Wood,
Dougherty,	Lyons,	Shaw,	Wright,
Downey,	Marino,	Shea,	Yancshat,
Dubbs,	Matthews, H. T.,	Shepard,	Yeakel,
Dyson,	McArdle,	Shoemaker,	Yourishin,
Eckels,	McCullough,	Shugarts,	Zappala,
Epern,	McDermott,	Siegel,	Furman,
Falkenstein,	McDevitt,	Simon,	

NAYS—12

Gillette,	Matthews, J. F.,	Muir,	Serrill,
Habbyshaw,	Merrell,	Schrock,	Weiss, S. A.,
Huntley,	Moomaw,	Schumacher,	Winner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 749, entitled:

An Act requiring county commissioners to provide at the expense of the county telephone typewriter and stenographic services for the county superintendent of schools.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LA RUE. Mr. Speaker, may I interrogate the gentleman from Centre, Mr. Decker?

The SPEAKER. Will the gentleman from Centre permit himself to be interrogated?

Mr. DECKER. Mr. Speaker, I will.

Mr. LA RUE. Mr. Speaker, will the gentleman from Centre, Mr. Decker explain the purpose of this bill and how it will change the existing law.

Mr. DECKER. Mr. Speaker and members of the House, as you will note in the beginning of the bill there are two clauses, one providing that the superintendent of schools shall be provided with such telephone, typewriter and stenographic services as may be needed, such expense to be at the expense of the county. That is the first part of the bill. The second part, you will notice, provides for the repeal of certain acts, namely, Pamphlet Laws 706, the Act of June 1, 1915; Pamphlet Law 463, the Act of April 27, 1927, which was an amendment applying only to those counties that employed more than three hundred teachers. There was another act passed in 1929 which referred to counties of the second class only. These acts are being repealed; in fact, the new bill will be a blanket bill without restriction as to the number of teachers or the class of counties. In other words. It just makes it a blanket act covering all the above cases.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boies,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,

Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, S.,	Trout,
Broad,	Holstrom,	Patterson, W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Keenan,	Powers,	Wagner,
Chervenak,	Kelso,	Preston,	Wall,
Coakley,	Kilroy,	Readinger,	Walsh,
Cohen, H. B.,	Kline,	Reese,	Wampole,
Cohen, R. E.,	Kroll,	Reising,	Watkins,
Coleman,	LaRue,	Richter,	Webster,
Coolahan,	Leisey,	Robinson,	Weidemann,
Corrigan,	Levy,	Rothenberger,	Weiss, D. H.,
Costanzo,	Lewis,	Royer,	Weiss, S. A.,
Davies,	Long,	Ruffennach,	Welliver,
Decker,	Longaker,	Rush,	Welsh,
DeNote,	Lopresti,	Sarraf,	Westrick,
Dickinson,	Lovett,	Scanlon,	Whalen,
Donohoe,	Lyons,	Schor,	Whitenight,
Dougherty,	Mallen,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Elpern,	McCullough	Shea,	Yanoshat,
Falkenstein,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 965, Printer's No. 289 was passed over at the request of Mr. TOOLE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 107, entitled:

An Act to safeguard the lives, health and means of livelihood of employes and the property of owners of mines from accumulations of water or poisonous gases, in partially or temporarily abandoned mines; by requiring the remedying or elimination of such conditions by, or imposing the cost thereof on, the owners, operators or lessees of such mines; conferring powers and imposing duties on the Department of Mines; and prescribing penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Keenan,	Powers,	Wagner,
Chervenak,	Kelso,	Preston,	Wall,
Coakley,	Kilroy,	Readinger,	Walsh,
Cohen, H. B.,	Kline,	Reese,	Wampole,
Cohen, R. E.,	Kroll,	Reising,	Watkins,
Coleman,	LaRue,	Richter,	Webster,
Coolahan,	Leisey,	Robinson,	Weidemann,
Corrigan,	Levy,	Rothenberger,	Weiss, D. H.,
Costanzo,	Lewis,	Royer,	Weiss, S. A.,
Davies,	Long,	Ruffennach,	Welliver,
Decker,	Longaker,	Rush,	Welsh,
DeNote,	Lopresti,	Sarraf,	Westrick,
Dickinson,	Lovett,	Scanlon,	Whalen,
Donohoe,	Lyons,	Schor,	Whitenight,
Dougherty,	Mallen,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Elpern,	McCullough,	Shea,	Yanoshat,
Falkenstein,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1235, entitled:

An Act to amend section four hundred seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by providing the method of designating, and the qualifications of, the depositories selected for the deposit of funds of counties of the second class.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine	Hagerty,	Mooney,	Sollenberger,
Baker, J. J.,	Hall,	Moran,	Spengler,
Baker, F. T.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,

Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky	Thompson
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo
Brigerman,	Holmes,	Patterson, C. S.,	Trout
Broad,	Holstrom,	Patterson, J. W.,	Tumelty
Brown,	Hontz,	Peale	Turner,
Brownfield,	Huntley,	Pearson,	Valibus,
Burrows,	Horting,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Keenan,	Powers,	Wagner,
Chervenak,	Kelso,	Preston,	Wall,
Coakley,	Kilroy,	Readinger,	Walsh,
Cohen, H. B.,	Kline,	Reese,	Wampole,
Cohen, R. E.,	Kroll,	Reising,	Watkins,
Coleman,	LaRue,	Richter,	Webster,
Coolahan,	Leisey,	Robinson,	Weidemann,
Corrigan,	Levy,	Rothenberger,	Weiss, D. H.,
Costanzo,	Lewis,	Royer,	Weiss, S. A.,
Davies,	Long,	Ruffennach,	Welliver,
Decker,	Longaker,	Rush,	Welsh,
DeNote,	Lopresti,	Sarraf,	Westrick,
Dickinson,	Lovett,	Scanlon,	Whalen,
Dougherty,	Lyons,	Schor,	Whitenight,
Donohoe,	Mallen,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, J. F.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Elpern,	McCullough,	Shea,	Yanoshat,
Falkenstein,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 831, Printer's No. 292 was passed over at the request of Mr. ECKELS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1075, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing the district attorney in counties of the third class to purchase and maintain police radio equipment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Keenan,	Powers,	Wagner,
Chervenak,	Kelso,	Preston,	Wall,
Coakley,	Kilroy,	Readinger,	Walsh,
Cohen, H. B.,	Kline,	Reese,	Wampole,
Cohen, R. E.,	Kroll,	Reising,	Watkins,
Coleman,	LaRue,	Richter,	Webster,
Coolahan,	Leisey,	Robinson,	Weidemann,
Corrigan,	Levy,	Rothenberger,	Weiss, D. H.,
Costanzo,	Lewis,	Royer,	Weiss, S. A.,
Davies,	Long,	Ruffennach,	Welliver,
Decker,	Longaker,	Rush,	Welsh,
DeNote,	Lopresti,	Sarraf,	Westrick,
Dickinson,	Lovett,	Scanlon,	Whalen,
Donohoe,	Lyons,	Schor,	Whitenight,
Dougherty,	Mallen,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Elpern,	McCullough,	Shea,	Yanoshat,
Falkenstein,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 931 as follows:

An Act regulating the sale exchange removal and installation of certain plumbing fixtures in cities of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "fixture" as used in this act shall mean and include bath tubs lavatories urinals flush tanks toilets kitchen sinks laundry trays and slop sinks soda fountains and any other fixtures having a water supply or connection to drainage or waste lines in plumbing systems The word "person" as used in this act shall mean any person firm association or corporation except any person firm association or corporation subject to the jurisdiction of the Public Service Commission

Section 2 It shall be unlawful for any person to sell exchange keep for sale or offer for sale in any city of the first class any fixtures as hereinabove defined whether new or second hand unless the same has securely attached thereto a label or sticker containing thereon the name of such city a serial number and the signature of the Director of Public Health or a facsimile of such signature

Section 3 It shall be unlawful for any person to detach and remove any of said fixtures from any building in which the same is installed or to install in any building

any of said fixtures unless such fixtures have securely attached thereto a label or sticker as described in section two hereof

Section 4 Any person desiring to secure the labels hereinabove described shall make written application to the Department of Health of such city upon blanks to be furnished by the Department of Health of such city which application shall show (a) the name and address of the applicant (b) the number and kind of new or second-hand fixtures to be labeled (c) that the applicant has a good title to said fixtures or a right to remove or install the same (d) such other information as the Department of Health may require When Department of Health is satisfied that the applicant is entitled thereto such labels shall be delivered for such fixtures to the applicant It shall be the duty of the Department of Health to keep a record of all labels so delivered for any such fixtures

Section 5 Every applicant for such labels shall pay to said Department of Health for the use of the city the sum of ten cents for each label issued by the Department of Health Provided however That the same may be sold by the Department of Health in bulk lots at one time at one place of not less than fifty at a time at the rate of four cents each and in bulk lots of not less than one hundred at one time at the rate of three cents each

Section 6 It shall be the duty of every person selling exchanging keeping for sale or offering for sale any such fixtures in any city of the first class to make written weekly reports to the Department of Health on blanks to be furnished by such Department of Health showing all such fixtures sold exchanged kept for sale or offered for sale or removed from any building by such person during the last preceding week and to whom such fixtures were sold transferred exchanged from where removed and whether such fixtures were now or second-hand and where such fixtures were installed and the serial number attached thereto It shall be unlawful for any person to fail to make or neglect or refuse to file such weekly written reports

Section 7 It shall be unlawful for any person to purchase or receive through exchange or otherwise within the city of the first class any of the above named fixtures whether new or second-hand except direct from the manufacturers thereof unless such fixtures bear a label as hereinabove described The possession of any such fixtures above described not bearing a label as hereinabove described shall be prima facie evidence that such possession is unlawful and a violation of this act and the burden of proof shall be upon the possessor to show that his her or its possession is lawful and not in violation of the terms of this act

Section 8 It shall be unlawful for any person to make or aid or abet any person in making selling exchanging removing or knowingly having in his her or its possession any label in imitation of or similar to the labels hereinbefore authorized to be issued by such city of the first class excepting however labels secured as herein provided from any city of the first class

Section 9 If any provisions of this act shall be held to be invalid the same shall not invalidate any other provision hereof which in itself is not invalid

Section 10 Any person violating any provision of this act shall be deemed to be guilty of a misdemeanor and upon conviction thereof shall be punishable by fine of not to exceed two hundred ($200.00) dollars or by imprisonment in the county jail for a period not to exceed ninety (90) days or both such fine and imprisonment

Section 11 All acts or parts of acts inconsistent with this act be and the same are hereby repealed

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Tumelty.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. TUMELTY. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, do I understand that this bill pertains only to second hand fixtures?

Mr. TUMELTY. Mr. Speaker, this bill pertains to new and second hand fixtures.

Mr. TURNER. Both new and second hand fixtures. Mr. Speaker, does it pertain to all of the counties of the State?

Mr. TUMELTY. Mr. Speaker, it only pertains to the County of Philadelphia, a first class county.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, S.,	Trout,
Broad,	Holstrom,	Patterson, W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Keenan,	Powers,	Wagner,
Chervenak,	Kelso,	Preston,	Wall,
Coakley,	Kilroy,	Readinger,	Walsh,
Cohen, H. B.,	Kline,	Reese,	Wampole,
Cohen, R. E.,	Kroll,	Reising,	Watkins,
Coleman,	LaRue,	Richter,	Webster,
Coolahan,	Leisey,	Robinson,	Weidemann,
Corrigan,	Levy,	Rothenberger,	Weiss, D. H.,
Costanzo,	Lewis,	Royer,	Weiss, S. A.,
Davies,	Long,	Ruffennach,	Welliver,
Decker,	Longaker,	Rush,	Welsh,
DeNote,	Lopresti,	Sarraf,	Westrick,
Dickinson,	Lovett,	Scanlon,	Whalen,
Donohoe,	Lyons,	Schor,	Whitenight,
Dougherty,	Mallen,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Elpern,	McCullough,	Shea,	Yanoshat,
Falkenstein,	McDermott,	Shepard,	Yerkel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1223 as follows:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 851) entitled "An act fixing the pay and mileage of jurors and witnesses" increasing the pay and reducing the mileage of jurors and witnesses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 851) entitled "An act fixing the pay and mileage of jurors and witnesses" is hereby amended to read as follows

Section 1 Be it enacted etc That from and after the time this act takes effect the pay of jurors in this Commonwealth shall be [three dollars ($3)] four dollars ($4.00) per day together with mileage at the rate of [six cents (6c)] four cents (4c) for each mile going to and returning from the county seat and the pay of witnesses shall be [two dollars ($2)] three dollars ($3.00) per day together with the mileage at the rate of three (3c) for each mile going to and returning from the county seat

Section 2 This act shall become effective on the first day of January one thousand nine hundred and thirty-eight

On the question,

Will the House agree to the bill on third reading?

Mr. WESTRICK. Mr. Speaker, may I interrogate the sponsor of this bill, the gentleman from Luzerne, Mr. Valibus.

The SPEAKER. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. VALIBUS. I will, Mr. Speaker.

Mr. WESTRICK. Mr. Speaker, will the gentleman be kind enough to tell us how he arrives at a three cent mileage rate for a witness and a four cent mileage rate for a juror?

Mr. VALIBUS. Mr. Speaker, in reply to the gentleman from Cambria, Mr. Westrick, I wish to state that members of the jury will probably have to travel just a little longer distance from their homes to the court, to the county seat where the court is located. It takes them away from business and I felt that they should have the advantage in the mileage rate.

Mr. WESTRICK. Mr. Speaker, it seems to me we were setting up a scale of pay and mileage here which is not quite just. I am wondering if it would be agreeable to the sponsor of this bill to have the bill recommitted for the sake of making this correction. I cannot for the life of me see why a witness should receive three cents a mile while a juror is getting four cents. To me it looks like a gross injustice. Now I am wondering if such an arrangement might not be made.

Mr. VALIBUS. Mr. Speaker, I am agreeable to the suggestion of the gentleman from Cambria, Mr. Westrick, to have this bill recommitted to the Committee on Counties for the purpose mentioned.

On the question recurring,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. VALIBUS. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for the purpose of amendment.

The mention was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1241, entitled:

An Act authorizing the recorder of deeds of any county of the third class to record or re-record, by a photographic or photostatic process or method, all papers required or authorized to be recorded or re-recorded by him; fixing the fees for such recording and re-recording; making such photographic or photostatic record or re-record or any photographic or photostatic exemplification thereof, legal evidence; authorizing the county commissioners to contract, purchase and pay for the necessary apparatus, equipment and supplies; authorizing the employment of skilled employes and assistants to operate the same; and providing for the fixing and limitation of their compensation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boies,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, S.,	Trout,
Broad,	Holstrom,	Patterson, W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Keenan,	Powers,	Wagner,
Chervenak,	Kelso,	Preston,	Wall,
Coakley,	Kilroy,	Readinger,	Walsh,
Cohen, H. B.,	Kline,	Reese,	Wampole,
Cohen, R. E.,	Kroll,	Reising,	Watkins,
Coleman,	LaRue,	Richter,	Webster,
Coolahan,	Leisey,	Robinson,	Weidemann,
Corrigan,	Levy,	Rothenberger,	Weiss, D. H.,
Costanzo,	Lewis,	Royer,	Weiss, S. A.,
Davies,	Long,	Ruffennach,	Welliver,
Decker,	Longaker,	Rush,	Welsh,
DeNote,	Lopresti,	Sarraf,	Westrick,
Dickinson,	Lovett,	Scanlon,	Whalen,
Donohoe,	Lyons,	Schor,	Whitenight,
Dougherty,	Mallen,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,

Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Elpern,	McCullough,	Shea,	Yanoshat,
Falkenstein,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1239, entitled:

An Act relating to counties of the first class and the duties of the prothonotaries of the several courts of common pleas in connection with the collection of certain taxes on writs and on entries and transcripts of judgments payable to the Commonwealth, and making provision for the disposition of the compensation therefor heretofore received by such pronthonotaries.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boies,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, S.,	Trout,
Broad,	Holstrom,	Patterson, W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Keenan,	Powers,	Wagner,
Chervenak,	Kelso,	Preston,	Wall,
Coakley,	Kilroy,	Readinger,	Walsh,
Cohen, H. B.,	Kline,	Reese,	Wampole,
Cohen, R. E.,	Kroll,	Reising,	Watkins,
Coleman,	LaRue,	Richter,	Webster,
Coolahan,	Leisey,	Robinson,	Weidemann,
Corrigan,	Levy,	Rothenberger,	Weiss, D. H.,
Costanzo,	Lewis,	Royer,	Weiss, S. A.,
Davies,	Long,	Ruffenach,	Welliver,
Decker,	Longaker,	Rush,	Wenn,
DeNote,	Lopresti,	Sarraf,	Westrick,
Dickinson,	Lovett,	Scanlon,	Whalen,
Donohoe,	Lyons,	Schor,	Whitenight,
Dougherty,	Mallen,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Elpern,	McCullough,	Shea,	Yanoshat,
Falkenstein,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1170, entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance, and protesting of bills, notes, drafts, checks, and other negotiable paper on such days," by authorizing certain additional bank holidays.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. OSTROFF. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1.

A Joint Resolution proposing an amendment to section one Article nine of the Constitution of the Commonwealth of Pennsylvania

HOUSE BILL No. 241.

An Act providing that in all bailable criminal or quasi criminal prosecutions desertion and non-support and surety of the peace cases bail may be entered on Sunday

HOUSE BILL No. 1160.

A Supplement to Act No. 31-A approved the twelfth day of July one thousand nine hundred thirty-five (One Thousand Nine Hundred Thirty-five Appropriation Acts page 25) entitled "An act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for Mother's Assistance Pensions for the Blind and Old Age Assistance"

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL ON THIRD READING

The House proceeded to the third reading and consideration of House Bill No. 653, entitled:

An Act to amend section five hundred thirty as amended, and section five hundred thirty-two, of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending revising, consolidating, and changing the law relating

thereto;" fixing the length of the term of certain officers appointed to fill vacancies.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Mcomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boies,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, S.,	Trout,
Broad,	Holstrom,	Patterson, W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Keenan,	Powers,	Wagner,
Chervenak,	Kelso,	Preston,	Wall,
Coakley,	Kilroy,	Readinger,	Walsh,
Cohen, H. B.,	Kline,	Reese,	Wampole,
Cohen, R. E.,	Kroll,	Reising,	Watkins,
Coleman,	LaRue,	Richter,	Webster,
Coolahan,	Leisey,	Robinson,	Weidemann,
Corrigan,	Levy,	Rothenberger,	Weiss, D. H.,
Costanzo,	Lewis,	Royer,	Weiss, S. A.,
Davies,	Long,	Ruffennach,	Welliver,
Decker,	Longaker,	Rush,	Welsh,
DeNote,	Lopresti,	Sarraf,	Westrick,
Dickinson,	Lovett,	Scanlon,	Whalen,
Donohoe,	Lyons,	Schor,	Whitenight,
Dougherty,	Mallen,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Elpern,	McCullough,	Shea,	Yanoshat,
Falkenstein,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1.

A Joint Resolution proposing an amendment to section one Article nine of the Constitution of the Commonwealth of Pennsylvania

HOUSE BILL No. 241.

An Act providing that in all bailable criminal or quasi criminal prosecutions desertion and non-support and surety of the peace cases bail may be entered on Sunday

HOUSE BILL No. 1160.

A Supplement to Act No. 31-A approved the twelfth day of July one thousand nine hundred thirty-five (One Thousand Nine Hundrey Thirty-five Appropriation Acts page twenty-five) entitled "An act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for Mothers' Assistance Pensions for the Blind and Old Age Assistance"

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 713, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive officers, and of the several administrative departments, boards, commissions, and officers, fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined." defining the powers and duties of the Department of Internal Affairs in respect to the Pennsylvania system of coordinates.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, may I interrogate the gentleman from Philadelphia, Mr. Scanlon.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SCANLON. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Philadelphia to explain this bill.

Mr. SCANLON. Mr. Speaker, the bill provides that the Secretary of Internal Affairs take over the control of the plain coordinate system, to be established by two similar bills to be introduced.

Mr. TURNER. Mr. Speaker, what is the system of plain coordinates?

Mr. SCANLON. Mr. Speaker, I cannot answer that question because the two bills are still in committee.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boies,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, S.,	Trout,
Broad,	Holstrom,	Patterson, W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Keenan,	Powers,	Wagner,
Chervenak,	Kelso,	Preston,	Wall,
Coakley,	Kilroy,	Readinger,	Walsh,
Cohen, H. B.,	Kline,	Reese,	Wampole,
Cohen, R. E.,	Kroll,	Reising,	Watkins,
Coleman,	LaRue,	Richter,	Webster,
Coolahan,	Leisey,	Robinson,	Weidemann,
Corrigan,	Levy,	Rothenberger,	Weiss, D. H.,
Costanzo,	Lewis,	Royer,	Weiss, S. A.,
Davies,	Long,	Ruffennach,	Welliver,
Decker,	Longaker,	Rush,	Welsh,
DeNote,	Lopresti,	Sarraf,	Westrick,
Dickinson,	Lovett,	Scanlon,	Whalen,
Donohoe,	Lyons,	Schor,	Whitenight,
Dougherty,	Mallen,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Elpern,	McCullough,	Shea,	Yanoshat,
Falkenstein	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1217 entitled:

An Act to amend subsection (a) of section nine hundred three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within this Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; and making an appropriation and providing for refunds," as amended, changing the gross weight permitted for certain vehicles.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. BURROWS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 678, Printer's No. 304, was passed over at the request of Mr. SPROUL.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1120 (Senate Bill No. 152), entitled:

An Act to amend the act, approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended extending the retirement system of counties of the second class to additional employes declaring certain persons ineligible to receive retirement allowances and generally clarifying the provisions of the law governing such retirement systems.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were af follows, viz:

YEAS—205

Achterman,	Flinchbaugh,	McKinney	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boies,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry	VanAllsburg
Cadwalader	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Keenan,	Powers,	Wagner
Chervenak,	Kelso,	Preston,	Wall,
Coakley	Kilroy,	Readinger	Walsh
Cohen, H. B.,	Kline,	Reese,	Wampole
Cohen, R. E.,	Kroll,	Reising,	Watkins,
Coleman,	LaRue,	Richter,	Webster,

Coolahan,	Leisey,	Robinson,	Weidemann,
Corrigan,	Levy,	Rothenberger,	Weiss, D. H.,
Costanzo,	Lewis,	Royer,	Weiss, S. A.,
Davies,	Long,	Ruffennach,	Welliver,
Decker,	Longaker,	Rush,	Welsh,
DeNote,	Lopresti,	Sarraf,	Westrick,
Dickinson,	Lovett,	Scanlon,	Whalen,
Donohoe,	Lyons,	Schor,	Whitenight,
Dougherty,	Mallen,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Elpern,	McCullough,	Shea,	Yanoshat,
Falkenstein,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Oredered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

BILL PASSED OVER

There being no objection House Bill No. 1157, Printer's No. 310, was passed over at the request of Mr. McELROY.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. CLIFF S. PATTERSON asked and obtained permission for the Committee on Townships to meet during the session of the House.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 554.

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 3, line 21, by inserting after the word "fifty-six" the following: "and that section one thousand twelve section one thousand two hundred eight and section one thousand two hundred nine of that act as last amended by the act approved the eleventh day of June one thousand nine hunderd thirty-five (Pamphlet Laws three hundred six)"; also on page 12, line 6, by striking out at the beginning of said words "and unimpaired surplus respectively are" and inserting in lieu thereof the word "is"; also in line 7, by striking out after the word "capital" the words "and surplus"; also on page 42, line 11, by striking out after the word "least" the words "two-thirds" and inserting in lieu thereof the words "one-third"; also on page 46, by inserting after the word "section" in line 5 by following new paragraph: "In the case of a savings bank the additional reserve fund provided for by this paragraph may consist of bonds or other interest-bearing obligations of the United States or of the Commonwealth of Pennsylvania"; also on page 49, by inserting after the word "company" in line 19, the following new paragraphs:

"Section 1012 Loans on and Investments in Bonds and Mortgages and Judgments of Record A A bank or a bank and trust company shall have the power to lend on the security of or invest in bonds secured by mortgages upon real property but it shall lend upon or invest in only such bonds and mortgages as (1) are first liens on unencumbered improved real property including improved farm land situated within the Commonwealth and (2) do not exceed two-thirds of the actual value of such real property and (3) become due within ten years after the making of such loan or investment unless amortized in equal annual installments over a period not exceeding fifteen years after the making of such loan or investment Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of such bank or bank and trust company by the borrower or mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the bank or bank and trust company making the investment It shall be lawful for a bank or bank and trust company to renew such policies at the expense of the borrower or mortgagor from year to year or for a longer or a shorter period not however exceeding the term of the obligation in case he shall fail to do so All necessary charge and expenses paid by such bank or bank and trust company for such renewals shall be paid by such borrower or mortgagor In case such borrower or mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of the payment of such charges and expenses constitute a lien upon the property so mortgaged All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor or borrower The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of directors They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the bank or bank and trust company The restrictions imposed by this section shall not apply to bonds secured by mortgages which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions of the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its

amendments and supplements nor to public utility railroad or industrial bonds or other securities commonly known as investment securities although such bonds may be secured in whole or in part by a mortgage upon real property

B A bank or bank and trust company shall have the power to lend on the security of or invest in judgments of record which are first liens on unencumbered real property situated within the Commonwealth to the amount of fifty per centum of the actual value of such property under the same circumstances and subject to the same conditions as are established by this section in the case of loans on the security of or investments in bonds secured by mortgages upon real property

C The aggregate amount of all loans and investments made by virtue of this section shall not at any time exceed twenty-five per centum of the unimpaired capital and twenty-five per centum of its unimpaired surplus or fifth per centum of the total time deposits of such bank or bank and trust company at the option of the bank or bank and trust company"; also on page 50, by inserting after the word "hereof" in line 8, the following new paragraphs:

"Section 1203 Authorized Investment of Savings Banks Not Under Special Charter A Except as otherwise specifically provided in this act a savings bank other than a savings bank organized under a special act of the General Assembly shall not make any investments except as follows

(1) Bonds or other interest-bearing obligations of the United States or those for the payment of the principal and interest on which the faith and credit of the United States is pledged including the bonds or other interest-bearing obligations of the District of Columbia

(2) Farm loan bonds issued by Federal land banks operating under the provisions of the Federal Farm Loan Act aproved the seventeenth day of July one thousand nine hundred sixteen its amendments and supplements

(3) Bonds or other interest-bearing obligations of the Commonwealth of Pennsylvania or of any State of the United States or those for the payment of the principal and interest on which the faith and credit of this Commonwealth or of such State is pledged provided that it has not at any time within the ten years immediately preceding the date of the purchase of such bonds or other obligations by the savings bank defaulted in the payment of any part of any principal or interest due by it

(4) Bonds or other interest-bearing obligations of any county city borough township school district or other political subdivision of the Commonwealth of Pennsylvania or of any city borough township school district or other political subdivisions of any State of the United States or those for the payment of the principal and interest on which the faith and credit of such political subdivision is pledged provided that it has not within the ten years immediately preceding the date of the purchase of such bonds or other obligations by the savings bank defaulted in the payment of any part of any principal or interest due by it

(5) Obligations issued assumed or guaranteed as to principal and interest by or equipment bonds of any railroad corporation whether incorporated under the laws of this Commonwealth of any other State or of the Dominion of Canada provided that such railroad corporation has not at any time within the five years immediately preceding the date of the investment in such obligations or bonds by the savings bank failed punctually to pay the matured principal and interest on all of its indebtedness

(6) The bonds of any corporation whether incorporated under the laws of the United States of any other State or of the District of Columbia which transacts the business of supplying electrical energy artificial gas or natural gas purchased from another corporation and supplied in substitution for or in mixture with artificial gas for light heat power and other purposes or which transacts any two or all of such businesses but at least seventy-five per centum of the gross operating revenues of such corporation shall be derived from such business and not more than fifteen per centum of the gross operating revenues shall be derived from any one kind of business other than supplying electricity and gas and such corporation shall be subject to regulation by a public service commission a public utility commission or any other similar regulatory body duly established by the laws of the United States or of any State in which such corporation operates subject to the following conditions

(a) Such corporation shall have all the franchises necessary to operate in territory in which at least seventy-five per centum of its gross income is earned which franchises shall either be intermediate permits of or agreements with or subject to the jurisdiction of a public service commission or other duly constituted regulatory body or shall extend at least five years beyond the maturity of such bond and such corporation shall file with the department and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(b) The outstanding full-paid capital stock of such corporation shall at the time of such investment be equal to at least two-thirds of the total debt secured by mortgage liens on any part or all of its property but in the case of a corporation having non-par value shares the amount of capital which such shares represent shall be the capital as shown by the books of the corporation

(c) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within such period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay promptly and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining such required period

(d) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its total funded debt applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice the interest charges for a full year on its total funded debt outstanding at the time of such investment and for such period the gross operating revenues of any such corporation shall have averaged per year not less than one million dollars and such corporation shall have for each such year either earned an amount available for dividends or paid an amount in dividends equal to four per centum upon a sum equivalent to two-thirds of its funded debt

(e) In determining the qualifications of any bond under this clause where a corporation shall have acquired its property or any substantial part thereof within the five years immediately preceding the date of such investment by consolidation or by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of the paragraph immediately preceding this one as to net and gross earnings and as to dividends have been complied with

(f) The gross operating revenues and expenses of a corporation for the purpose of this clause shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the public service commission or public utility commission or other similar regulatory body having jurisdiction in the matter The gross operating revenues and expenses as defined above of subsidiary

companies may be included provided that all the mortgage bonds and a controlling interest in shares of such subsidiary companies are pledged as part of the security for the mortgage debt of the principal company

The net earnings of any corporation for the purpose of this clause shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses taxes other than Federal and State income taxes rentals and provision for renewals and retirements of the physical assets of the corporation and by adding to such balance its income from securities and miscellaneous sources but not however exceeding fifteen per centum of such balance

(g) Such bonds must be part of an issue of not less than one million dollars and must be mortgage bonds secured by a first or refunding mortgage secured by property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them but such bonds shall be refunded by a junior mortgage providing for their retirement the bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issue of additional bonds which are to be pledged under such junior mortgage The aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum of the value of the physical property owned as shown by the books of the corporation and subject to the lien of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(h) The term funded debt shall be construed to mean all interest-bearing debts maturing more than one year from date of issue

(7) The bonds of any corporation whether incorporated under the laws of the United States of any other State or of the District of Columbia which engages and is authorized to engage in the business of furnishing telephone service in the United States provided that such corporation is subject to regulation by the Interstate Commerce Commission a public service commission a public utility commission or any other similar Federal or State regulatory body duly established by the laws of the United States or by the laws of any State in which such corporation operates subject to the following conditions

(a) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within such period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay promptly and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining the required period and such corporation shall file with the department and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(b) The outstanding full-paid capital stock of such corporation shall at the time of such investment be equal to at least two-thirds of the total debt secured by mortgage gage liens on any part or all of its property

(c) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its total funded debt applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice the interest charges for a full year on its total funded debt outstanding at the time of such investment and for such period the gross operating revenues of any such corporation shall have averaged per year not less than five million dollars and such corporation shall have for each such year either earned an amount available for dividends or paid an amount in dividends equal to four per centum upon all its outstanding capital stock

(d) Such bonds must be part of an issue of not less than five million dollars and must be secured by a first or refunding mortgage and the aggregate principal amount of bonds secured thereby plus the principal amount of all underlying outstanding bonds shall not exceed sixty per centum of the value of the prpoerty real and personal owned absolutely and subject to the lien of such mortgage However if such mortgage is a refunding mortgage it must provide for the retirement of all bonds secured by prior liens on the property Not more than thirty-three and one-third per centum of the property constituting the specific security for each bonds may consist of shares or unsecured obligations of affiliated or other telephone companies or both

(e) In determining the qualifications of any bond under this clause where a corporation shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of this clause as to earnings and dividends have been complied with

(f) The gross operating revenues and expenses of a corporation for the purpose of this clause shall be repectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the Interstate Commerce Commission or the public service commission or the public utility commission or any other similar Federal or State regulatory body having jurisdiction in the matter

(g) The net earnings of any corporation for the purpose of this clause shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses provision for depreciation of the physical assets of the corporation taxes other than Federal and State income taxes rentals and miscellaneous charges and by adding to such balance its income from securities and miscellaneous sources but not however to exceed fifteen per centum of such balance

(h) The term funded debt shall be construed to mean all interest-bearing debts maturing more than one year from date of issue

(8) Bond secured by mortgage which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth to the extent of not more than two-thirds of the actual value of such real property and for a term not exceeding ten years unless amortized in equal annual installments over a period not exceeding fifteen years and bonds secured by mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions of mutual mortgage insurance [in title two] of the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements [for the purpose of financing the construction or purchase of dwellings and similar resinential property and the re-financing of mortgaged Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of the savings bank by the mortgagor during the term of the bond in a company which

is authorized to do business in Pennsylvania and is approved by the savings bank making the investment It shall be lawful for a savings bank to renew such policies at the expense of such mortgagor from year to year or for a longer or shorter period not however exceeding the term of the bond in case the mortgagor shall fail to do so All necessary charges and expenses paid by such savings bank for such renewals shall be paid by such mortgagor In the event that the mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of payment of such charges and expenses by such savings bank constitute a lien upon the property so mortgaged All expenses of searches examinations certicates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of trustees They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the savings bank

B A savings bank other than a savings bank organized under a special act of the General Assembly may make such additional investments as are authorized by its articles but it shall not purchase or invest in bonds secured by mortgage upon real property other than such as are expressly authorized by this act nor shall it invest in the shares of capital of any corporation whatsoever except a Federal Reserve Bank

. Section 1209 Authorized Investments of Special Charter Savings Banks A savings bank organized under a special act of the General Assembly may make such investments as may be authorized by its articles of incorporation but no such savings bank shall purchase or invest in the shares of capital of any corporatoin whatsoever except a Federal Reserve Bank or purchase or invest in bonds secured by mortgages upon real property unless such bonds and mortgages are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth and do not exceed two-thirds of the actual value of such real property and become due within ten years after the making of such purchase or investment unless amortized in equal annual installments over a period not exceeding fifteen years after the making fo such purchase or investment or unless such bonds and mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions for mutual mortgage insurance [in title two] of the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements [for the purpose of financing the construction or purchase of dwellings and similar residential property and the re-financing of mortgages] Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of the savings bank by the mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the savings bank making the purchase or investment It shall be lawful for a savings bank to renew such policies at the expense of such mortgagor from year to year or for a longer or shorter period not however exceeding the term of the bond in case the mortgagor shall fail to do so All necessary charges and expenses paid by such savings bank for such renewals shall be paid by such mortgagor In the event that the mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of payment of such charges and expenses by such savings bank constitute a lien upon the property so mortgaged All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of trustees They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the savings bank The restructions contained in this section with reference to real estate bonds shall not apply to public utility railroad or industrial bonds or other securities commonly known as investment securities although such bonds may be secured in whole or in part by a mortgage upon real property"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, J. J.,	Hall,	Moran,	Spengler,
Baker, F. T.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Keenan,	Powers,	Wagner,
Chervenak,	Kelso,	Preston,	Wall,
Coakley,	Kilroy,	Readinger,	Walsh,
Cohen, H. B.,	Kline,	Reese,	Wampole,
Cohen, R. E.,	Kroll,	Reising,	Watkins,
Coleman,	LaRue,	Richter,	Webster,
Coolahan,	Leisey,	Robinson,	Weidemann,
Corrigan,	Levy,	Rothenberger,	Weiss, D. H.,
Costanzo,	Lewis,	Royer,	Weiss, S. A.,
Davies,	Long,	Ruffennach,	Weilliver,
Decker,	Longaker,	Rush,	Welsh,
DeNote,	Lopresti,	Sarraf,	Westrick,
Dickinson,	Lovett,	Scanlon,	Whalen,
Donohoe,	Lyons,	Schor,	Whitenight,
Dougherty,	Mallen,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Elpern,	McCullough,	Shea,	Yanoshat,
Falkenstein,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. HERBERT B. COHEN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 544.

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduriary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTION

BIRTHDAY CONGRATULATIONS

Messrs. COAKLEY and VAN SICKLE offered the following resolution which was twice read, considered and unanimously adopted:

In the House of Representatives, March 17, 1937.

Whereas, It has been the pleasure of this House to learn that on March 17th one of its members will celebrate his birthday; and

Whereas, This member has been regarded as a good scout by all who know him, and the reason for his being so regarded may well be due to the fact that for years he has been very active in scout and welfare work in his own home town, not to overlook the additional fact that he is also a great lover of the out-of-doors and a great angler; therefore be it

Resolved, That the members of the House of Representatives extend to John H. Siegel of Williamsport, Lycoming County, their congratulations and wish him many, many more happy birthdays; and be it further

Resolved, That the chief clerk of the House shall transmit a copy of this resolution to John H. Siegel.

STATEMENT BY MR. SIEGEL .

Mr. SIEGEL. Mr. Speaker, and members of the House I deeply appreciate the good wishes of my friends, and I appreciate the friendships I have made in this House.

While I am on my feet I might say that I have the honor of being named for a grand old Irishman who was a member of this House more than forty years ago, to be exact, he was a member in 1875, and if I remember correctly he served about three terms. His name was John Gaffey a Democrat from Lycoming County. So being an Irishman born on St. Patrick's day, I feel I am Irish by German consent.

RESOLUTION

SYMPATHY EXTENDED

Mr. RICHTER offered the following resolution which was twice read, considered and unanimously adopted:

In the House of Representatives, March 17, 1937.

Pennsylvania mourns the passing of one of her beloved citizens.

Judge Donald P. McPherson died at his home in Gettysburg, Tuesday, March 16th, at the age of sixty-seven years. He was born in Gettysburg, a son of Edward and Annie D. (Crawford) McPherson, he attended the public schools of Gettysburg, then the Academy and was graduated from Gettysburg College with a Bachelor of Arts degree in 1889. He was a member of the Sigma Chi social fraternity and of the Phi Betta Kappa honorary scholastic fraternity of the college. He received his bachelor of laws degree at the Harvard Law School in 1895, was admitted to the Adam's County Bar January 23, 1896.

He represented Adams County in the House of Representatives at Harrisburg from 1901 to 1903, and was a member of the State Senate from 1903 to 1907.

Attorney McPherson was elected to his first ten years term of President Judge of the Adams-Fulton district in 1916, and re-elected ten years later. At the expiration of his second term he instituted the law firm of McPherson and McPherson, practicing with his only son, Donald P. McPherson, Jr.

Judge McPherson was a faithful member of the Presbyterian Church of Gettysburg of which he was treasurer.

The loss of Judge McPherson is keenly felt by the people of the judicial district which he served so long, and by the people of the State as a whole; therefore be it

Resolved, That the House of Representatives, by the adoption of thse resolutions, expresses its sorrow over the loss of the Honorable Donald P. McPherson, as a former member of this House, of the Senate and of the judiciary of the Commonwealth; and be it further

Resolved, That these resolutions be spread on the records of the House, and a copy be sent to the family of the deceased.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. BROWNFIELD asked and obtained permission for the Committee on Education to meet during the session of the House.

BILLS INTRODUCED AND REFERRED

By Messrs. HIRSCH, DOWNEY and SCHROPE.

HOUSE BILL No. 1665.

An Act regulating and fixing minimum wages and salaries and minimum work hours for certain employes in the Department of Highways.

Referred to the Committee on Highways.

By Mr. RUFFENNACH. HOUSE BILL No. 1666.

An Act to validate conveyances and other instruments which have been defectively acknowledged.

Referred to the Committee on Judiciary General.

By Mr. HAYS. HOUSE BILL No. 1667.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain townships roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" by establishing an additional route in the County of Clarion.

Referred to the Committee on Highways.

By Mr. HAYS. HOUSE BILL No. 1668.

An Act to amend section fourteen of the act, approved the twenty ninth day of May, one thousand nine hundred and thirty-one (P. L. 280) entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on non-payment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," as amended, providing for fees to prothonotaries for entering and recording deeds to the county commissioners.

Referred to the Committee on Counties.

By Mr. HAYS. HOUSE BILL No. 1669.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Clarion.

Referred to the Committee on Highways.

By Mr. BIERLY. HOUSE BILL No. 1670.

An Act to add section two and one-tenth to the act, approved the twenty-eighth day of June, one thousand nine hundred and seventeen (P. L. 645), entitled "An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name, style, or designation, unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary; requiring county commissioners, at the expense of the county, to provide books for the entry of such certificates; fixing the fees of the Secretary of the Commonwealth and prothonotary; and providing penalties;" placing certain restrictions on assumed or fictitious names to be used.

Referred to the Committee on Judiciary General.

By Mr. BIERLY. HOUSE BILL No. 1671.

An Act to amend clause A of section two hundred and two of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commission, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and part of acts relating to corporations;" as amended, restricting the use of certain words in corporate names.

Referred to the Committee on Corporations.

By Mr. KROLL. HOUSE BILL No. 1672.

An Act to amend section five of the act, approved the thirtieth day of January, one thousand eight hundred and seventy-four (P. L. 31), entitled "A further supplement to the act regulating elections in this Commonwealth," by extending the hours during which the polls shall be open on election days.

Referred to the Committee on Elections.

By Mr. PIOLE. HOUSE BILL No. 1673.

An Act to prohibit the holding of unlicensed greyhound race meetings; to provide for a State greyhound racing commission, prescribe its powers and duties, and fix the compensation of its members; to provide for licensing and taxing such racing and apportioning the moneys derived therefrom; to provide for and regulate the making of pari mutuel pools within the encolsure of licensed race tracks; providing certain penalties for the violation of this act, and for other purposes relating thereto.

Referred to the Committee on Way and Means.

By Mr. ALLEN. HOUSE BILL No. 1674.

An Act directing the Department of Military Affairs to select, procure, award and provide for the furnishing of certain service medals.

Referred to the Committee on Military Affairs.

By Mr. DECKER. HOUSE BILL No. 1675.

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Department of Military Affairs, to sell and convey a portion of the lands acquired for a State Military Cemetary, located at Boalsburg, Centre County Pennsylvania.

Referred to the Committee on Military Affairs.

By Mr. DAVIES. HOUSE BILL No. 1676.

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. DAVIES. HOUSE BILL No. 1677.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-

three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of Taylor, Lackawanna County.

Referred to the Committee on Highways.

By Mr. DAVIES. HOUSE BILL No. 1678.

An Act to establish as State highways certain sections of public roads in the County of Lackawanna and providing for its construction and maintenance at the expense at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. DAVIES. HOUSE BILL No. 1679.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lackawanna.

Referred to the Committee on Highways.

By Mr. DAVIES. HOUSE BILL No. 1680.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Aact No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the costs of the maintenance and construction of such highways; and making an appripriation to carry out the provisions of said act," establishing an additional route in the County of Lackawanna.

Referred to the Committee on Highways.

By Mr. DAVIES. HOUSE BILL No. 1681.

An Act to establish as State highways a certain section of public road in the County of Lackawanna, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. DECKER. HOUSE BILL 1682.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act," establishing additional routes in the County of Centre.

Referred to the Committee on Highways.

By Mr. PEALE. HOUSE BILL No. 1683.

An Act canceling certain obligations owed by boroughs to the Commonwealth.

Referred to the Committee on State Government.

By Mr. HAGERTY. HOUSE BILL No. 1684.

An Act to repeal section eight of the act, approved the sixteenth day of April, one thousand eight hundred and forty-nine (P. L. 663), entitled " A supplement to the act relating to lunatics and habitual drunkards; to punish aldermen and justices of the peace for misdemeanors, relating to arbitrations in the district court in the city and county of Philadelphia; relative to deeds of assignment: relative to judgement liens; relating to limitation of actions; and relating to liens and terre tenants; and for the more effectual punishment of the crimes of arson."

Referred to the Committee on Repeal Bills.

By Mr. HESS. HOUSE BILL No. 1985.

An Act to amend section one thousand fifty-seven of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" further defining the powers of controllers with respect to accounts of borough departments, bureaus and officers; and imposing certain duties in reference thereto on banks, banking institutions and trust companies.

Referred to the Committee on Boroughs.

By Mr. HESS. (By Request). HOUSE BILL No. 1686.

An Act to amend section four hundred eighteen of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing and elective schedule of compensation; and providing procedure for the determiniation of liability and compensation thereunder," providing for the filing of opinions of referees with the prothonotary and for the indexing of such opinions by the prothonotary in the county law library; and imposing certain charges on counties.

Referred to the Committee on Judiciary General.

By Mr. LONGAKER. (By Request). HOUSE BILL No. 1687.

An Act to amend sections fifteen and eighteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly;" providing for the revival of municipal and other claims by suggestion of non-payment and an averment of default in the same manner as tax claims without the necessity of proceeding to judgment; and in certain cases, changing the manner of serving writs relative to such claims.

Referred to the Committee on Municipal Corporations.

By Mr. LEVY. HOUSE BILL No. 1688.

An Act to assist in lessening unemployment by prohibiting the employment in the service of the Commonwealth and political subdivisions thereof at a salary or compensation of any person over sixty years of age or any married person whose spouse is regularly employed in a gainful occupation, and providing certain penalties and exceptions.

Referred to the Committee on State Government.

By Mr. LOVETT. HOUSE BILL No. 1689.

An Act authorizing the Department of Property and Supplies on behalf of the Commonwealth of Pennsylvania to acquire by gift, from Westmoreland County, a tract of land located in Hempfield Township, Westmoreland County, to be used by the Commonwealth for the purpose of erecting thereon a State tuberculosis sanitarium, when funds thereof are received by the Commonwealth from the United States.

Referred to the Committee on State Government.

By Messrs. McARDLE and PIOLE.
HOUSE BILL No. 1690.

An Act regulating the mining of coal; prescribing duties for county commissioners; and imposing penalties.

Refered to the Committee on Mines and Mining.

By Mr. CLIFF S. PATTERSON. HOUSE BILL No. 1691.

An Act to amend section one as amended of the act, approved the twenty-eighth day of June, one thousand nine hundred and seventeen (P. L. 645), entitled "An act making it unlawful for any individual or individuals to carry on or conduct and business under an assumed or fictitious name, style or designation unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary requiring county commissioners at the expense of the county to provide books for the entry of such certicates, fixing the fees of the Secretary of the Commonwealth; and prothonotary; and providing penalties," by requiring notice of intention to file such certificates to be given by advertisement and the filing of proofs of such publication..

Referred to the Committee on Judiciary General.

By Mr. CLIFF S. PATTERSON. HOUSE BILL No. 1692.

An Act requiring the consent of the electors of a township of the second class when such township or any part thereof is to be annexed to a contiguous borough or city.

Referred to the Committee on Townships.

By Mr. CLIFF S. PATTERSON. HOUSE BILL No. 1693.

An Act authorizing townships of the second class to adopt and enforce zoning ordinances regulating the location, construction, and use of buildings, the size of courts and open spaces, the density of population, and the use of land.

Referred to the Committee on Townships.

By Mr. COLEMAN. HOUSE BILL No. 1694.

An Act to amend section one thousand two hundred seven of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety, regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation, and providing for refunds:" as amended, providing for the payment of part of the fines, penalties and forfeited bail to counties.

Referred to the Committee on Motor Vehicles.

By Mr. COLEMAN. HOUSE BILL No. 1695.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act."

Referred to the Committee on Highways.

By Mr. COLEMAN. HOUSE BILL No. 1696.

An Act to amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties;" as amended, decreasing the required teaching service of former teachers to be eligible for retirement.

Referred to the Committee on Education.

By Mr. COLEMAN. HOUSE BILL No. 1697.

An Act making an appropriation to the Department of Property and Supplies for the erection and equipment of a State hospital for crippled children.

Referred to the Committee on Appropriations.

By Mr. COLEMAN. HOUSE BILL No. 1698.

An Act to amend section four of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," by extending its purposes.

Referred to the Committee on State Government.

By Messrs. REISING, CAPUTO and MURRIN.
HOUSE BILL No. 1699.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Messrs. BRADLEY and JOHN J. BAKER.
HOUSE BILL No. 1700.

An Act to provide revenue by legalizing and imposing a license tax on slot machines and other devices of skill or chance for the successful operation of which money or the equivalent thereof is paid; providing for the collection of said tax and imposing certain duties upon mercantile appraisers, county treasurers and the Department of Revenue, and apropriating the proceeds from such tax to the Department of Health for crippled children's hospitals.

Referred to the Committee on Ways and Means.

By Messrs. CAPUTO, NAGLE and REISING.
HOUSE BILL No. 1701.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Beaver.

Referred to the Committee on Highways.

By Messrs. NAGLE and REISING.
HOUSE BILL No. 1702.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Beaver.

Referred to the Committee on Highways.

By Messrs. CAPUTO, NAGLE and REISING.
HOUSE BILL No. 1703.

An Act to amend the title and sections one, two, three and six, and section fifteen as amended, of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on non-payment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commisioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by transferring certain duties of the county commissioners to the county treasurer in counties of the fifth class.

Referred to the Committee on Counties.

By Messrs. McGEE and BRIGERMAN.
HOUSE BILL No. 1704.

An Act to amend section two of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties;" granting licenses by the board to certain persons having had at least ten years' practical experience as embalmer or undertaker under certain conditions.

Referred to the Committee on State Boards.

By Mr. NAGEL. HOUSE BILL No. 1705.

An Act to re-enact and amend the title and act, approved the twenty-eighth day of March, one thousand nine hundred and twenty nine (P. L. 86), entitled, "An act relating to the grading and sale of grapes in this Commonwealth, providing penalties for violations, and imposing certain duties upon the Department of Agriculture;" extending the provisions of said act to potatoes.

Referred to the Committee on Agriculture.

By Messrs. SCHOR and FINNERTY.
HOUSE BILL No. 1706.

An Act to amend sections five, seven, nine and twelve of the act, approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 497), entitled "An act regulating and licensing the sale transfer, and possession of certain firearms; prescribing penalties, procedure, and rules of evidence; conferring powers and imposing duties on courts of quarter sessions, sheriffs, and heads of police departments; and to make uniform the law

with reference thereto," further regulating the sale, transfer and possession of such firearms.

Referred to the Committee on Law and Order.

By Mr. JIROLANIO. HOUSE BILL No. 1707.

An Act to amend sections one and three of the act, approved the eighteenth day of March, one thousand eight hundred and seventy-five (P. L. 32), entitled "An act requiring recorders of deeds to prepare and keep in their respective offices, general, direct and ad sectum indexes of deeds and mortgages recorded therein, prescribing the duty of said recorders and declaring that the entries in said general indexes shall be notice to all persons," by further regulating the preparation and keeping of indexes of deeds and mortgages by recorders of deeds, and prescribing the effect thereof.

Referred to the Committee on Counties.

By Mr. ROBINSON. HOUSE BILL No. 1708.

An Act to amend section one as amended, and section four of the act, approved the twenty-ninth day of May, one thousand nine hundred and seventeen (P. L. 322), entitled "An act to give protection, and to regulate the catching or taking or having in possession, within this Commonwealth, of any bullfrogs, tadpoles, and terrapin; and providing penalties and punishments for violation of any of the provisions of this act, and the manner of proceeding to enforce complianse therewith; and providing for the disposition of the penalties and fines recovered and received; and how, and by whom, the costs in such cases shall be paid;" providing additional penalties for taking, catching and killing bullfrogs and tadpoles during the closed season, and increasing the daily limit of terrapin.

Referred to the Committee on Fisheries.

By Mr. HARMUTH. HOUSE BILL No. 1709.

An act to prohibit certain advertising of intoxicating liquors and intoxicating beverages.

Referred to the Committee on Law and Order.

By Mr. KELSO. HOUSE BILL No. 1710.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lawrence.

Referred to the Committee Highways.

By Mr. KELSO. HOUSE BILL No. 1711.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act;" establishing additional routes in the County of Lawrence.

Referred to the Committee Highways.

By Mr. SAMUEL A. WEISS. HOUSE BILL No. 1712.

A Supplement to the act, approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof;" increasing the powers now exercised by the judges of said court; and making the judges of the County Court in and for the County of Allegheny available for use in other courts in the same judicial district.

Referred to the Committee on Counties.

By Mr. BIERLY. HOUSE BILL No. 1713.

An Act to amend section eight hundred four of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" removing the provisions that councilmen shall hold office until their successors are elected and qualified.

Referred to the Committee on Boroughs.

By Mr. HABERLEN. HOUSE BILL No. 1714.

An Act imposing retaliatory taxes and license fees on foreign commercial motor vehicles; establishing Ports of Entry to aid in the collection thereof; conferring powers and imposing duties upon certain departments, boards and political subdivisions; providing penalties and making appropriations.

Referred to the Committee on Motor Vehicles.

By Mr. WHITENIGHT. HOUSE BILL No. 1715.

An Act to prevent fraud and deception; regulating the weights and measures in the sale or offering for sale of fruit and vegetables in this Commonwealth; regulating sales and vegetables in original unbroken standard containers; imposing certain powers and duties on the Department of Internal Affairs and county and city inspectors of weights and measures; and prescribing penalties.

Referred to the Committee on Agriculture.

By Messrs. FITCH and McSHANE. HOUSE BILL No. 1716.

An Act prohibiting public service companies and municipalities engaged in the business of furnishing, manufacturing or selling gas, water, electric light, electric power or telephone service from imposing and ready-to-serve or meter charge or meter rental charge; and providing a penalty.

Referred to the Committee on Public Utilities.

By Mr. MORAN. HOUSE BILL No. 1717.

An Act to exempt certain homesteads from taxation.

Referred to the Committee on Municipal Corporations.

By Messrs. HESS and FALKENSTEIN. HOUSE BILL No. 1718.

An Act abolishing capital punishment of persons under twenty-one years of age, and providing for the substitution of a life sentence in lieu thereof; repealing inconsistent legislation and providing that this act shall not apply to any case in which it shall appear that the said

crime was committed prior to the date of the approval of this act.

Referred to the Committee on Judiciary General.

By Messrs. HINDMAN and O'NEILL.

HOUSE BILL No. 1719.

An Act providing for the establishing and maintenance of a State institution for the study and treatment of malignant diseases and allied conditions; and making an appropriaton.

Referred to the Committee on State Government.

By Mr. ROTHENBERGER. HOUSE BILL No. 1720.

An Act making an appropriation to the Home for Friendless Children, Reading, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. ROTHENBERGER. HOUSE BILL No. 1721.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Berks.

Referred to the Committee on Highways.

By Mr. ROTHENBERGER. HOUSE BILL No. 1722.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Berks.

Referred to the Committee on Highways.

By Mr. ROTHENBERGER. HOUSE BILL No. 1723.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Berks.

Referred to the Committee on Highways.

By Mr. ROTHENBERGER. HOUSE BILL No. 1724.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Berks.

Referred to the Committee on Highways.

By Mr. ROTHENBERGER. HOUSE BILL No. 1725.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions: limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Berks.

Referred to the Committee on Highways.

By Mr. ROTHENBERGER. HOUSE BILL No. 1726.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Berks.

Referred to the Committee on Highways.

By Mr. SHOEMAKER. HOUSE BILL No. 1727.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lehigh.

Referred to the Committee on Highways.

By Mr. SHOEMAKER. HOUSE BILL No. 1728.

An Act to establish as a State Highway a certain section of public road in the County of Lehigh, and pro-

viding for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. SHOEMAKER. HOUSE BILL No. 1729.

An Act to establish as a State Highway a certain section of public road in the County of Lehigh, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. SHOEMAKER. HOUSE BILL No .1730.

An Act to establish as a State Highway a certain section of public road in the County of Lehigh, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. SHOEMAKER. HOUSE BILL No. 1731

An Act to establish as a State Highway a certain section of public road in the County of Lehigh, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. PEARSON. HOUSE BILL No. 1732

An Act to amend sections three hundred seventy-one and six hundred seventy, section seven hundred thirty two as amended, sections seven hundred thirty-three, eight hundred seventy-six, and eight hundred ninety-six of, and to add section seven hundred thirty-seven to the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," further regulating tax levies, bond issues, appropriations, and the procedure for rebuilding bridges in such counties.

Referred to the Committee on Counties.

By Mr. PEARSON. HOUSE BILL No. 1733.

An Act to amend sections four hundred six and four hundred seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by further regulating depositories of funds of counties of the second class, and the rate of interest to be paid by such depositories to such counties.

Referred to the Committee on Counties.

By Mr. PIOLE. HOUSE BILL No. 1734.

A Joint Resolution proposing an amendment to Article XIV, Section 2 of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. PIOLE. HOUSE BILL No. 1735.

An Act to amend section sixteen of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An Act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by providing that the taxes hereafter or heretofore imposed by the first section shall be a first lien on all real property of the resident against whom the same are assessed.

Referred to the Committee on Counties

By Messrs. JIROLANIO, VAN SICKLE and COAKLEY. HOUSE BILL No. 1736.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Northampton.

Referred to the Committee on Highways.

By Messrs. BOYER, TROUT, HARKINS, HOLLAND, MOOMAW, McKINEY and BOOSE. HOUSE BILL No. 1737.

An Act abolishing the State Council of Education; conferring and imposing its powers and duties on the Department of Public Instruction; and repealing existing laws.

Referred to the Committee on Education.

By Messrs. HOLSTROM, SHOEMAKER, and McDERMOTT. HOUSE BILL No. 1738.

An Act to amend clause fifty-four of section two thousand four hundred three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto," decreasing the maximum fine and penalty which may be imposed by ordinance.

Referred to the Committee on Cities.

By Mr. FALKENSTEIN. HOUSE BILL No. 1739.

An Act to amend clause (c) of section two clause (a) of section five section twenty and clause (a) of section twenty three of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the lisensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as reenacted and amended restricting the sale of malt or brewed beverage by manufacturers to distributors and importing distributors only.

Referred to the Committee on State Boards.

By Mr. SKALE. HOUSE BILL No. 1740.

An Act providing for the abatement of principal, interest, penalties and costs on delinquent taxes of cities of the first class and school districts of the first class.

Referred to the Committee on Cities.

By Mr. HETRICK. HOUSE BILL No. 1741.

An Act to further amend section three hundred and twenty-nine of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 30), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general special or local, or any parts thereof, that are or may be inconsistent therewith," by limiting the commission to be paid treasurers in school districts of the third and fourth class.

Referred to the Committee on Education.

By Mr. ALLMOND. HOUSE BILL No. 1742.

An Act providing for special vocational, trade, industrial and commercial schools and classes, in cooperation with school districts; and employment, reemployment and occupational adjustment offices for the training, retraining and instruction of certain persons in order to enable them to enter, reenter or continue employment under changing conditions; conferring powers and imposing duties upon the Superintendent of Public Instruction; and making an appropriation

Referred to the Committee on Education.

By Messrs. VAN SICKLE, JIROLANIO, and COAKLEY. HOUSE BILL No. 1743.

A Supplement to the act approved to the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Northampton.

Referred to the Committee on Highways.

By Messrs. VAN SICKLE, JIROLANIO, and COAKLEY. HOUSE BILL No. 1744.

An Act to further amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, alderman, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liabilities for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds;" by providing for different classes of operators' licenses and learners' permits; prescribing the circumstances under which they shall be issued; requiring proof of financial responsibility in certain cases; denying operating privileges under certain circumstances; and providing additional penalties.

Referred to the Committee on Motor Vehicles.

By Messrs. DICKINSON and SPENGLER. HOUSE BILL No. 1745.

An Act making an appropriation to the several fire companies of the city of Harrisburg, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. HARKINS. HOUSE BILL No. 1746.

An Act creating in counties of the fourth, fifth, sixth, seventh, and eighth classes a board for the assessment and revision of taxes, consisting of the county commissioners in counties of the seventh and eighth classes, and providing for the appointment of the members of such board by the county commissioners with the approval of the court of common pleas in counties of the fourth, fifth, and sxith classes; providing for their salaries, payable by the county, abolishing existing boards; defining the powers and duties of such board; regulating the assessment of persons, property, and occupations for county, city, borough, town, township, school, and poor purposes; authorizing the appointment of subordinate assessors, a solicitor, engineers, and clerks, providing for their compensation payable by such counties; abolishing the officers of city, ward, borough, and township assessors, so far as the making of assessments and valuations for taxation is concerned and providing for the acceptance of this act by cities.

Referred to the Committee on Counties.

By Mr. HARKINS. HOUSE BILL No. 1747.

An Act to amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" prohibiting sales of food and candy on public school premises.

Referred to the Committee on Education.

By Messrs. HARKINS and BOIES. HOUSE BILL No. 1748.

An Act making an appropriation out of the Motor License Fund to counties of the second class for airport purposes.

Referred to the Committee on Aeronautics.

By Mr. SOLLENBERGER. HOUSE BILL No. 1749.

An Act to further amend clause eight of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be adminis-

tered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may inconsistent therewith," by changing the minimum salary of county superintendents.

Referred to the Committee on Education.

By Messrs. JAMES A. SMITH and DYSON.
HOUSE BILL No. 1750.

An Act relating to the practice of Naturopathy; providing a Board of Naturopathic Education and licensure in the Department of Public Instruction, and means and methods whereby the right to practice Naturopahty and any of its branches may be obtained, and for exemptions therefrom; providing for revocation or suspension of licenses by said board and for appeals; and providing penalties for violation thereof.

Referred to the Committee on State Boards.

By Mr. SCHOR. HOUSE BILL No. 1751.

An Act relating to suits and judgments on obligations accompanying mortgages heretofore or hereafter foreclosed; changing the rule of evidence that the price paid at a sheriff sale for the mortgaged property is conclusive evidence of its value; providing a procedure by which the actual value of such property, when purchased by or for the holder of the mortgage, may be determined and credited on the mortgage debt; and providing a limitation of time within which such procedure may be invoked.

Referred to the Committee on Judiciary General.

By Mr. DOUGHERTY. HOUSE BILL No. 1752.

An Act to repeal existing laws prohibiting the granting of licenses for the sale of vinous, spirituous, malt or brewed liquors in certain places of amusement or to places connected with such places of amusement.

Referred to the Committee on State Boards.

By Messrs. HARKINS, VAN SICKLE,
JIROLANIO and OSTROFF. HOUSE BILL No. 1753.

An Act to create an agency in the public interest, to be known as the PENNSYLVANIA STATE BAR, for the purpose of organizing and governing persons who practice law, and regulating said practice; to provide for the organization, government, membership and powers of said agency, and to provide penalties for the violation of the act, and repealing of acts or parts of acts in conflict therewith.

Referred to the Committee on Judiciary General.

By Mr. HERBERT B. COHEN. HOUSE BILL No. 1754.

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing for, and regulating the incorporation of, nonprofit corporations organized to provide hospital care and service for subscribers; and conferring powers on the Insurance Department with respect thereto.

Referred to the Committee on Corporations.

By Mr. HERBERT B. COHEN HOUSE BILL No. 1755.

An Act providing for the regulation by the Insurance Department of nonprofit corporations organized to provide hospital care and service for subscribers; prescribing legal investments for the funds of such corporations and the hosptials with which such corporations may enter into contracts for hospital care and service; conferring powers on the Insurance Department and the Department of Welfare; exempting such corporations from taxation; and providing penalties.

Referred to the Committee on Insurance.

By Mr. WHALEN. HOUSE BILL No. 1756.

An Act to amend section one of the act approved the seventh day of July, one thousand eight hundred and seventy-nine (P. L. 194), entitled "An act to enlarge the jurisdiction of justices of the peace and regulating the fees of constables making sales under this act," further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen.

Referred to the Committee on Judiciary General.

By Mr. COAKLEY. HOUSE BILL No. 1757.

An Act to further amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," by further defining real estate brokers and real estate salesmen; and further providing for the licensing, regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business.

Referred to the Committee on State Boards.

By Mr. SAMUEL A. WEISS. HOUSE BILL No. 1758.

An Act regulating and improving the civil service of the Commonwealth; authorizing cooperation with counties, cities, boroughs, towns and townships in matters relating to civil service; defining certain crimes; imposing penalties; and repealing certain acts and parts thereof.

Referred to the Committee on State Government.

By Mr. BLANK. HOUSE BILL No. 1759.

An Act to provide for the settlement, registration, transfer and assurance of titles to land, for the appointment and duties of recorders and registrars of title, regulating the proceedings concerning the registration and adjudication of title, and establishing an assurance fund.

Referred to the Committee on Judiciary General.

By Mr. McDERMOTT. HOUSE BILL No. 1760.

An Act to reenact and further amend the title and the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution there-

of; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivision of the State, and election officers; providing penalties; and repealing existing acts," defining and further defining and regulating licensees, application for licenses, and sales by licensees, and providing for the licensing of package retailers, and fixing fees for such licenses, and for amusement permits; regulating the granting, suspension, revocation and transfer of licenses, and the procedure therefor, and conferring jurisdiction on certain courts; providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the County treasurer, and prescribing the powers and duties of said board; providing for compromises where licenses are suspended, and for the disposition of application, license, permit, fees, forfeitiures and penalties, and providing penalties.

Referred to the Committee on State Boards.

By Mr. BROWN. HOUSE BILL No. 1761

An Act creating a commission to study certain conditions relating to municipal ordinances; defining its powers and duties; and making an appropriation.

Referred to the Committee on Municipal Corporations.

By Mr. HARKINS. HOUSE BILL No. 1762.

An Act to further amend section one of the act, approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine (P. L. 117), entitled "An Act making it unlawful for any person to hold himself out or advertise himself as a lawyer, attorney-at-law, or counsellor-at-law in any county of the State of Pennsylvania, unless duly admitted to practice by a court of record of any county in this Commonwealth, and providing a penalty therefor," by defining and prohibiting certain acts related to the practice of the law by persons, partnerships, associations, and corporations not duly and regularly admitted to practice law, and defining the practice of law and defining those who may engage in the practice of law, and providing for penalties.

Referred to the Committee on Judiciary General.

By Messrs. HARKINS and BOIES.
HOUSE BILL No. 1763.

An Act to establish as a State highway a certain section of public road in the County of Allegheny, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Messrs. OSTROFF, LEWIS and
REUBEN E. COHEN. HOUSE BILL No. 1764.

An Act authorizing the payment of benefits by certain beneficial societies in the event of sickness, accident, disability or death or in the event of any or all such contingencies; authorizing certain existing beneficial or protective societies heretofore incorporated to reincorporate for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death; regulating such societies and corporations and limiting the amount for which such societies and corporations may issue policies; providing for reserves of such societies and corporations; providing penalties and repealing existing laws.

Referred to the Committee on Insurance.

By Mr. BURROWS. HOUSE BILL No. 1765.

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by restricting the number of assistant county superintendents; providing for county public school psychologists, and establishing standards of eligibility, methods of appointment, duties, salaries, and methods for the payment thereof, for such county public school psychologists.

Referred to the Committee on Education.

By Mr. MELLOTT. HOUSE BILL No. 1766.

An Act to amend sections one thousand four hundred and forty-one and one thousand seven hundred and sixteen, as added, of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further defining cost of tuition.

Referred to the Committee on Education.

By Mr. COSTANZO. HOUSE BILL No. 1767.

An Act to amend section one of the act approved the thirtieth day of April, one thousand nine hudred twenty-nine (P. L. 874), entitled "An act relating to judicial sales and sales upon writs of execution or otherwise; and preserving the lien of mortgages on real estate other than upon unseated lands," by exempting liens for State taxes from the provisions of the act.

Referred to the Committee on Judiciary General.

By Mr. BROWN. HOUSE BILL No. 1768.

An Act providing that physicians' fees for examinations shall be taxable as costs in certain prosecutions and be paid by the county, with certain exceptions.

Referred to the Committee on Judiciary General.

By Mr. ROBINSON. HOUSE BILL No. 1769.

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of the right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspector of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporatoins, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

Referred to the Committee on Elections.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 153. (HOUSE BILL No. 1770).

An Act to amend the act approved the twentieth day of March one thousand nine hundred and thirteen (P. L. 6) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof" by including display or placard advertising and changing the penalties prescribed and the manner of providing violations.

Referred to the Committee on Judiciary General.

SENATE BILL No. 231. (HOUSE BILL No. 1771.)

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors where there is no evidence of fraud or conspiracy and to authorize ratify confirm and validate payments on such contracts by the school district.

Referred to the Committee on Education.

SENATE BILL No. 265. (HOUSE BILL No. 1772.)

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 311. (HOUSE BILL No. 1773.)

An Act authorizing the recording and copying of documents plats papers and instruments of writing by photostatic photographic or other mechanical process and relating to the effect and use of such copies and records.

Referred to the Committee on Judiciary General

BILLS INTRODUCED AND REFERRED

By Mr. O'CONNOR. HOUSE BILL No. 1774.

An Act relating to statements made in negotations for annuity or pure endowment contracts and policies or certificates of life, endowment, accident or health insurance.

Referred to the Committee on Insurance.

By Mr. POWERS. HOUSE BILL No. 1775.

An Act to amend clause (g), section one thousand three hundred nine, of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers, fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," To authorize the Pennsylvania Historical Commission at its discretion, to deposit historic relics or other gifts in or on historic properties or shrines committed to its custody."

Referred to the Committee on State Government.

By Miss BRANCATO. (By Request). HOUSE BILL No. 1776.

An Act relating to the trade or occupation of shoe rebuilder, remodeler or repairman; providing for the licensing of persons engaged in such trade or occupation, and for the revocation of such licenses subject to appeal and creating the Shoe Rebuilders, Remodelers and Repairmen's Licensing Board as a departmental administrative board in the Department of Labor and Industry.

Referred to the Committee on State Boards.

By Mr. LOPRESTI. HOUSE BILL No. 1777.

An Act to further amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, libility for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by further limiting the number and weight of trailers and semi-trailers that may be drawn by or attached to motor vehicles operated on highways.

Referred to the Committee on Motor Vehicles.

By Mr. DUBBS. HOUSE BILL No. 1778.

An Act relating to public employment in cities of the first class and counties of the first class; prohibiting the appointment of persons related to or connected with the persons, body, committee, court of justice, commission or corporation having the appointing power; providing for the removal from office of persons so appointed; and bestowing certain powers and duties on the Attorney General courts of common pleas.

Referred to the Committee on Judiciary Special.

By Messrs. McGEE and BRIGERMAN. HOUSE BILL No. 1779.

An Act to amend Section three hundred and fifty-four of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, including carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," to include contracts pertaining to pure endowments and an-

nuites; policies of fire, marine, and title insurance; and conrtacts issued by assessment insurance corporations; and all other forms of insurance contracts issued in Pennsylvania.

Referred to the Committee on Insurance.

By Mr. CORRIGAN. HOUSE BILL No. 1780.

An Act to amend section five and sections sixteen, seventeen and twenty-one, as amended, of the act approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 710) entitled "An act allowing and regulating boxing, sparring and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor; and appropriating moneys received for monument and memorial purposes; and prescribing penalties," by providing for; promoters, partnerships and copromoters; a bond to protect contestants, managers and officials; changing license fees for promoters, boxers, seconds, managers and wrestlers; and requiring payments to the Commonwealth for complimentary tickets.

Referred to the Committee on Military Affairs.

By Mr. ALEXANDER. HOUSE BILL No. 1781.

An Act to amend sections two and three of the act approved the fourteenth day of May, one thousand nine hundred twenty-nine (P. L. 1721), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit." as amended, by providing further for the return of, and fees for, service.

Referred to the Committee on Judiciary General.

By Mr. GERARD. HOUSE BILL No. 1782.

An Act to authorize boroughs to sue out writs of scire facies on certain municipal claims, where more than five years have elapsed since said claims were filed, and to reduce such claims to judgment; and providing for the revival and collection of such judgments.

Referred to the Committee on Municipal Corporations

By Miss BRANCATO. HOUSE BILL No. 1783.

An Act fixing the compensation of the officers and members of the Fire Protection Force of the cities of the first class.

Referred to the Committee on Cities.

By Mr. WELSH. HOUSE BILL No. 1784.

An Act to further amend section three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1046), entitled "An act appropriating the moneys in the Motor License Fund," by making a portion of the moneys in the Motor License Fund available for administering the law providing reimbursement for hospitals for services to indigent victims of motor vehicle accidents.

Referred to the Committee on Welfare.

By Mr. ZAPPALA. HOUSE BILL No. 1785.

An Act to further amend section sixteen of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 208), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison'; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of a samples of drugs for determining their quality, strength, and purity," by prqvdiing for special registration of veterans in certain cases.

Referred to the Committee on State Boards.

By Miss BRANCATO. HOUSE BILL No. 1786.

An Act providing for an enumeration of employed children between the ages of twelve and sixteen years, to be made by the persons making the annual enumeration of children in school districts, to be filed in the Department of Labor and Industry, and the cost thereof to be paid by the Commonwealth.

Referred to the Committee on Education.

By Messrs. OSTROFF, SCHOR and REUBEN E. COHEN. HOUSE BILL No. 1787.

An Act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at Law and in Equity in certain courts of this Commonwealth; to prescribe rules and regulations for the conduct of any general business either civil or criminal by Judges of any Court of Record; authorizing the Courts of Common Pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee and to fix and define its powers and duties; imposing duties on Judges and other officers of every Court of Record; conferring upon the Supreme Court of Pennsylvania disciplinary powers over judges of all other Courts of Record, including the power the prescribe and impose penalties in the enforcement of such powers.

Referred to the Committee on Judiciary General.

By Mr. SPROUL. HOUSE BILL No. 1788.

An Act to amend section five hundred forty-five of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending, revising, consolidating and changing the law relating thereto," as amended providing for the audit of the accounts of justices of the peace.

Referred to the Committee on Townships.

By Mr. OMINSKY. HOUSE BILL No. 1789.

An Act limiting the term of years of any agreement, contract or lease to which any city of the first class shall be a party, and making certain exceptions.

Referred to the Committee on Cities.

By Mr. WESTRICK. HOUSE BILL No. 1790.

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789) enitled "An act relating to insurance; establishing an insurnace department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyd associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations of ex-

changes; providing penalties, and repealing existing laws," authorizing the insurance commissioner to destroy certain records.

Referred to the Committee on Insurance.

By Mr. WELSH. HOUSE BILL No. 1791.

An Act to provide reimbursement for hospitals, on account of expenses of the care of indigent persons injured in motor vehicle accidents, imposing powers and duties upon certain State departments, and making an appropriation from the Motor License Fund.

Referred to the Committee on Welfare.

By Messrs. LONG and SAMUEL A. WEISS. HOUSE BILL No. 1792.

An Act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections.

Referred to the Committee on Elections.

By Mr. REISING. HOUSE BILL No. 1793.

An Act to amend section four of the act, approved the thirteenth day of May one thousand nine hundred and fifteen (P. L. 286), entitled "An act to provide for the health, safety, and welfare of minors; by forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the perior of their employment, attend certain schools, to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officer to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," as amended, further limiting the days and hours during which minors under eighteen years of age may be employed.

Referred to the Committee on Labor.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. OSTROFF, LEWIS, HESS, READINGER, TURNER, WOODSIDE, DeNOTE, TRONZO, and SHEPARD. (Concurrent) RESOLUTION No. 54.

In the House of Representatives, March 17, 1937.

Whereas, the United States of America and the Commonwealth of Pennsylvania was founded by those who sought peace and security; and

Whereas, the world is now engaged in a mad race to arm and prepare for war; and

Whereas, at this stage of civilization it is time for the nations of the world to stop and think of peace rather than war; and

Whereas, every effort ought to be made and every step taken to establish peace for all mankind;

Now Therefore, Be it Resolved (if the Senate concur) that the General Assembly of the Commonwealth of Pennsylvania does hereby memorialize the President of the United States, the Secretary of State, and the Congress of the United States to call a World Peace Conference to be held in Philadelphia during the celebration of the Suesqui-Centennial of the American Constitution, to which shall be invited the duly authorized representatives of all of the nations of the world in the interests of peace.

Be It Further Resolved that a copy of this resolution be transmitted to the President of the United States, to his Secretary of State, to the Clerk of the Senate and the House of Representatives of the United States and to the members of Congress, and of the United States Senate from the Commonwealth of Pennsylvania.

Referred to the Committee on Federal Relations.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

Whereas, The authorities of certain municipalities throughout the Commonwealth of Pennsylvania are advertising or about to advertise tax sales, and have declined the request of taxpayers to further postpone said tax sales until legislation can be enacted by the General Assembly for the relief of delinquent tax-payers; and

Whereas, The members of the General Assembly and many people and organizations throughout the Commonwealth are in favor of the continuation of any such tax sales so as to enable the Legislature now in session to enact appropriation legislation; therefore be it

Resolved, (if the House of Representatives concur), That the General Assembly hereby directs the attention of the public authorities of the municipalities throughout the entire Commonwealth of Pennsylvania to the fact that, bills are now before the General Assembly authorizing the abatement of penalties and interest on municipal and other local taxes permitting the payment of such delinquent taxes by installments, and adjourning tax sales for a certain period, and therefore urges the public authorities of the municipalities in the Commonwealth to adjourn any tax sale which, under existing law, such authorities have authorized to be held during the months of March and April 1937, until legislation may be enacted relative to the abatement of tax penalties and interest and the postponement of tax sales.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

The SPEAKER. The resolution is referred to the Committee on Municipal Corporations.

REPORTS FROM COMMITTEES

Mr. JOHN J. BAKER, from the Committee on Appropriations, reported as committed, House Bill No. 1571, entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief, and expenses; defining the purposes for which such moneys can be expended; prescribing the powers and duties of the State Emergency Relief Board and certain State departments;

prohibiting political activity by employes of the State Emergency Relief Board; and prescribing penalties.

Mr. MOUL, from the Committee on Motor Vehicles, reported as committed, House Bill No. 1264, entitled:

An Act regulating the motor vehicle junk business; requiring a certificate of approval from the local authorities and a license from the Secretary of Revenue to conduct such business; and authorizing the governmental subdivisions of the Commonwealth to restrict such business from certain districts.

Mr. SKALE, from the Committee on Counties, reported as committed House Bill No. 1344, entitled:

An Act to amend sections five hundred and fifty-one, six hundred and seventy-five and six hundred and seventy-six of the act, approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto" by extending authority therein granted to include leasing of real property.

Mr. POWERS, from the Committee on Counties, reported as committed, House Bill No. 1289, entitled:

An Act to amend sections seventy-two, seventy-eight, eighty-two, ninety-two and ninety-six and repeal section eighty-seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," relieving counties of the liability to pay the expenses of county officers and employes attending certain state conventions.

Mr. BURROWS, from the Committee on Townships, reported as committed, House Bill No. 1322, entitled:

An Act to repeal sections two thousand ninety, two thousand ninety one, two thousand nintey-two, two thousand nintey-three, two thousand nintey-four, two thousand ninety-five, and two thousand ninety-six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," by abolishing the right of taxpayers to furnish all the materials and labor necessary for opening, making, amending and repairing the public highways and bridges of townships by petition and contract.

Mr. REUBEN E. COHEN, from the Committee on Cities, reported as committed, House Bill No. 248, entitled:

An Act to carry into effect section one of Article fifteen of the Constitution giving cities the right and power to frame, adopt and amend their own charters, and to exercise the powers and authority of local self-government, and providing the procedure therefor; imposing certain restrictions, limitations and regulations; imposing duties upon city councils, city officers, county commissioners and prothonotaries; and providing for the payment of certain expenses by cities.

Mr. MORAN, from the Committee on Townships, reported as amended, House Bill No. 1320, entitled:

An Act to amend section five hundred twenty, section five hundred thirty as amended and sections seven hundred three and two thousand twelve of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto," providing for the election of auditors, for vacancies in office of commissioners, for compensation to township commissioners, and fixing the width of public roads, streets, lanes and alleys.

Mr. SCHROCK, from the Committee on Townships, reported as amended, House Bill No. 1321, entitled:

An Act to amend section one thousand eight hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," as amended, by abolishing the right of taxpayers to prevent the letting of certain contracts.

Mr. SHAW, from the Committee on Counties, reported as committed, House Bill No. 1302, entitled:

An Act to amend sections two and three, paragraph (c) of section seven and section eight of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1041), entitled "An act to safeguard human health and life in counties of the second class by providing for the licensing and regulation of persons, municipalities and entities engaged in the transportation of garbage and in the disposal of garbage through the construction, keeping, maintenance or conduct of garbage disposal plants; conferring powers and imposing duties on the county commissioners of such counties; and otherwise providing for the administration of the act; and imposing penalties," by excepting from its provisions in certain cases the need for securing a license.

Mr. COOLAHAN, from the Committee on Education, reported as committed, House Bill No. 1771, (Senate Bill No. 231), entitled:

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors where there is no evidence of fraud or conspiracy and to authorize ratify confirm and validate payments on such contracts by the school district.

Mr. SKALE, from the Committee on Judiciary Special, re-reported as amended, House Bill No. 391, entitled:

An Act relating to wages; regulating the time, place and manner of payment of wages; providing for the enforcement of wage claims; imposing certain new liabilities upon contractors and certain duties upon employers; conferring certain powers and imposing certain duties on the Department of Labor and Industry; and providing penalties.

REQUEST TO READ BILL FIRST TIME

Mr. JOHN J. BAKER. Mr. Speaker, I ask that House Bill No. 1571 reported from the Committee on Appropriations by me be read for the first time.

The SPEAKER. The Chair informs the gentleman from Allegheny, that House Bill No. 1571 cannot be read for the first time because it is not in print.

ANNOUNCEMENTS

COMMITTEE MEETINGS

There will be a public hearing today, March 17th, at 8:00 p. m. before the Committee on Public Utilities on House Bill No. 851 in the hall of the House.

There will be a public hearing on Tuesday, March 23, at 12:00 noon on House Bill No. 732, before the Committee on Municipal Corporations in the House Caucus Room.

There will be a public hearing on Tuesday, March 23,

at 8:00 p. m. on House Bill No. 500, the Moomaw-Moran bill, before the Committee on Municipal Corporations, in the hall of the House.

There will be a public hearing on Tuesday, March 23, at 7:30 p. m. on House Bill No. 1283, Senate Bill No. 369, The Teachers' Tenure Bill, before the Committee on Education in the Forum of the Educational Building.

The Committee on Ways and Means will meet next Monday at 8:00 p. m. in Room 100.

ADJOURNMENT

Mr. BOHN. Mr. Speaker, I move that this House do now adjourn until Monday, March 22, 1937, at 9:00 p. m.

The motion was agreed to, (at 8:57 p. m.) the House adjourned until Monday, March 22, 1937, at 9:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., MONDAY, MARCH 22, 1937. No. 32.

SENATE

MONDAY, March 22, 1937

The Senate met at 9 o'clock p. m.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, LL. D., offered the following prayer:

Almighty One, we rejoice in deep conviction of Thy providence. At this season, millions of our fellow-citizens are thinking of the rescue of their fathers from bondage, the turning of ther faces to the land of promise. We acknowledge our debt to this great people, who kept for us, and gave to us the Oracles of God. Today, millions of their sons and daughters are suffering shameless persecution. In the name of our common humanity, we pray for Thy deliverance.

Our Father, other millions are also thinking at this time of those tragic last days of Him who came, not to destroy, but to exemplify the law; who went about doing good; whom the common people heard gladly; who, alone, could say, "Which of you convinceth me of sin?" In the Sermon on the Mount He taught us how to live, and on Calvary He showed us how to die.

We thank Thee for the meekness of Moses, a norm of obedience; the gentleness of Jesus, a Spirit of Life. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. McCREESH, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. Howell asked and obtained leave of absence for the Senator from Susquehanna, Mr. GELDER, for the balance of the week.

Mr. Buckman asked and obtained leave of absence for the Senator from Somerset, Mr. EALY.

PETITIONS AND REMONSTRANCES

PROTESTING AGAINST THE PASSAGE OF SENATE BILL No. 390

The Chair cleared his table and laid before the Senate the following:

Communication from Miss Ida F. Shade, Turbotville, Pennsylvania, protesting against the passage of Senate Bill No. 390.

Also communication from Mrs. George W. Boyer, Mifflinburg, Pennsylvania, protesting against Senate Bill No. 390.

Also communication from Mrs. Charles Knauss, Swengel, Pennsylvania, protesting against Senate Bill No. 390.

Also Communication from Mrs. Fred Murray, Muncy, Pennsylvania, protesting against Senate Bill No. 390.

OPPOSING THE AMENDMENT TO THE WITKIN FIREARMS ACT

A telegram from Mr. Giles P. Wetherill, Philadelphia, Pa., protesting against the amendment to the Witkin Firearms Act.

A RESOLUTION PROTESTING AGAINST THE "FINANCIAL RESPONSIBILITY ACT."

Protests from the Central Labor Union of Philadelphia, against the Financial Responsibility Act, as it applies to the taxicab drivers.

RESOLUTION WITH REFERENCE TO THE GASOLINE TAX ACT

Communication from the Commissioners of Northampton County requesting that the Counties of the Commonwealth of Pennsylvania receive a greater percentage of all gasoline tax funds.

URGING SUPPORT OF THE MERIT SYSTEM BILL

A communicaton from the Pennsylvania State Nurses' Association, requesting support of the Senate for passage of the Merit System Bill.

URGING SUPPORT OF PASSAGE OF McGINNIS RESOLUTION

Communication from Joseph J. Timko, subregional director of Bedford and Butler Counties, D. W. O. C., endorsing the McGinnis Resolution.

RESOLUTION BY THE SCRANTON CENTRAL LABOR UNION

Communicaton from the Scranton Central Labor Union, protesting against any State Wide Differential in the Milk Control Law.

URGING PASSAGE OF THE SUNDAY FISHING LAW

Communication from H. W. Schafer, New Kensington, Pa., urging passage of the Sunday Fishing Bill.

URGING PASSAGE OF FOUR BILLS: SENATE BILLS Nos. 204 and 205 AND HOUSE BILLS Nos. 75 and 76

Petitions from Citizens of Brownsville, Pa., urging the passage of House Bills Nos. 75 and 76, and Senate Bills Nos. 204 and 205, for the purpose of protecting the traveling public and employes.

REPORT OF THE DELAWARE RIVER JOINT BRIDGE COMMISSION

The Chair cleared his table and laid before the Senate the report of the Delaware River Joint Bridge Commission covering operation of the Delaware River bridge for the calendar year 1936.

(For report see Appendix).

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 22, 1937.

To the Honorable, the General Assembly of the Commonwealth of Pennsylvania:

It is most important that we take action at once to end a disgraceful condition existing in our fourth class or rural school districts.

A total of 13,693 teachers in these districts, representing nearly one-fourth of all the elementary school teachers in Pennsylvania, are receiving wages below the minimum level for comfort and decency.

Despite their long years of training, and despite the great responsibility placed upon them, 9264 of these teachers are receiving only $800 a year, and 4429 of them only $800 a year.

I therefore most strongly urge that the minimum salaries of these teachers be increased to $1000 a year, which is little enough. This would affect approximately 2300 fourth class districts in Pennsylvania.

This will not only permit an approach to a living wage for these teachers, but will likewise enable a greater number of school districts to increase their terms from 160 to 180 days a year. Both of these factors will result in more advantages for pupils in these districts, in keeping with our desire to provide equal educational opportunity for all.

To provide revenue necessary for this salary increase I recommend enactment of House Bill No. 228, introduced by Mr. Patterson and Mr. Stank, imposing a tax upon stores, particularly chain stores. I am advised that under existing conditions this tax will provide adequate revenue to meet the additional burden imposed upon the School Fund.

The chain stores of Pennsylvania, which annually take millions of dollars from the pockets of our citizens—a large part of which goes to absentee owners in New York and elsewhere outside the State—are quite able to absorb this entire tax without adding one cent to the housewife's bill.

You may hear protests that this is not the case, but I need only remind you that in such situations you have only to consider the source. Remember that any individual or group receiving revenue of any kind from such stores, directly or indirectly, has a direct interest which makes impartiality difficult, if not impossible.

The truth is that even throughout the depression, when other businesses were going bankrupt, the chain stores of Pennsylvania were making large profits. One of the largest grocery chains in the State made an average profit of nearly $14,000,000 a year between 1929 and 1936. Six of the twelve officials of this chain last year received salaries of $100,000 each. Another large chain made an average profit of nearly $5,000,000 a year between 1929 and 1935.

Certainly with $14,000,000 a year net profit, such a chain cannot object to paying 700 odd thousands a year, which would be its share of the tax. Nor could it justify in any way any attempt to pass this on to the consumer.

Incidental to the main purpose of this bill, which is to raise revenue for schools, are several facts which have a bearing upon the desirability of this particular bill.

First. Chain stores, because of their large-scale operations, are well able to pay this tax out of their enormous profits without increasing by one dollar the charge to the customer.

Second. Chain stores have escaped their fair share of the State taxes paid by local merchants through juggling their corporate practices.

Third. Because of absentee management the chain stores do not possess the same public spiritedness as the thousands of small merchants they have forced into bankruptcy.

Fourth. The encouragement to independent merchants furnished under the chain store tax will help local producers, particularly the nearby farmers, upon whom the independents draw for their supplies.

I could give you many other reasons, but I am sure they will be adequately brought forth in the debate upon this measure. I firmly believe that in this case both the tax and its purpose will be productive of much good to the Commonwealth as a whole. Therefore I urge that the necessary legislative action be taken promptly, to the end that our smaller school districts, their pupils and their teachers, may be provided for in a manner befitting their importance to our Commonwealth.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellnecy, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 22, 1937.

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following appointments:

MEMBER OF THE STATE DENTAL COUNCIL AND EXAMINING BOARD

Reuben E. V. Miller, of Easton, Northampton County, vice C. J. Dickie, of Indiana, deceased, for the term of six years.

MEMBER OF THE BOARD OF TRUSTEES OF ASHLAND STATE HOSPITAL

Clarence Steigerwalt, of Schuylkill Haven, Schuylkill County (to fill a vacancy), for the term of four years, and until his successor is qualified.

GEORGE H. EARLE

NOTARIES PUBLIC

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 22, 1937.

To the Honorable, the Senate of the
Conmmonwealth of Pennsylvania.

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years. to compute from the dates set opposite their names:

MONTGOMERY COUNTY

Mrs. Sara F. Hanes, Ambler, March 22, 1937.

LUZERNE COUNTY

Miss Bessie A. Thomas, Wilkes-Barre, March 27, 1937.

CAMBRIA COUNTY

Donald E. Custer, Johnstown, March 29, 1937.

ALLEGHENY COUNTY

Karl S. Henning, 1809 Carson St., Pittsburgh, March 30, 1937.

LUZERNE COUNTY

Miss Regina M. Kemmey Pittston, March 30, 1937.

PHILADELPHIA COUNTY

Miss Ruth G. Hodges, 329 Walnut St., Philadelphia, April 1, 1937.

LAWRENCE COUNTY

Joseph R. McFate, New Castle, April 4, 1937.

ALLEGHENY COUNTY

Miss M. G. McLaughlin, 1701 Koppers Bldg., Pittsburgh, April 5, 1937.

PHILADELPHIA COUNTY

Joseph L McDermott, 16 W. Queen Lane, Philadelphia, April 15, 1937.

WESTMORELAND COUNTY

Glenn G. Martin, Jr., Jeannette, April 16, 1937.

McKEAN COUNTY

Miss Mary Hanlon, Port Allegany, April 16, 1937.

NORTHAMPTON COUNTY

Miss Carrie H. Walter, Easton, April 25, 1937.

GEORGE H. EARLE

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 22, 1937

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation.

ALLEGHENY COUNTY

H. G. Friedman, McKeesport.
Miss Nora E. Kelleher, 3340 Liberty Ave., Pittsburgh.
E. J. Schwartz, 5612 Penn Ave., Pittsburgh.
Mrs. E. Dell Stevenson, Keystone Bank Bldg., Pittsburgh
Miss Irene Zadersky, Westinghouse Bldg., Pittsburgh.

BEAVER COUNTY

J. Harvey Moore, Aliquippa.

FAYETTE COUNTY

Thomas A. Barnett, Uniontown.
Adam Sweda Jr., Connellsville.
Robert V. Wright, Uniontown.

FRANKLIN COUNTY

Miss C. Gladys Willhide, Chambersburg.

LAWRENCE COUNTY

Mrs. Alice Hurton, Ellwood City.

PHILADELPHIA COUNTY

Thomas F. Rafferty, 2338 W. Huntingdon St., Philadelphia.
Miss Anna M. Ward, 12 S. 12th St., Philadelphia.

WESTMORELAND COUNTY

H. D. Diffenderfer, Export.

GEORGE H. EARLE

Commonwealth of Pennsylvani,a
Governor's Office, Harrisburg, March 22, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

R. G. Prokich, Pittsburgh, 511 Bakewell Bldg., March 28, 1937.
John M. Kane, Jr., Pittsburgh. 5101 Penn Ave., April 7, 1937.

GREENE COUNTY

George R. Kramer, Greensboro, April 23, 1937.

LUZERNE COUNTY

Miss Gertrude H. Lenahan, Wilkes-Barre, April 3, 1937.

NORTHAMPTON COUNTY

Clayton R. Smith, Bangor, March 27, 1937.

GEORGE H. EARLE

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, March 22, 1937.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

A. J. Hartman, Harmar Twp., P. O. Box 2038, Pgh.
E. A. Schramko. Pittsburgh, 35th and A. V. R. R.

INDIANA COUNTY

Samuel Law, Pine Twp., Heilwood.

MONTGOMERY COUNTY

Mrs. Abbie W. Whitman, Plymouth Twp., Plymouth Meeting.

PHILADELPHIA COUNTY

Miss Mary E. Cummings, Phila., 1600 Arch St.

WASHINGTON COUNTY

T. A. Riggle, Chartiers Twp., Meadow Lands.

GEORGE H. EARLE.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE.

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 376, (Senate Bill No. 616), entitled:

An Act making it unlawful for constables to wear certain types of uniforms.

Which was committed to the Committee on Judiciary General.

House Bill No. 653, (Senate Bill No. 617),

An Act to amend section 530, as amended and section 532 of the act aproved the twenty fourth day of June nineteen hundred and thirty one. P. L.-1206. Entitled an act concerning townships of the first class, amending, revising consolidating and changing the law relating thereto, fixing the length of term of certain officers appointed to fill vacancies.

Which was committed to the Committee on Municipal Government.

House Bill No. 713, (Senate Bill No. 618), entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administration Code of 1929," defining the powers and duties of the Department of Internal Affairs in respect to the Pennsylvania System of Coordinates.

Which was committed to the Committee on State Government.

House Bill No. 931, (Senate Bill No. 619), entitled:

An Act regulating the sale, exchange, removal and installation of certain plumbing fixtures in cities of the first class.

Which was committed to the Committee on Public Health.

House Bill No. 1075, (Senate Bill No. 620), entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law" by authorizing the district attorney in counties of the third class to purchase and maintain police radio equipment.

Which was committed to the Committee on County Government.

House Bill No. 1239, (Senate Bill No. 621), entitled:

An Act relating to counties of the first class and the duties of the prothonotaries of the several courts of common pleas in connection with the collection of certain taxes on writs and on entries and transcripts of judgments payable to the Commonwealth, and making provision for the disposition of the compensation therefor heretofore received by such pronthonotaries.

Which was committed to the Committee on State Government.

House Bill No. 1241, (Senate Bill No. 622), entitled:

An Act authorizing the recorder of deeds of any county of the third class to record or re-record, by a photographic or photostatic process or method, all papers required or authorized to be recorded or re-recorded by him; fixing the fees for such recording and re-recording; making such photographic or photostatic record or re-record or any photographic or photostatic exemplification thereof, legal evidence; authorizing the county commissioners to contract, purchase and pay for the necessary apparatus, equipment and supplies; authorizing the employment of skilled employes and assistants to operate the same; and providing for the fixing and limitation of their compensation.

Which was committed to the Committee on County Government.

HOUSE CONCURS IN SENATE BILL NO. 152

He also returned to the Senate, Senate Bill No. 152, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as amended, extending the retirement system of counties of the second class to additional employes; declaring certain persons ineligible to receive retirement allowances; and generally clarifying the provisions of the law governing such retirement systems.

with the information that the House has passed the same without amendment.

TIME OF NEXT MEETING

Mr. STIEFEL, Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL offered the following resolution which was twice read considered and agreed to.

In the Senate, March 22, 1937.

RESOLVED (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, March 29th, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 29th, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILL SIGNED

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill Number 152, entitled:

An Act to amend the act, approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended extending the retirement system of counties of the second class to additional employes declaring certain persons ineligible to receive retirement allowances and generally clarifying the provisions of the law governing such retirement systems.

Whereupon,

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) in the presence of the Senate signed the same.

BILLS INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 623 entitled:

An Act to amend section one, article three, as amended, and to repeal article nineteen, as amended, and section six of article twenty-two, of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth"; abolishing Civil Service Commissions; substituting a new article nineteen in said act; establishing City Personnel Commissions; providing for the appointment of commissioners by the Mayors, the Controllers, and the Commissioners; regulating the duties and powers of City Personnel Commissions and of Personnel Directors; providing for the better government of such cities by the regulation and improvement of their civil service defining certain crimes and imposing penalties.

Which was committed to the Committee on Judiciary General.

Also read in his place and presented to the Chair Senate Bill No. 624 entitled:

An Act requiring the Department of Revenue to prepare and distribute to counties, banks and trust companies joint stock associations limited partnerships, banks and trust companies taxable for State purposes.

Which was committed to the Committee on Banking.

Mr. CHAPMAN read in his place and presented to the Chair Senate Bill No. 625, entitled:

An Act to add section four hundred and ninety-six to the act, approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," requiring counties to place in good condition and to care for neglected cemeteries.

Which was committed to the Committee on County Government.

Mr. HOWELL read in his place and presented to the Chair Senate Bill No. 626, entitled:

An Act to amend section one of the act, approved the fourteenth day of April, one thousand nine hundred and thirty-one (P. L. 38), entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A, and the removal of policemne in cities of the second class," further regulating the suspension and dismissal of policemen and firemen in cities of the second class A.

Which was committed to the Committee on Municipal Government.

Mr. CAVALCANTE read in his place and presented to the Chair Senate Blil No. 627, entitled:

An Act making an appropriation to the Department of Forests and Waters for acquisition of land by purchase, condemnation, or otherwise, for State Park purposes.

Which was committed to the Commitee on Appropriations.

Mr. REED read in his place and presented to the Chair Senate Bill No. 628, entitled:

An Act to encourage the establishment of practical arts classes, providing for State subsidy; and making an appropriation.

Which was commited to the Committee on Appropriations.

Mr. JACOBS read in his place and presented to the Chair Senate Bill No. 629, entitled:

An Act to further amend the act, approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 289, entitled "An act relating to non-profit corporations; defining and providing for the organization merger consolidation and dissolution of such corporations; conferring certain rights powers duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within this Commonwealth; conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations;" further regulating the incorporation of non-profit corporations; regulating and extending and restricting in certain cases, the rights responsibilities authority and powers of such corporations and of the members thereof and the creation rights powers and qualifications of the officers thereof; further providing for and regulating the merger or consolidation and the dissolution of such corporations and providing penalties.

Which was committed to the Committee on Corporations.

ALSO read in his place and presented to the Chair Senate Bill No. 630, entitled:

An Act to further amend the act, approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation reorganization, winding up and dissolution of such corporations; conferring certain rights, powers duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas and certain State departments boards commissions or officers to collect fees for services required to be rendered by this act; imposing penalties and repealing certain acts and parts of acts relating to corporations;" re-defining authorized capital stock; eliminating certain approvals of articles of incorporation and certificates of authority; and further regulating the incorporation of business corporations and the amendments to the articles thereto; regulating and extending the rights, responsibilities authority powers and immunities of such corporations and of reorganized corporations and of the shareholders thereof and the rights powers qualifications and compensation of the officers thereof; providing for certificates of approval by the Department of State; further providing for and regulating the merger or consolidation and dissolution of such corporations; and providing penalties.

Which was committed to the Committee on Corporations.

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 631, entitled:

An Act relating to the employment of teachers and other employes in school districts of the first class; providing for the establishment of a system of service requirements; creating the office of director of examinations and defining his powers and duties; defining the powers and duties of the Board of School Directors with relation thereto.

Which was committed to the Committee on Education.

Mr. HALUSKA read in his place and presented to the Chair Senate Bill No. 632, entitled:

An Act relating to the moving of coal cars in bituminous coal mines, and prescribing penalties.

Which was committed to the Committee on Mines and Mining.

Mr. KILGALLEN read in hsi place and presented to the Chair Senate Bill No. 633, entitled:

An Act making an appropriation to the Western Pennsylvania Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

ALSO read in his place and presented to the Chair Senate Bill No. 634, entitled:

An Act making an appropriation to the Passavant Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. KILGALLEN read in his place and presented to the Chair Senate Bill No. 635, entitled:

An Act making an appropriation to the Homeopathic Medical and Surgical Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations

ALSO read in his place and presented to the Chair Senate Bill No. 636, entitled:

An Act making an appropriation to the Eye and Ear Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 637, entitled:

An Act to further amend section one thousand three hundred and eleven of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined" by designating the type of contract which shall be used for certain employes in the Teachers Colleges in this Commonwealth and specifying the means whereby they may be dismissed.

Which was committed to the Committee on Education.

Also read in his place and presented to the Chair Senate Bill No. 638, entitled:

An Act to further amend section four of the act, approved the eighteenth day of June, one thousand nine hundred nineteen (P. L. 498), entitled "An act defining consolidation of schools; providing for the establishment and regulation of consolidated schools; and providing for the transportation of pupils to and from consolidated schools," by making certain changes in the provisions for reimbursements by the Commonwealth.

Which was committed to the Committee on Education.

Mr. McGINNIS read in his place and presented to the Chair Senate Bill No. 639, entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing for exclusive judicial review and prohibiting injunctions against the Board providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties.

Which was committed to the Committee on Labor and Industry.

Also read in his place and presented to the Chair Senate Bill No. 640, entitled:

An Act to encourage the making and maintaining of agreements concerning wages, hours and conditions of employment between employers and employes by their representatives and the settlement of controversies concerning the same by mediation and voluntary arbitration conferring powers of mediation and arbitration of such controversies on the Department of Labor and Industry.

Which was committed to the Committee on Labor and Industry.

Mr. GILSON read in his place and presented to the Chair Senate Bill No. 641, entitled:

An Act declaring certain rights, grants and privileges in the beds of navigable waters within and on the boundaries of this Commonwealth void; vesting power in the Department of Forests and Waters and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights, grants and privileges; and providing the procedure in such cases.

Which was committed to the Committee on State Government.

Mr. KAHLE read in his place and presented to the Chair Senate Bill No. 642, entitled:

An Act making an appropriation to the Department of Forests and Waters for acquisition of land by purchase, condemnation, or other, for State Park purposes.

Which was committed to the Committee on State Government.

Mr. PYTKO read in his place and presented to the Chair Senate Bill No. 643, entitled:

An Act regulating and prescribing the computation and runnings of sentences for criminal offenses.

Which was committed to the Committee on Judiciary General.

Mr. RANKIN read in his place and presented to the Chair Senate Bill No. 644, entitled:

An Act to further amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 392), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," by imposing on the Commonwealth the cost of maintaining abandoned sections of State highways which were formerly parts of turnpikes or toll roads.

Which was committed to the Committee on Highways.

Mr. DENT read in his place and presented to the Chair Senate Bill No. 645, entitled:

An Act limiting the amount that water companies may charge boroughs for fire protection; and imposing duties on the Public Service Commission or its successor.

Which was committed to the Committee on State Boards.

Also read in his place and presented to the Chair Senate Bill No. 646, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Allegheny.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair Senate Bill No. 647, entitled:

An Act to amend section two of the act approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State Highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of Trafford.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair Senate Bill No. 648, entitled:

An Act to amend section two of the act approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of Trafford.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair Senate Bill No. 649, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Westmoreland.

Which was committed to the Committee on Highways.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 650, entitled:

An Act relating to weights and measures; regulating the weights and deliveries of commercial laundries, performing, selling or offering for sale laundry service on the basis of weight; and providing penalties.

Which was committed to the Committee on State Government.

Mr. PYTKO read in his place and presented to the Chair Senate Bill No. 651, entitled:

An Act to amend sections one, two and three of Article seventeen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," advancing the dates for the submission by budget estimates, the adoption of financial program and the fixing of the tax rate, and providing for the ascertainment of the tax rate where the same is not fixed within the time specified.

Which was committed to the Committee on City Government.

Mr. LAW read in his place and presented to the Chair Senate Bill No. 652, entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of elec-

tors; and prescribing the powers and duties of citizens, parties, political bodies registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sehriffs, county commissioners, peace officers, county trasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation.

Which was committed to the Committee on Elections.

EMPLOYEES OF THE SENATE

Mr. ROBERTS offered the following resolution which was twice read considered and agreed to:

In the Senate, March 22, 1937.

Resolved, That Lewis R. Jaspan be elected as Assistant Sergeant at Arms of the Senate,

And that Loretta E. Ziegler be elected as Clerk to Committee.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 37, entitled:

A Joint Resolution proposing an amendment to section eighteen Article three of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. BUCKMAN. Mr. President, I would like the sponsor of this bill, the Senator from York, Mr. Lanius, to explain it.

Mr. LANIUS. Mr. President, this resolution proposes to amend the Constitution by providing for old age pensions.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Henney,	Mallery,	Ruth,
Buckman,	Heyburn,	McCreesh,	Salus,
Cavalcante,	Homsher,	McGinnis,	Scarlett,
Chapman,	Howell,	Mundy,	Shapiro,
Dando,	Huffman,	Pierson,	Sipe,
Deitrick,	Jacobs,	Pytko,	Sones,
Dent,	Jaspan,	Rankin,	Sordoni,
DiSilvestro,	Kahle,	Reed,	Stiefel,
Eroe,	Kilgallen,	Rice,	Thompson,
Frey,	Kunkel,	Roberts,	Wolfenden,
Gilson,	Lanius,	Rodgers,	Woodward,
Haluska,	Law,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 38, entitled:

An Act to amend clause (a) of section five of the act approved the twenty-fifth day of June, one thousand nine hundred and thirty-six (P. L. 28) entitled "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers' Assistance Funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts;" providing for assistance to indigent persons sixty-five years of age and upwards.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Henney,	Rodgers,	Ruth,
Buckman,	Heyburn,	Mallery,	Salus,
Cavalcante,	Homsher,	McCreesh,	Scarlett,
Chapman,	Howell,	McGinnis,	Shapiro,
Dando,	Huffman,	Mundy,	Sipe,
Deitrick,	Jacobs,	Pierson,	Sones,
Dent,	Jaspan,	Pytko,	Sordoni,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gilson,	Lanius,	Roberts,	Woodward,
Haluska,	Law,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 211 (House Bill No. 345), entitled:

An Act to further amend section one of the act, approved the twenty-sixth day of April one thousand eight hundred and fifty-five (P. L. 309) entitled "An act relating to damages for injuries producing death" by giving personal representatives the right to recover damages for hospital nursing medical funeral expenses and expenses of administration.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Henney,	Mallery,	Ruth,
Buckman,	Heyburn,	McCreesh,	Salus,
Cavalcante,	Homsher,	McGinnis,	Scarlett,
Chapman,	Howell,	Mundy,	Shapiro,
Dando,	Huffman,	Pierson,	Sipe,
Deitrick,	Jacobs,	Pytko,	Sones,
Dent,	Jaspan,	Rankin,	Sordoni,
DiSilvestro,	Kahle,	Reed,	Stiefel,
Eroe,	Kilgallen,	Rice,	Thompson,
Frey,	Kunkel,	Roberts,	Wolfenden,
Gilson,	Lanius,	Rodgers,	Woodward,
Haluska,	Law,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 216, entitled:

An Act to amend section two hundred four of the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 682), entitled "An act relating to insurance; amending revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," further regulating the adoption and use of names by insurance companies.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Henney,	Mallery,	Ruth,
Buckman,	Heyburn,	McCreesh,	Salus,
Cavalcante,	Homsher,	McGinnis,	Scarlett,
Chapman,	Howell,	Mundy,	Shapiro,
Dando,	Huffman,	Pierson,	Sipe,
Deitrick,	Jacobs,	Pytko,	Sones,
Dent,	Jaspan,	Rankin,	Sordoni,
DiSilvestro,	Kahle,	Reed,	Stiefel,
Eroe,	Kilgallen,	Rice,	Thompson,
Frey,	Kunkel,	Roberts,	Wolfenden,
Gilson,	Lanius,	Rodgers,	Woodward,
Haluska,	Law,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 223, entitled:

An Act to amend the act, approved the ninth day of July, one thousand nine hundred and thirty-five (P. L. 621), entitled "An act providing for and regulating, subject to certain restrictions, limitations, and liabilities, the granting of pensions by the Commonwealth to certain blind persons; providing for the administration of this act by the Department of Welfare, the trustees who administer Mothers' Assistance in the several counties, or by other trustees in certain cases; authorizing appointment of trustees for the pensions payable to certain individuals; authorizing the Department of Welfare to co-operate with and to accept and disburse moneys received from the United States Government for assistance to the blind; and providing penalties," by making provision for the burial of blind persons receiving pensions.

And said bill having ben read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Henney,	Mallery,	Ruth,
Buckman,	Heyburn,	McCreesh,	Salus,
Cavalcante,	Homsher,	McGinnis,	Scarlett,
Chapman,	Howell,	Mundy,	Shapiro,
Dando,	Huffman,	Pierson,	Sipe,
Deitrick,	Jacobs,	Pytko,	Sones,
Dent,	Jaspan,	Rankin,	Sordoni,
DiSilvestro,	Kahle,	Reed,	Stiefel,
Eroe,	Kilgallen,	Rice,	Thompson,
Frey,	Kunkel,	Roberts,	Wolfenden,
Gilson,	Lanius,	Rodgers,	Woodward,
Haluska,	Law,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 291 (House Bill No. 553), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 565) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" as amended by providing for the creation of the Building and Loan Board the appointment of its members the payment of its expenses and defining its powers and duties and by modifying the powers and duties of the Department of Banking and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision and by making inapplicable said act to certain corporations.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Henney,	Mallery,	Ruth,
Buckman,	Heyburn,	McCreesh,	Salus,
Cavalcante,	Homsher,	McGinnis,	Scarlett,
Chapman,	Howell,	Mundy,	Shapiro,
Dando,	Huffman,	Pierson,	Sipe,
Deitrick,	Jacobs,	Pytko,	Sones,
Dent,	Jaspan,	Rankin,	Sordoni,
DiSilvestro,	Kahle,	Reed,	Stiefel,
Eroe,	Kilgallen,	Rice,	Thompson,
Frey,	Kunkel,	Roberts,	Wolfenden,
Gilson,	Lanius,	Rodgers,	Woodward,
Haluska	Law,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 307, entitled:

A Joint Resolution proposing an amendment to section four Article two of the Constitution of the Commonwealth of Pennsylvania.

And said bill having ben read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President and members of the Senate, this is an amendment to authorize annual meetings instead of biennial meetings of the Legislature. It seems to me there are four reasons for proposing this: in the first place, we have had a series of extra and extraordinary sessions, and we might as well face the fact and set up a regular annual session in place of the extraordinary sessions. In the second place, it will simplify very much the make-up of the budget, as it is much simpler, of course, to make up a budget for one year rather than for two years, especially as we have to make up large sums of money for relief. In the third place, we generally have something like three thousand bills introduced in the Legislature at each of our regular biennial sessions. I happened to look in a Harrisburg newspaper yesterday, and found that the active representatives of Dauphin County had already introduced seventy bills. Now, naturally, there would be fewer bills introduced at an annual session, and, therefore, more time for the consideration of these bills.

It has been proposed, in New York State, I believe that in the odd-numbered years the emphasis would be placed on tax bills and other financial measures, giving them more consideration than we can here.

The fourth consideration has to do with that old proverb, "when the cat's away the mice will play," and in this case the Executive Department represents the mice. The Legislature is always the underdog, and we never get anywhere in our rights; but the oftener we come to Harrisburg the more clearly can we see our rights; the more we are here the fewer are the things the Executive Department can put over on us.

Mr. SHAPIRO. Mr. President, I regret exceedingly that I cannot agree with my learned friend, the Senator from Philadelphia, Mr. Woodward. I think the people of Pennsylvania would be far better off if the Legislature would meet less often. I would be in favor of an amendment calling the Legislature to meet "now and then, mostly then," for no matter how we divide these legislative sessions there will always be two or three thousand bills introduced, and every time you have a session the pressure groups get together and decide they have some ills which can be cured by legislative poultice plasters. The only thing this amendment will do is to have us here oftener than we should be, and increase our salaries from $2,500 to $5,000. I see no reason for either of them.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisons of the Constitution, and were as follows, viz:

YEAS—12

Cavalcante,	Dent,	Jacobs,	Rupp,
Chapman,	Haluska,	Pierson,	Salus,
Deitrick,	Homsher,	Reed,	Woodward,

NAYS—33

Bean,	Howell,	McCreesh,	Ruth,
Buckman,	Jaspan,	McGinnis,	Scarlett,
Dando,	Kahle,	Mundy,	Shapiro,
DiSilvestro,	Kilgallen,	Pytko,	Sipe,
Eroe,	Kunkel,	Rankin,	Sones,
Frey,	Lanius,	Rice,	Stiefel,
Gilson,	Law,	Roberts,	Thompson
Henney,	Mallery,	Rodgers,	Wolfenden,
Heyburn,			

Less than a majority of all the Senators having voted aye the question was determined in the negative.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 313 (House Bill No. 616), entitled:

An Act to amend sections one and six of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" including dining cars under the provisions of this act and making it unlawful to permit persons to sleep in a room where food is prepared or served.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the blil pass finally?

The yeas and nays were taken agreeably to the provisons of the Constitution, and were as follows, viz:

YEAS—33

Cavalcante,	Henney,	McCreesh,	Rodgers,
Chapman,	Howell,	McGinnis,	Rupp,
Dando,	Jacobs,	Mundy,	Ruth,
Dent,	Jaspan,	Pytko,	Shapiro,
DiSilvestro,	Kilgallen,	Rankin,	Sipe,
Eroe,	Kunkel,	Reed,	Sones,
Frey,	Lanius,	Rice,	Stiefel,
Gilson,	Law,	Roberts,	Thompson,
Haluska,			

NAYS—12

Bean,	Heyburn,	Mallery,	Scarlett,
Buckman,	Homsher,	Pierson,	Wolfenden,
Deitrick,	Kahle,	Salus,	Woodward.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 324 (House Bill No. 440), entitled:

An Act to amend the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure and registration of persons, firms or corporations engaged

or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations and requirements for the construction of plumbing, house drainage, and cesspools, in cities of the second class, and imposing fines, penalties, and forfeitures for violation thereof;" as amended, extending the provisions of said act to certain boroughs, incorporated towns and townships of the first class; extending the same to include building drainage; imposing certain powers and duties on the Department of Health; making further provisions for the administration of said act; extending the specifications; increasing certain fees and payments; and providing increased penalties, including imprisonment, and repealing sections fifty-four, fifty-five, fifty-seven and fifty-eight of said act.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisons of the Constitution, and were as follows, viz:

YEAS—37

Cavalcante,	Howell,	McCreesh,	Rupp,
Chapman,	Jacobs,	McGinnis,	Ruth,
Dando,	Jaspan,	Mundy,	Shapiro,
Dent,	Kahle,	Pytko,	Sipe,
DiSilvestro,	Kilgallen,	Rankin,	Sones,
Eroe,	Kunkel,	Reed,	Stiefel,
Frey,	Lanius,	Rice,	Thompson,
Gilson,	Law,	Roberts,	Wolfenden,
Haluska,	Mallery,	Rodgers,	Woodward,
Henney,			

NAYS—8

Bean,	Deitrick,	Homsher,	Salus,
Buckman,	Heyburn,	Pierson,	Scarlett,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL RECOMMITTED

Mr. THOMPSON. Mr. President, I move that Senate Bill No. 383, on third reading, entitled:

An Act requiring persons employing motion picture projectionists or operators to allow them at least one calendar day of rest in each claendar week said calendar day to be of twenty-four (24) consecutive hours

be recommitted to the Committee on Labor and Industry.

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. THOMPSON. Mr. President, Senate Bill No. 383 and Senate Bill No. 457, on the opposite page of the calendar, are companion bills, and I think you will find that Senate Bill No. 457 includes all the requirements in Senate Bll No. 383 and extends the provisions to include a greater number of employes. There is no reason for enacting both pieces of legislation.

Mr. DENT. Mr. President, I object to the motion to send this bill back to committee because of the fact that this bill applies specifically to certain operations of the moving picture theatre. The bill on the opposite side of the page is an all-inclusive bill, Senate Bill No. 457; and it may be in the mind of the Governor that he is not going to sign a bill including every employee in a motion picture theatre, whereas he may want to sign a bill covering a specific type of employees, where the very nature of the employment deserves consideration from this Senate.

Therefore, I believe the proper procedure at this time, by this Senate, is to vote in the negative on the motion to send this bill back to commttee, pass the bill, and, if it so desires, later, to pass Senate Bill No. 457, it is all right to do so; but I do believe that this bill, covering a specific operation in a motion picture theatre, should not be recommitted. I object, and ask the Senate to vote "No" on this motion.

Mr. CAVALCANTE. Mr. President, as I disagree with my colleague from Centre County, Mr. Thompson, on his analysis of the two bills, I wish to be on record as being opposed to this moton to send this bill back; and I want [illegible] to show that I am voting against that motion.

Mr. THOMPSON. Mr. President, it is of no personal concern to me what happens to these two bills. I am in favor of giving these operators one day a week's vacation; I am also in favor of giving all other employees of the theatre a compulsory day's vacation each week. So, in view of the fact that we have the Sunday movies in many places in this State, I cannot see any more reason why the operator should be favored and the girl who is the usher in the theatre not be favored; they all should have the day's rest each week.

Now, as I say, I can see no particular reason for passing two bills; there is no use in cluttering up our statute books with bills dealing with the same thing, one bill being inclusive of the provisions of the other and extending beyond it. If the Senate wants both bills, that is all right as far as that goes; but if we pass Senate Bill No. 457, I see no reason for passing Senate Bill No. 383.

Mr. DENT. Mr. President, the bill under consideration at this time is Senate Bill No. 383. There is no one here can say how the vote will go on the bill on the next page of the calendar. I believe first things should come first. Let us vote on this bill now and decide later on what we will do with the other.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

BILL RECOMMITTED

Mr. SONES. Mr. President, I move that Senate Bill No. 297 (House Bill No. 384), on third reading, entitled:

An Act relating to consumer credits in amounts of one thousand dollars ($1000) or less requiring licenses from the Secretary of Banking restricting licenses to domestic business corporations fixing minimum capital requirements conferring certain powers on the Secretary of Banking limiting interest and other charges providing certain exemptions and imposing penalties.

be recommitted to the Committee on Banking.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and con-

sideration of Senate Bill No. 399 (House Bill No. 852), entitled:

An Act to re-enact and amend the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 519), entitled "An act authorizing and regulating the reorganization of banks and bank and trust companies," by extending its effective period.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Henney,	Mallery,	Rupp,
Buckman,	Heyburn,	McCreesh,	Ruth,
Cavalcante,	Homsher,	McGinnis,	Salus,
Chapman,	Howell,	Mundy,	Scarlett,
Dando,	Jacobs,	Pierson,	Shapiro,
Deitrick,	Jaspan,	Pytko,	Sipe,
Dent,	Kahle,	Rankin,	Sones,
D'Silvestro,	Kilgallen,	Reed,	Stiefel,
Eroe,	Kunkel,	Rice,	Thompson,
Frey,	Lanius,	Roberts,	Wolfenden,
Gilson	Law,	Rodgers,	Woodward,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments, in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 453 (House Bill No. 603), as follows:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commisions commissioners registrars inspectors of registraton and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties

Short Title Citation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The First Class City Permanent Registration Act"

Section 2 Definitions (a) The word "Commission" shall mean any registration commission having jurisdiction in any city of the first-class

(b) "Commissioner" shall mean a member of a registration commission

(c) "Oath" shall include affirmation and "swear" shall include affirm

(d) "Election" shall mean any general special municipal or primary election unless otherwise specified

(e) "General Election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal Election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary Election" shall mean any election for the nomination of candidates

(h) "November Election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any political party or body of electors one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidate or any political party or body of electors one of whose candidates either at the last general or at the last municipal election shall have polled at least five percentum of the largest entire vote cast for any elected candidate in any county within which is located a city of the first class or which such city is co-extensive although such percentage of said vote may not have been attained in any particular election district thereof

(j) "Body of electors" shall mean any political body not recognized as a political party which has filed proper nomination papers as required by law [right to use a party name or appellation for any election or primary]

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election.

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commission as hereinafter provided

(m) "County" shall mean any county of this Commonwealth within which is located a city of the first class or with which such city is co-extensive

(n) "City" shall mean only a city of the first class

(o) All references to mayors police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the first cass or to those of any county within which such city of the first class is located or with which it is coextensive or of any school district with which it is coextensive.

(p) "Public Office" shall mean and include any national state judicial county county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(q) Whenever a term in the masculine form is used in this act it shall refer alike to men and women

(r) "District" shall mean any election district of any city of the first class

Section 3 Registration Commission Membership Bipartisan Term of Office Vacancies Removal Compensation Chairman Secretary Action by Vote of Majority of Members Record of Proceedings Annual Report

(a) There shall be a registration commission in and for each city of the first class which commission shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) The registration commission shall consist of five commissioners who shall be qualified electors of the city not more than three of whom shall be enrolled members of the same political party who shall be appointed by the

Governor with the advice and consent of the Senate and shall hold office for terms of four years or until their successors qualify unless sooner removed or otherwise disqualified Provided however That the terms of office of the commissioners first appointed by the Governor under this act shall commence upon the date of their appointment and shall expire on the first Monday of January one thousand nine hundred and forty-one Upon the appointment by the Governor of the registration commission for any such city the terms of office of the existing registration commission or commissioners of any such city shall terminate

(c) The Governor shall fill any vacancy in any such commission within ten days after the vacancy shall occur by appointing a qualified elector of the city to hold office during the remainder of the term of the commissioner whose place shall have become vacant.

(d) The Governor may at any time remove any commissioner for cause and may appoint a duly qualified elector of the city as his successor for the remainder of his term

(e) Each commissioner shall receive compensation at the rate of six thousand dollars per annum except the chairman who shall receive six thousand five hundred dollars per annum

(f) As soon after their appointment as may be the members of each commission shall take the oath of office required by the Constitution of this Commonwealth and shall organize by selecting from their number a chairman and a secretary who shall not be members of the same political party

(g) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(h) Each commission shall keep a record in permanent form of all its proceedings and shall make an annual written report to the Governor

Section 4 Powers of Commissions Regulations Enforcement Correction of Errors or Irregularities Cancellation of Registration Powers of Commissioners

(a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistancce said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration to cancel the registration of any person whom it may find to be improperly registered and to cancel the party enrollment of any registered elector whom it may find to be improperly enrolled as a member of a party subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration or enrollment is cancelled A like notice as well as a copy of any notice served upon or left at the address of any elector with respect to his right to be registered or enrolled as a member of the political party designated by him as hereinafter provided shall be sent promptly to the city chairman of the political party of which such person was registered as a member

(c) The commission and any commissioner shall have power on its or his own option (1) to summon and interrogate any person concerning the registration of electors or any matter related thereto (2) to investigate any irregularities in registration (3) to summon and examine witnesses and (4) to require the production of any relevant books and papers

(d) Each commissioner the chief clerk and inspectors of registration shall have power to administer oaths and affirmations Each person testifying before the commission shall be first duly sworn or affirmed

Section 5 Employes Registrars Inspectors of Registration Duties Appointment

(a) The commission shall have power to appoint such assistants and employes (including inspectors) as from time to time it may deem necessary to carry out the provisions of this act The Commission shall also have power to assign such of its employes or clerks to act as registrars at its office as it may from time to time deem necessary and when so acting such employes or clerks shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with the law upon registrars

The Registration Commission shall have the power to appoint two

(b) The Commission shall in the year one thousand nine hundred thirty-seven at such time as it shall deem necessary of which due public notice shall be given appoint four registrars for each election district From and after the first day of January one thousand nine hundred thirty-eight the Commission not later than the fifteenth day of August in each year shall designate the place or places in each ward to be used as registratoin places and shall appoint not less than two or more than four registrars for each such registration place as it may deem necessary Not more than one-half of the number of registrars appointed for each election district in the year one thousand nine hundred thirty-seven and for each registration place in each subsequent year shall be members of the same political party In the year one thousand nine hundred thirty-seven all registrars appointed shall be qualified electors of the election district for which they have been appointed and in all subsequent years shall be qualified electors of the ward for which they have been appointed shall be of good moral character shall not have been convicted of any crime shall be able to read English in an intelligent manner and to write legibly and shall be familiar with qualifications of electors and duties of the registrars Such registrars shall be empowered to register the qualified electors of such election districts or wards and in so doing to administer oaths and affirmations and shall perform all other duties imposed on registrars by this act and by the registration commission

Each registrar shall receive as compensation ten dollars ($10.00) for each day during which he is engaged in the active performance of his duties as registrar The Commission shall designate the duties to be performed by each such registrar appointed by it The said registrars shall be appointed in the manner as hereinafter provided in subsection (c) of this section

(c) In the year one thousand nine hundred thirty-seven at such time as shall be determined by the commission of which time due public notice shall be given any five or more qualified electors of any election district of the same political party and in all subsequent years not later than the twentieth day of July of each year the city chairman of the party having polled the highest vote in the city at the last preceding November election and the city chairman of the party having polled the second highest vote in the city at such election may file with the commission a written list of names of members of said party whom such chairman recommends for appointment as registrars Such lists shall contain the name address qualifications and occupation of each person so recommended

In the year one thousand nine hundred thirty-eight and in all subsequent years such lists shall be open to public inspection in the office of the commission until the 26th day of July of each year before the appointments shall be made the commission shall appoint not later than August fifteenth persons whose names appear on such lists as the registrars representing such parties If more candidates are recommended by any such chairman than it is entitled to have appointed the commission shall appoint those candidates from the names appearing on such list whom the commission finds to be qualified according to the provisions of subsection (b) of this section and if there are not sufficient candidates qualified to serve as

registrars and recommended by any such chairman the any five or more qualified electors of any ward of the same political party may file with the commissioners their petition for the appointment of not more than two qualified persons also members of said party as registrars The petition shall set forth the name address qualifications occupation and political affiliation of each person suggested for appointment as a registrar shall give the respective residences of the petitioners and shall declare that each of them belongs to the same party as that designated as the party of each candidate which petition shall be signed by each petitioner in his own handwriting and sworn to by one of them and by each candidate More than one petition may be filed on behalf of the same party for each ward or district provided that no elector shall be competent to sign petitions for more than two candidates but if any candidate dies withdraws or becomes disqualified before the last day for filing petitions aforesaid any elector who recommended him may sign a petition for another candidate All petitions shall be open to public inspection and in the year one thousand nine hundred and thirty-seven at such times as the commission may designate and not earlier than July twenty-sixth of subsepuent year the commissioners shall commence public hearings thereof considering them on consecutive week days in the numerical order of the wards and of the election disrticts within each ward to which they relate respectively unless reasonable cause be shown for postponing any hearing to a later time or date and reasonable notice of such postponement given to all concerned The commissioners shall publish one general notice of the place and times or days when they will examine the candidates from the election districts of the various wards at least three days prior to the first hearing in at least two daily newspapers each having a paid circulation of at least fifty thousand copies daily in the city and shall mail to each candidate a special notice of the time and place where he will be examined regarding his qualifications at least three days before the day fixed for same except that the commissioners need not notify any candidate who had previously been appointed a registrar to appear but may reappoint him without such examination If more candidates are duly nominated as members of any party than it is entitled to have appointed the commissioners shall appoint the candidate or candidates whom they consider most fit and if there are not sufficient fit candidates nominated on behalf of any party the commissioners may appoint any other persons without regard to party of whom they have knowledge Any person appointed a registrar must perform his duties as prescribed by this act unless excused therefrom by the commissioners for cause shown

(d) Should any vacancy occur in the office of registrar of any election district in the year one thousand nine hundred thirty-seven or of any registration place in any subsequent year by reason of death resignation removal from the district or ward or other cause the commission shall fill said vacancy by appointing an elector of the district or ward as the case may be who is qualified according to subsection (b) of this section and who is a registered and enrolled member of the same political party as the registrar or registrars whose office was vacated from the ward or for any other reason the commission shall immediately thereafter notify in writing the city chairman of the party in which such registrar was enrolled of that fact Thereupon the city chairman of such party may within three days thereafter file with the commission a written list of names of members of said party whom such chairman recommended for appointment as registrar to fill such vacancy Such list shall likewise contain the name address and qualifications of each person so recommended to fill the vacancy and shall be on file and open to public inspection at least five days except in cases where a vacancy occurs within ten days of any registration day in which case the time for filing such list and a time during which such list shall remain on file and open to public inspection shall by The appointment shall be made in like manner as the annual appointments of registrars as provided by this act

(e) No registrar or inspector of registration shall exercise any power of his office nor shall any employe assigned by the Commission to act as registrar at the office of the Commission so act until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(f) Each Commission may appoint a chief clerk at a compensation not exceeding Four Thousand Dollars ($4,000) per annum who shall have authority to administer oaths sign vouchers and register persons who are qualified and who appear at the office of the Commission as herein provided two (2) assistant clerks each at a salary of not over Two Thousand Dollars ($2,000) per annum a chief record clerk at a salary of not over Twenty-four Hundred Dollars ($2400) per annum a stenographer (who may act as clerk) at a salary of not over Eighteen Hundred Dollars ($1800) per annum a chief inspector at a salary of not over Twenty-Two Hundred Dollars ($2200) per annum two custodians of the records to guard the same while they are open to public inspection each of whom shall receive not more than Fifteen Hundred Dollars ($1500) per annum a messenger who shall receive not more than Twelve Hundred Dollars ($1200) per annum such stenographers as they may deem necessary competent to take notes of testimony at a compensation not to exceed ten dollars ($10.00) per diem for the time actually employed at hearings before the Commission and as many clerks stenographers and inspectors as they may deem necessary from time to time at a compensation not exceeding Six Dollars ($6.00) per diem for the time actually employed

(g) The Registration Commission shall have the power to remove any employee inspector registrar or other officer appointed or employed by it but no registrar appointed by the Commission shall be removed except for cause

(h) Any inspector of registration on his own motion or on complaint of any person known to him may and when directed by the commission shall

1 Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any house dwelling building inn lodging-house or hotel within such city and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment

2 Inspect in like manner and copy any register of lodgers in any lodging-house inn or hotel relating to or affecting the rights of any persons to vote or to be registered in any such city

3 Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

4 Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest or in the performance of any of his duties

Section 6 Removal of Registrars Anyone claiming to be a qualified elector of this City may appear before the Commission and show wherein any person nominated selected or appointed as a Registrar does not possess the qualifications requisite for the performance of the duties of his office or has violated the provisions of this Act If after public hearing the Commission shall find the charges brought by such elector to be true the Commission shall decline to appoint such person or remove such registrar

(b) The commissioners shall provide at all times a board of registrars not more than one-half of whom shall be of the same political faith If therefore it appears at

any time that by reason of a change in political affiliations or because of error in the appointment a board is not so divided any ten electors of any election district may file a petition with the commissioners setting forth the facts and praying that one or more of the appointments may be revoked and that other appointments may be made Upon presentation of such a petition one of the commissioners shall fix a time not less than five days thereafter and at least three days notice shall be given by mail to all the registrars of such board who are laleged to be of the same political faith when a public hearing shall be given all concerned and if the facts are then found to be as represented the commissioners shall give the relief asked for

Section 7 Counsel Compensation Duties The commission may employe special counsel at a compensation not exceeding three thousand dollars per annum Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal procedure for carrying out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common pleas as herein provided

Section 8 Appropriations Unexpended Balances of Appropriations (a) The appropriating authorities of the city shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the commissioners counsel and a sufficient number of registrars inspectors of registration and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The appropriating authorities of the city shall provide the commission thereof with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties and upon failure to do so within sixty days after the effective date of this act the Commission may lease such office space as is reasonably required for the performance of the functions and duties under this act

(c) Any unexpended balances of any appropriations heretofore made by the appropriating authorities of the city for the purpose of carrying out any provision of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expense of carrying out the provisions of this act and all moneys required in addition to any original appropriation in the current year or any other year if it shall appear that extra sums are needed

Section 9 Acts and Omissions Of Employes Registrars and Inspectors Any insertion or removal of names or other information in registers or the amending of any records done by any employee registrar or inspector by order of the Commission shall be construed to have been done by the Commission itself and it shall be the duty of the Commission to correct any error in the doing thereof

Section 10 Commissioners May Act as Registrars and Inspectors A commissioner may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 11 Immunity from arrest

Commissioners registrars and inspectors of registration shall be privileged from arrest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for a criminal violation of this act

Section 12 Acts to be done on legal holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to effect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 13 Records and Documents to be Open to Public Inspection The records of the commission and all district registers street lists voting check lists voters' certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the city during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or an authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 14 Watchers at Places of Registration Privileges

(a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election may recommend not more than three electors to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint such persons as watchers and provide them with proper certificates stating their names and the party which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration and to challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commission and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided however That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And Provided that not more than one watcher for each party or body of electors represented shall be allowed in a place of registration at any one time

Section 15 Watchers or Attorneys at Sessions of Commission

(a) Any party shall be entitled to appoint watchers who are qualified electors of the city or attorneys to represent such party at any public session or sessions of the commission

(b) Any party or body of electors which now is or hereafter may be entitled to have watchers at any place of registration or at any election may recommend not more than three (3) qualified electors of the city or attorneys to serve as watchers or to represent such party or body of electors at any public session or sessions of the Commission The commission shall appoint such electors or attorneys to serve as watchers or to represent such parties or bodies at such sessions of the commission

(c) All watchers or attorneys appointed or selected in the manner provided by sub-sections (a) and (b) of this section may exercise the same rights at any public session or sessions of the commission as watchers at places of registration

Section 16 Candidates May Be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 17 Days and Hours of Registration Places of Registration Use of Polling Places Payments of Rentals Use of School Buildings Public Notice

(a) From and after the first day of June one thousand nine hundred and thirty-seven the commission or any commissioner or clerks shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the days hereinafter provided for the registration of electors in the districts or wards the day of each election and each primary the thirty days next preceding each election and each primary and the thirty days next following each election and five days following each primary at the office of the commission receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration Provided however That in the year one thousand nine hundred and thirty-seven the commission shall arrange to have four registrars present to receive applications for the personal registration of electors at the polling place or some other suitable place in each election district of the city on at least three separate days prior to August 15th (one of them being in June another in July and another in August) And provided further That in each year thereafter the commission may provide one or more places of registration in each ward of the city at which two or more registrars as the commission may deem necessary shall be present to receive personal applications from persons who claim that they are entitled to be registered which registrars shall be present thereat between the hours of seven ante meridian and one post meridian and between the hours of four and ten post meridian on two days in even numbered years one to be not earlier than the sixth Saturday nor later than the fifth Saturday before the Spring primary and the other to be not earlier than the sixth Saturday and not later than the fifth Saturday before the general election and on one day in odd numbered years not earlier than the twelfth Saturday nor later than the eleventh Saturday before the municipal election

(b) The Commissioners in charge of elections shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission for use as a place of registration and the appropriating authorities of the county shall provide for the payment of all rentals for such polling places and other places of registration

(c) The Board of Public Education or school directors of each school district shall furnish suitable space room or rooms in any public school building under its jurisdiction or control and shall cause such space room or rooms to be open and in proper order for use as a place of registration on each day when such room or rooms may be desired by the registration commission for use as a place of registration provided that such use shall not interfere with instruction for the conduct of which such board of Public Education or school directors shall be responsible

(d) The proper city or county authorities shall furnish suitable space room or rooms in the city hall or other municipal or county building under their jurisdiction or control and shall cause such space room or rooms to be open on each day when such space room or rooms may be desired by the commission for use as a place of registration Provided That such use shall not interfere with the use for which such room or rooms is primarily designed

(e) The commission shall in reasonable time publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office at such place of registration and at least five placards or notices thereof in conspicuous places in the neighborhood of such place of registration and by publication at least once in a newspaper of general circulation published in the city at least three days prior to the date when the place shall be so opened and in proper order for use as a place of registration

Section 18 Disposition of Old Registration Lists Effective under Prior Laws The registration lists effective at the time this Act becomes effective shall become of no validity at the beginning of the first registration day designated by this act The old registers shall be preserved by the Commission for at least two years after this act becomes effective and during said period shall be open to public inspection under proper regulations for their safe keeping and no register shall be destroyed without the previous consent in writing of the District Attorney of the proper County

Section 19 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of the city the commission shall prepare registration cards serially numbered in triplicate and containing spaces for entering the information required by section twenty of this act and the following affidavit

Registration Affidavit

State of Pennsylvania }
County of } ss

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before

me this..... day of ....

..... Signature of Voter

Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in triplicate for such applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards which binders can be locked The keys of all such binders shall at all times be retained by the commission

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall reserve all other papers records and memoranda as a part of its record

Section 20 Manner of Registration (a) Every person claiming the right to be registered as an elector must appear in person before the Commission a commissioner or a registrar at the office of the Commission or at such other place as the Commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be recorded in his presence by the registrar or commission in permanent writing or typewriting in triplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence (5) if his residence is a portion only of the house the location or number of the

room apartment flat or floor which he occupies (6) the length of his residence in the state and district respectively (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father mother or husband through whom naturalized (13) whether he is unable by reason of illiteracy to read the names on the ballot or on the voting machine labels or whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance at the ensuing election and if so his declaration of that fact and his statement of the exact nature of such disability (14) the designation of the political party of the elector for the purpose of voting at primaries (15) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar commissioner or clerk and dated by him (16) his height in feet and inches (17) the color of his hair (18) the color of his eyes and (19) the date of his birth or a statement that he has attained his majority Each registration card shall also have a sufficient number of spaces thereon for the insertion of (20) the ward and election district in which the elector resides and to which he may from time to time remove together with his street address in each such district and the other data required to be given upon such removal (21) the date of each election and primary at which the elector votes and the number of stub of ballot issued or number of admission to voting machine and party at primary (22) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on all copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration affidavit will be known as the General Registers when filed by election districts as the District Registers

(e) If the applicant shall allege inability to sign his name the registrar or clerk shall require him to present the affidavits subscribed in person before a registrar Commissioner or clerk of two electors who are personally acquainted with the applicant and who know his qualifications as an elector Each of said two electors shall state in his affidavit the applicant's residence his own residence his knowledge of the statements made by the applicant under oath or affirmation in aplying for registration and his belief that they are true Upon the filing thereof the applicant shall be permitted to subscribe to his oath or affirmation by making his mark except that if the applicant's inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar or clerk an affidavit of his inability to sign his name Every affidavit required because of an applicant's inability to sign his name shall be filed with a copy of the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

(f) Any person employed in the service of this Commonwealth or in the service of the Federal Government and required thereby to be absent from the city wherein he resided when entering such employment his wife or her husband shall be registered as of the district wherein he or she shall have resided immediately prior to entering such service and be enrolled as a member of the political party he or she designates without declaring a residence by street and number All persons employed by this Commonwealth who register in this manner shall produce a certificate from the Auditor General under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of this Commonwealth and also setting forth the nature of such employment and the time when such persons first entered such employment

All persons employed by the Federal Government who register in this manner shall produce a certificate from the head of the proper department or chief of the proper division or bureau under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of the United States and also setting forth the nature of such employment and the time when such person first entered such employment

The commission shall retain such certificates and shall cause to be noted on the registration card of each person so registered the fact that such person is an employe of this Commonwealth or of the Federal Government as the case may be

(g) At least once every two years the commission shall verify the employment of all persons thus registered at either the office of the Auditor General of this Commonwealth or at the office of the department division or bureau of the Federal Government in whose employ such person is alleged to be If any such person is found to be no longer an employe of this Commonwealth or of the Federal Government his registration card shall be removed from the district register until such time as said person appears at the office of the Commission and declares the street and number of his residence in the city

Section 21 Who May Register Who May Vote Electors Need Register Only Once Exception

Every person who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing general or municipal election shall be entitled to be registered as herein provided and from and after the twentieth day of September one thousand nine hundred and thirty-seven no person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address or has removed his residence to another district in the city and has filed a removal notice as provided by this act unless his registration is cancelled by reason of his failure to vote during a period of four years as hereinafter provided

Section 22 Applicants to Register May Be Challenged Procedure Challenge Affidavit

(a) Any person claiming the right to register may be challenged by a registrar or by any Commissioner or by a qualified elector of the city Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with a copy of the registration affidavit of such person and shall be returned together therewith to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) Serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residence for the four months immediately preceding date of execution (9) the name of his present employer (10) the street and number of his employer's place of business (11) unemployed the name of his last employer and the city street and number of said last employers place of business (12) sex of the applicant (13) his color (14) the date of his birth and (15) such distinguishing marks peculiarities and further information for identification as the Commission shall prescribe

(d) The challenged applicant shall produce such other evidence as may be required to satisfy the registrar or commission as to his qualifications as an elector If such challenged applicant shall establish his right to be registered as required by this act he shall be permitted to be registered

(e) Any person making application to be enrolled as

a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe to an affidavit that at the last election at which he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 23 Naturalized Applicants Applicants Whose Fathers Mothers or Husbands Were Naturalized All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certified copy thereof before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father or mother during his minority may be registered either by the production of his father's or mother's original papers or a certified copy thereof or by making affidavit as to the court in which and time when his father or mother was naturalized and that he the applicant was then less than twenty-one years of age and that he is unable to produce his father's or mother's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and the court in which such naturalization was effected and that she is unable to produce his original naturalization papers or a certified copy of them or (b) by the production of evidence that her husband was a native born citizen of the United States or by making affidavit of such fact stating therein the place and date of her husband's birth Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the Registration Commission

Section 24 Incomplete or Rejected Application to be Recorded The registrar Clerk or commissioner shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar Clerk or commissioner shall note thereon the reason for the rejection and shall sign his name thereto The registrar Clerk or commissioner shall forthwith personally notify the aplicant if his application for registration is rejected All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 25 Appeal of Rejected Applicant Any person whose application to the registered has been denied by a registrar Clerk or by a commissioner may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar Clerk or commissioner who rejected the petitioner's application for registration In the taking of testimony the commission shall not be bound by technical rules of evidence. The commission if satisfied upon competent evidence that the petitioner is entitled to be registered shall direct a registrar Clerk or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or qualified elector of the city may appear and show cause why the petitioner should not be registered The testimony presented at such hearing shall be stenographically recorded and made a part of the records of the commission The decision of the commission upon such petition shall be final and conclusive provided however that the commission shall grant a rehearing in any case upon reasonable cause shown or where the interests of justice require it and provided further however that the said decision shall be subject to review by the Court of Common Pleas of the county as hereinafter provided

Section 26 General Register A copy of the registration affidavits for the entire city shall be placed in visible cabinets in exact alphabetical order and visibly indexed as to name and voting record and shall be kept at the office of the Commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the General Register of such city and shall not be removed from the office of the Commission except upon order of the court of common pleas of the county wherein such city is located

Section 27 District Registers Street List Registers (a) District Registers The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order and visibly indexed as to name and voting record The affidavits so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the Commission except as herein provided and shall be ope nto public inspection at all times subject to reasonable safeguards rules and regulations

(b) Street List Register The triplicate registration affidavits shall be filed by election districts and within each district in the order in which their residences appear upon the streets of the election district and shall be open to public inspection at all times subject to reasonable safeguards rules and regulations

Section 28 Removal Notices (a) The Commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room apartment flat or floor in his presence if a portion only of a house (2) the street and number of the address from which he was last registered (3) the date of his removal to his present address and (4) space wherein the elector shall sign his name and (5) space whereni two registered electors of the district to which he has removed shall sign their names and addresses certifying to the truth of the statement on said notice as to his present place of residence The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring at least two months after the date of his removal into the new district Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register and that if he notifies the commission of a change of his residence address knowing or having reason to know that he is not entitled to have his residence address changed he shall be guilty of a misdemeanor and subject to the penalties as provided by this act Each removal notice to be effective must be received at the office of the commission not later than the thirtieth day prior to any primary or election of which warning shall also be contained on the removal notice

(b) Any elector who removes his residence from one place to another within the same election district shall notify the commission by filing a removal notice with the commission not later than ten days next preceding the primary or election

Section 29 Transfer of Registration (a) Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to

another location in the same city the commission shall cause the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same city shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence In any case the commission shall advise the elector promptly in writing of its action

(b) Provided That when a request for transfer believed authentic by the commission as aforesaid shall have been received at the office of the commission and shows thereon a removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any case the commission shall advise the elector promptly in writing of its action

(c) If the commission shall doubt tat the request for transfer is authentic it shall without transferring the registration promptly notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission or before the registrars in the ward in which he resides on one of the days and at such time as prescribed for the registration of electors establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar or a commissioner who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 30 Change of Party Enrollment Notice Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability after Registration to have fact Recorded Cancellation (a) The commission shall provide Change of Party Enrollment notices which it shall cause to be available for the convenient use of registered electors Those notices shall be printed upon cards and shall contain spaces wherein shall be recorded under oath (1) the street and number of the elector's residence (2) his ward and election district (3) the political party in which he is enrolled (4) the political party in which he desires to be enrolled (5) the signature of the elector

(b) At any time prior to the thirtieth day next preceding a primary or an election excepting the thirty days next following an election and the five days next following each primary any person who desires to change his party enrollment or who although registered has not hitherto enrolled as a member of a party shall appear at the office of the commission or before the registrars in his ward and sign the change of party enrollment notice containing the information required by sub-section (a) of this section stating the designation of the Political Party in which he desires to be enrolled The commission shall cause the signature thereon to be compared with the signature on the general and district registers and if the signatures appear authentic shall enter the change of enrollment of political party in the general and district registers

(c) Any elector who is unable to write his name shall in addition shall affix his mark in lieu of his signature in the presence of a registrar or commissioner who shall affix his own signature thereto as a witness to the information required in the change of Party Enrollment notice

(d) At any time not later than the twentieth day preceding any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is not a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least forty-eight hours prior to presentation of the same by delivering a copy of the said petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last election at which he voted he voted for a majority of the candidates of the party with which he was then enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise the party enrollment of such elector shall be forthwith cancelled The testimony presented at such hearing shall be stenographically recorded and made a part of the records of the commission

(e) Any elector who has since the time of registration suffered a physical disability which renders him unable to see or mark the ballot or prepare the voting machine or to enter the voting compartment of voting machine booth without assistance shall at least seven days prior to the next succeeding primary or election personally make application under oath to the commission or a registrar to have such fact entered on his registration affidavit together with the exact nature of his physical disability which entry shall be made accordingly

(f) When the commission shall ascertain that any elector who has declared his need for assistance is no longer illiterate or no longer suffers from the disability stated by him or has voted without assistance it shall forthwith cancel on his registration affidavit the entry relating to illiteracy or physical disability which authorized him to have assistance and shall forthwith notify such elector by mail of this action

Section 31 Report of Deaths from Registrars of Vital Statistics Cancelling Registration Correction if Person is Falsely Reported Deceased Reports of Removals from certain Public Service Companies Real Estate Brokers Rental Agents Persons firms and Corporations operating vehicles for moving furniture and household goods (a) The registrar of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than twenty years of age Said written report shall contain the full name of the decedent his residence address the date of his birth if available and the date of his death The Commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased by any registrar of vital statistics may appear in person before a registrar Clerk or commissioner at the office of the commission and prove his identity and the commission thereupon shall correct its records accordingly

(c) All public service companies furnishing electricity or gas to householders in any city shall report in writing at least once each month to the registration commission all cases of discontinuance of their service to residences together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them All real estate brokers and rental agents shal report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them All persons firms and corporations operating vehicles for moving furniture and household goods in any city of the first class shall report in writing from time to time to the registration commission upon the request of the commission all cases of removals of furniture and household goods together with the names of such persons whose furniture or household goods have been removed and the addresses to which they have removed if known to them The commission shall forthwith send to each such person who is found to be reg-

istered as an elector from the addresses given in said report and to all members of his family and household who are electors registered from the same addresses the notice provided for by section thirty-two of this act and shall proceed thereupon in accordance with the provisions of that section

Section 32 Mail Check-up of Register (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the city by either of the methods provided for in subsections (a) and (b) of this section

(d) Upon the return by the Post Office of any such notice which it has been unable to deliver at the given address because the addressee can not be found there or upon report by the Post Office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-three of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless his qualifications as an elector are proved The testimony taken at such time shall be stenographically recorded and made a part of the records of the commission

Section 33 Canvass of Registered Voters (a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district of such city by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a day and hour not less than four days thereafter which the notice shall appoint and which shall be not later than the fifteenth day preceding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered the envelope containing such information is to be plainly marked that it is not to be forwarded

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass Police officers may be so appointed with the consent of the head of the Police department of the city

(d) Such Special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration They shall be qualified electors of the city and shall be appointed without reference to residence in election districts or to their political affiliations or beliefs

(e) The Commission shall instruct each special inspector of registration in his duties

Section 34 Comparison and Correction of Registers Street Lists

(a) Commencing thirty (30) days prior to each election or primary the Commission shall compare and correct the general and district registers

(b) After the fifth Saturday preceding the spring primary and after the last registration day in the fall of the even-numbered years and after the fifth Saturday preceding the Fall primary in odd-numbered years when electors may be registered the Registration Commission shall prepare for each election district a street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers and shall cause to be made at least a hundred exact copies of each such list and not later than twenty days following the aforesaid days shall distribute copies of such lists among the inspectors and special inspectors of registration and the official concerned with the conduct of primaries and elections and among the parties bodies of electors candidates and organized bodies of citizens interested therein giving at least ten copies of each street list to the city committee of each political party or body of electors upon the written application of the chairman thereof and at least ten copies of each street list to the executive or governing board or committee of each organized body of citizens having as its purposes the investigation and prosecution of election frauds upon the written applicati of the presiding officer of such a body of citizens and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 35 Petitions to strike off names Filing and Notice

Any qualified elector including any watcher registrar or inspector of registration of the city may file his petition with the commission praying for the cancellation of the registration of any registered elector of the city upon such grounds as may be set forth in such petition under oath One of the commissioners shall fix a time and place for a hearing thereon not later than ten (10) days before any primary or election and the petitioners shall cause forty-eight (48) hours notice of the proceeding to be given to the person whose registration is in question by a duly authorized employe of the commission leaving a copy of the petition with the time and place fixed for the hearing of the same endorsed thereon with an adult person at his place of residence as given by him and recorded in the registers and upon the filing by such duly authorized employe of an affidavit that the copy so indorsed has been so served by him or that there is no adult person residing at the address given the commissioners shall proceed with the public hearing of the petition

Section 36 Hearing on Petition to Strike off Names At the time so fixed the commission shall hear testimony not being bound by technical rules of evidence and if satisfied upon competent evidence that the said person is not legally entitled to be registered it shall cancel the registration of such elector and amend accordingly the general street and district registers and any other records affected thereby The testimony presented at such hearing shall be stenographically recorded and made a part of the records of the commission The decision of the commission upon such petition shall be final and conclusive provided however that the commission shall grant a rehearing in any case upon reasonable cause shown or where the interests of justice require it and provided further however that the said decision shall be subject to review by the Court of Common Pleas of the County as hereinafter provided

Section 37 Delivery of District Registers to Commissioners in Charge of Elections

(a) Not later than noon of the Friday preceding an election or primary the commission shall deliver to the

commissioners in charge of the election or primary the district registers for that district accurately corrected to date together with other election materials for use on election day in the manner in which such commissioners now are or hereafter may be required to deliver the same provided however that the registration commission shall not deliver to the commissioners in charge of elections the registration card for use at the polls on election day for any person who has removed from one election district to another within two months of any general municipal primary or special election

(b) District registers when so delivered to the Commissioners in charge of elections shall be contained in suitable binders so constructed and locked that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards cannot be removed by the election officers Said binders shall be enclosed within a case or container and shall be locked and sealed by the Commission before delivery to the commissioners in charge of elections

Said binders shall have printed or written thereon the words District Register of Voters and the number of the district and ward

Section 38 Persons Registered are Entitled to Vote at General and Municipal Elections if Identified by Signature Proviso Evidence of Registration Discrepancies Persons Registered and Enrolled May Vote at Primaries if Identified by Signature Proviso Persons not Registered are not Entitled to Vote Challenging of Persons Registered Voters Certificates Voting Check List Elections and Primaries Counting et cetera of Names Checked as Having Voted Sealing of Registers and Voting Check Lists Return of Lists of Voters and Registers

(a) Any person whose name is in the district register of any election district in such city and who upon applying to vote shall have signed his name to a voter's certificate in the form hereinafter provided as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting bribery at elections Provided That if the signature on the voter's certificate as compared with the signature as recorded in the district register shall not be deemed authentic by any of the election officers such elector shall not be denied the right to vote for that reason but shall be considered challenged as to identity and required to make the affidavit and produce the eviednce as provided in subsection (e) of this section

(b) No elector shall be required to Sign a voter's certificate as a means of Identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have lost his sight or lost his hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each such elector shall establish his identity to the satisfaction of the election officers and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for the same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary in such city without being personally registered as an elector in the election district in which he offers to vote except by order of the court of Common Pleas as herein provided regarding appealed cases Any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting bribery at elections and if challenged as to identify or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and shall produce such other evidence as may be required to satisfy the election officers of his identity or continued residence in the election district and if challenged as to bribery he shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received

(f) The commissioners in charge of elections shall cause to be printed for each election district a suitable number of Voter's Certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

Voter's Certificate

Number (serially numbered) (Primary) (Election) ..19..
I hereby certify that I am qualified to vote at this (primary) (election)
Signature .....
Address .....
..... Pennsylvania
Approved .....
Refused .....
Number of stub of ballot issued (or number of admission to voting machine) (and party at primary)

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the commissioners conducting the election After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations herein above required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the elector's signature is not readily legible shall print such elector's name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or subdivision designating the party in whose primary he votes shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "Voting Check List" and the name of the district and date of the primary or election The Voter's certificates so bound shall constitute the voting check list of the district All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the voting check list

(g) The district register shall constitute the ballot check list of the district As each voter is found to be qualified and votes the election officer in charge of the

district register shall write or stamp the date of the election or primary the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at the primaries a letter or abbreviation designating the party in whose primary he votes and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting shown by the voting check list and numbered lists of voters and announced and the cause of any difference ascertained if possible before the ballot-box or voting machine is opened The district register and the voting check list shall be immediately sealed or locked in envelopes or containers and shall be returned to the custody of the registration commission by the judge of election before noon on the day following the election or primary

Section 39 Entry of Information in General Register Following Elections and Primaries Report of Indications of Fraud to District Attorney

(a) Immediately following each election or primary the Commission shall cause each district register and voting check list to be examined

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith and the provisions of this act

(c) The Commission specifically shall cause the signature of each elector on each voter's certificate to be compared with his signature in the district register and shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the Commission by reason of any comparison of voter's certificates and registers hereby prescribed

(d) Whenever the registration affidavits of any registered elector shall have been entirely filled up so that the entries required to be made thereon by this Act can no longer be made the Commission shall have prepared and attached to such registration affidavits in each register a supplemental card Each supplemental card shall be printed in a color different from the registration affidavits It shall have the same serial number as the registration affidavit followed by the letter "A" "B" et cetera according to the number of supplemental cards attached to each registration affidavit Each supplemental card shall have space thereon for the entry of the surname of the registered elector his Christian name or names the street and number of his residence the ward and election district in which he resides and to which he may from time to time remove together with his street address in each such district and the other data required to be given upon such removal the data of each election and the primary at which the elector votes and the signature or initials of the election officer who enters the record of voting on the card Each supplemental card shall be attached to the registration affidavit to which it relates by permanent fasteners in such a manner that the contents of the registration affidavit may be examined and the entries required by this Act may be made on the supplemental card Whenever supplemental cards are attached to the registration affidavit of any elector the registration affidavit shall be stamped with the words "Supplemental cards attached" together with the date thereof

Section 40 Cancellation of Registration upon Failure to Vote Within Four Years Request for Reinstatement Correction of Errors of the Commission in Cancellation of Registrations Within three months after any general or municipal election held in the year one thousand nine hundred and forty-one and within three months after each general and municipal election held thereafter the Commission shall cause all of the district registers or general registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of four years immediately preceding the date of said municipal or general election the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the Commission indicate that he has not voted within a period of four years and that his registration will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the Commission either personally or by mail a written request for reinstatement of his registration setting forth place of residence and signed by him A copy of said notice shall be sent promptly to the city chairman of the political party of which such elector was registered as a member At the expiration of the time specified in the notice the Commission shall cause the registration of such elector to be cancelled unless he has filed with the Commission a signed request for reinstatement fo his registration as above provided The cancellation of the registration of any such elector for failure to vote within a period of four years shall not effect the right of any such elector to subsequently register by personal application to the Commission or a registrar in the manner provided by this Act

Whenever the registration of an elector has been cancelled through error such elector may petition the commission for the reinstatement of his registration not later than the tenth day preceding any primary or election and after a hearing on said application if error on the part of the commission is proved the commission shall reinstate the registration of such elector The testimony presented at such hearing shall be stenographically recorded and made a part of the records of the Commission

Section 41 Cancellation Removal and Preservation of Registration Affidavits Whenever the registration of an elector is cancelled for any cause the Commission shall cause to be marked on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such affidavit shall be kept for five years after which it may be destroyed upon the approval thereof in writing by the District Attorney

Section 42 Appeals to Court Time of Hearing Notice Postponement Hearing Decision of Court Costs and Fees

(a) Any person whose claim for registration has been denied by the Commission or whose name although previously registered has been removed and not restored by the Commission upon a petition filed for that purpose as herein provided or any qualified elector of the city whose rights are impaired by any order of the Commission not including registration of particular names by the Commission on personal application made to it as aforesaid or refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper Court of Common Pleas not later than the seventh day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Provided That if the order of the Commission appealed from was entered within ten days of any election or primary such appeal shall be filed within two days thereafter Thereupon any judge of the said court may fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the Commission or upon counsel of the Commission and upon any elector or his atorney who opposed the contention of the appellant before the Commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of said court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall review the record made before the commission provided however that no additional testimony shall be taken before said court

(c) The said court on appeal from any decision or action of the Registration Commission shall be limited to the determination of the regularity of such decision or action and whether the findings and decision of the Regis-

tration Commission are reasonable in the light of the competent evidence presented before said commission and in conformity with law If after such public hearing the said court shall find that the decision or action of the Registration Commission has been erroneous it shall direct the Commission to correct its decision and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated elecion or primary although his name may not have been entered in or restored to the district registry of such district

(d) The said court may compel the appellant or any opposing party other than the Commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the Prothonotary in the usual manner

Section 43 Production of Document et cetera at Appeals (a) At the written request of any person taking an appeal from any action or order of the Commission as aforesaid the Commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved

(b) The commission shall be a party appellee to all such appeals but the Commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

(c) The stenographic record of any proceeding required by this act to be stenographically recorded shall when certified by any commissioner present at such proceeding be prima facie evidence of the events therein recorded

Section 44 Subpoenas and Witness Fees (a) Any person filing any petition of any kind aforesaid with the Commission or opposing same shall have the privilege of having subpoenas issued by the Commission to compel the attendance of witnesses upon condition that all witnesses so subpoened shall be paid two dollars and fifty cents per day as witness fees in the manner herein provided

(b) The Commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the Commission by the appropriating authority of the county in the same manner as other necessary expenses of such Commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The Commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission

(d) No subpoena shall be issued for the benefit of any person other than the Commission until he shall have paid the Commission a fee of twenty-five cents for issuing the same and deposited with said Commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the Commission and entered by it in such subpoena and no such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the Commission and unless before four o'clock post meridian of said day the person for whose benefit it be issued shall have deposited with the said Commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the Commission shall disburse the fees deposited with it by any person aforesaid among these witnesses who have appeared in response to subpoenas issued as aforesaid and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the Commission as aforesaid taking their receipts therefor as long as there are sufficient funds available for such payments

(e) The Commission shall pay over to the City Treasurer all fees received for subpoenas The accounts of such Commission respecting disbursements of witness fees out of appropriation made to such Commission by the appropriating authority of the City shall be subject to audit from time to time by the City controller

Section 45 Crimes and Penalties (a) Any person who wilfully disobeys a lawful order of the Commission or refuses to obey his subpoenas duly issued and served under the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars

(b) Any wilful false statement made under oath or in writing stating that it is so made although such oath may not have actually been made by any person regarding any matter or thing relating to any subject being investigated heard or acted upon by any registrar Commissioner judge watcher inspector of registration or court by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo an imprisonment of not more than two (2) years or both in the discretion of the court

(c) Any registrar or Commissioner who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1000.00) dollars or to undergo an imprisonment of not more than five (5) years or both in the discretion of the court

(d) Any person who applies for registration or who notifies the commission of a change of his residence address knowing or having reason to know that he is not entitled to be registered or have his residence address changed or any person who declares as his residence a place or address which he knows or has reason to know is not his legal residence or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or to undergo an imprisonment of not more than three (3) years

(e) Any registrar or assistant or employe of the registration Commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the Commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1000.00) dollars or to undergo an imprisonment of not more than five (5) years or both in the discretion of the court

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of persons not registered in accordance with the provisions of this act (except that of a person in actual military or naval service or a person having an order of court) or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1000.00) dollars or to undergo an imprisonment of not more than five (5) years or both in the discretion of the Court

(g) Any Commissioner Registrar inspector of registration special inspector of registration or other officer assistant or employee Or any person partnership or corporation upon whom a duty is laid by this Act who shall wilfully neglect or refuse to perform his said duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000.00) dollars or to undergo an imprisonment of not more than two (2) years or both in the discretion of the court

(h) Any person who inserts or intentionally permits

to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance therewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000.00) dollars or to undergo an imprisonment of not more than three (3) years or both in the discretion of the court

(i) Any person who neglects or refuses to furnish to the registration Commission or Commissioner or to any inspector of registration any report or information which they or he are therein authorized to receive or obtain or to exhibit any record papers or documents herein authorized to be inspected by them or him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500.00) dollars or to undergo an imprisonment of not more than two (2) years or both in the discretion of the court

(j) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any Commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any Commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo an imprisonment of not more than two (2) years or both in the discretion of the court

(k) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not to exceed five hundred ($500.00) dollars

(l) Any election officer or other person who shall alter or attempt to alter the signature of any elector upon any of the cards required to be kept by the registration commission its employes registrars or inspectors or who shall remove or destroy or attempt to remove or destroy such cards except in the performance of the duties of his office or employment shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500.00) dollars or to undergo imprisonment of not more than two (2) years or both in the discretion of the court

(m) Any election officer or clerk who shall permit a person to see a signature recorded as his in the district register before he shall have signed his name to the voter's certificate shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500.00) dollars or to undergo an imprisonment not more than two (2) years or both in the discretion of the court

(n) Any person who shall serve any paper being or purporting to be a copy of a petition to strike a voter's name from the registers or a copy of a notice or order of the commission without being duly authorized so to serve as provided herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three months nor more than three years

Section 46 Effective Date Partial Invalidity Legislative Intent

(a) Except as otherwise provided herein this Act shall be in force and take effect immediately upon its enactment

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 47 Repeal of Prior-Law Proviso

(a) The following acts of Assembly and parts of acts and any amendments and supplements thereto are hereby repealed absoutely

1 An Act entitled "An act to provide for the personal registration of electors as a condition of their right to vote at elections and their enrollment as members of political parties as a further condition of their right to vote at primaries in cities of the first class of this Commonwealth by removing from office all existing registration commissioners and their appointees in said cities and authorizing the Governor to appoint registration commissions therein defining the jurisdiction of said commissions and the powers and duties of the commissioners constituting same and of their appointees including registrars inspectors of registration clerks and counsel fixing their qualifications terms of office and compensation granting them certain immunity from arrest on registration days and empowering such inspectors to arrest without warrant certain persons committing certain offenses in violation of this act in their presence as well as to enter and inspect buildings given as residences of electors to interrogate the inmates thereof to copy or demand a list of the lodgers therein and to supervise the conduct of registrars regulating the registration of electors at polling places by registrars and at the offices of commissions by commissioners and the right of parties or bodies of electors to have watches thereat and the preparation and use of street lists and other records of those registered allowing the names of persons not entitled to vote to be struck from the registers in certain cases permitting all records regarding registration to be inspected and copies by any elector under certain conditions directing how the registers shall be used at elections and primaries compelling the attendance of witnesses and payment of witness fees and providing penalties for refusal to obey subpoenas directing receivers of taxes to appoint chief clerks of commissions as deputies to collect poll taxes and to give receipts therefor authorizing such clerks to administer oaths sign subpoenas and vouchers and to collect and disburse witness fees prescribing a method for challenging persons applying for registration and the procedure for the correction of registers and for appealing from actions of registrars to said commissions and allowing for appeals from the decisions of the commissions in certain cases to courts of common pleas imposing certain duties upon election officers and upon the councils treasurers controllers receivers of taxes police officers and other officials of said cities and upon the courts judges prothonotaries sheriffs commissioners peace officers and other officials of the judicial districts and counties in which said cities are situated or with which they are coextensive legalizing certain acts required hereby if done on any Sunday or legal holiday requiring said cities to provide for the maintenance of said commission and the compensation of their appointees and the payment of all expenses necessary to carry out the provisions of this act and to transfer the unexpended balances of all appropriations heretofore made for the personal registration of electors of said cities during the year one thousand nine hundred and nineteen to and for the use of the said commissions punishing and fixing penalties for violations hereof and repealing all legislation inconsistent herewith" approved July tenth one thousand nine hundred and nineteen (Pamphlet Laws eight hundred fifty-seven)

2 An act entitled "An act to amend part section thirteen of an act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred and fifty-seven) entitled 'An act to provide for the personal registration of electors as to condition of their right to vote at elections and their enrollment as members of political parties as a further condition of their right to vote at primaries in cities of the first class of this Commonwealth by removing from office all existing registration commissioners and their appointees in said cities and authorizing the Governor to appoint regis-

tration commissions therein defining the jurisdiction of said commissions and the powers and duties of the commissioners constituting same and of their appointees including registrars inspectors of registration clerks and counsel fixing their qualifications terms of office and compensation granting them certain immunity from arrest on registration days and empowering such inspectors to arrest without warrant certain persons committing certain offenses in violation of this act in their presence as well as to enter and inspect buildings given as residences of electors to interrogate the inmates thereof to copy or demand a list of the lodgers therein and to supervise the conduct of registrars regulating the registration of electors at polling places by registrars and at the offices of commissions by commissioners and the right of parties or bodies of electors to have watchers thereat and the preparation and use of street lists and other records of those registered allowing the names of persons not entitled to vote to be struck from the registers in certain cases permitting all records regarding registration to be inspected and copied by any elector under certain conditions directing how the registers shall be used at elections and primaries compelling the attendance of witnesses and payment of witness fees and providing penalties for refusal to obey subpoenas directing receivers of taxes to appoint chief clerks of commissions as deputies to collect poll taxes and to give receipts therefor authorizing such clerks to administer oaths sign subpoenas and vouchers and to collect and disburse witness fees prescribing a method for challenging persons applying for registration and the procedure for the correction of registers and for appealing from actions of registrars to said commissions and allowing for appeals from the decisions of the commissions in certain cases to courts of common pleas imposing certain duties upon election officers and upon the councils treasurers controllers receivers of taxes police officers and other officials of said cities and upon the courts judges prothonotaries sheriffs commissioners peace officers and other officials of the judicial districts and counties in which said cities are situated or with which they are coextensive legalizing certain acts required hereby if done on any Sunday or legal holiday requiring said cities to provide for the maintenance of said commissions and the compensation of their appointees and the payment of all expenses necessary to carry out the provisions of this act and to transfer the unexpended balances of all appropriations heretofore made for the personal registration of electors of said cities during the year one thousand nine hundred and nineteen to and for the use of the said commissions punishing and fixing penalties for violations hereof and repealing all legislation inconsistent herewith' approved April twenty-sixth one thousand nine hundred and twenty-one (Pamphlet Laws two hundred ninety-two)"

3 An act entitled "An act to amend section forty-three of the act aproved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred and fifty-seven) entitled "An act to provide for the personal registration of electors as a condition of their right to vote at elections and their enrollment as members of political parties as a further condition of their right to vote at primaries in cities of the first class of this Commonwealth by removing from office all existing registration commissioners and their appointees in said cities and authorizing the Governor to appoint registration commissioners therein defining the jurisdiction of said commissions and the powers and duties of the commissioners constituting same and of their appointees including registrars inspectors of registration clerks and counsel fixing their qualifications terms of office and compensation granting them certain immunity from arrest on registration days and empowering such inspectors to arrest without warrant certain persons committing certain offenses in violation of this act in their presence as well as to enter and inspect buildings given as residences of electors to interrogate the inmates thereof to copy or demand a list of the lodgers therein and to supervise the conduct of registrars regulating the registration of electors at polling places by registrars and at the offices of commissions by commissioners and the right of parties or bodies of electors to have watchers thereat and the preparation and use of street lists and other records of those registered allowing the names of persons not entitled to vote to be struck from the registers in certain cases permitting all records regarding registration to be inspected and copied by any elector under certain conditions directing how the registrars shall be used at elections and primaries compelling the attendance of witnesses and payment of witness fees and providing penalties for refusal to obey subpoenas directing receivers of taxes to appoint chief clerks of commissions as deputies to collect poll taxes and to give receipts therefor authorizing such clerks to administer oaths sign subpoenas and vouchers and to collect and disburse witness fees prescribing a method for challenging persons applying for registration and the procedure for the correction of registers and for appealing from actions of registrars to said commission and allowing for appeals from the decisions of the commissions in certain cases to courts of common pleas imposing certain duties upon election officers and upon the councils treasurers controllers receivers of taxes police officers and other officials of said cities and upon the courts judges prothonotaries sheriffs commissioners peace officers and other officials of the judicial districts and counties in which said cities are situated or with which they are coextensive legalizing certain acts required hereby if done on any Sunday or legal holiday requiring said cities to provide for the maintenance of said commissions and the compensation of their appointees and the payment of all expenses necessary to carry out the provisions of this act and to transfer the unexpended balances of all appropriations heretofore made for the personal registration of electors of said cities during the year one thousand nine hundred and nineteen to and for the use of the said commissions punishing and fixing penalties for violation hereof and repealing all legislation inconsistent herewith' so as to increase the maximum compensation to be paid to the chief clerk of the registration commission" approved May twentieth one thousand nine hundred and twenty-one (Pamphlet Laws nine hundred ninety-four)

4 An act entitled "An act to amend the last two paragraphs of section thirteen of the act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred fifty-seven) entitled "An act to provide for the personal registration of electors as a condition of their right to vote at elections and their enrollment as members of political parties as a further condition of their right to vote at primaries in cities of the first class of this Commonwealth by removing from office all existing registration commissioners and their appointees in said cities and authorizing the Governor to appoint registration commissions therein defining the jurisdiction of said commissions and the powers and duties of the commissioners constituting same and of their appointees including registrars inspectors of registration clerks counsel fixing their qualifications terms of office and compensation granting them certain immunity from arrest on registration days and empowering such inspectors to arrest without warrant certain persons committing certain offenses in violation of this act in their presence as well as to enter and inspect buildings given as residences of electors to interrogate the inmates thereof to copy or demand a list of the lodgers therein and to supervise the conduct of registrars regulating the registration of electors at polling places by registrars and at the offices of commissions by commissioners and the right of parties or bodies of electors to have watchers thereat and the preparation and use of street lists and other records of those registered allowing the names of persons not entitled to vote to be struck from the registers in certain cases permitting all records regarding registration to be inspected and copied by any elector under certain conditions directing how the registers shall be used at elections and primaries compelling the attendance of witnesses and payment of witness fees and providing penalties for refusal to obey subpoenas directing receivers of taxes to appoint chief clerks of commissions as deputies to collect poll taxes and to give receipts therefor authorizing such clerks to administer oaths sign subpoenas and

vouchers and to collect and disburse witness fees prescribing a method for challenging persons applying for registration and the procedure for the correction of registers and for appealing from actions of registrars to said commissions and allowing for appeals from the decisions of the commissions in certain cases to courts of common pleas imposing certain duties upon election officers and upon the councils treasurers controllers receivers of taxes police officers and other officials of said cities and upon the courts judges prothonotaries sheriffs commissioners peace officers and other officials of the judicial districts and counties in which said cities are situated or with which they are coextensive legalizing certain acts required hereby if done on any Sunday or legal holiday requiring said cities to provide for the maintenance of said commissions and the compensation of their appointees and the payment of all expenses necessary to carry out the provisions of this act and to transfer the unexpended balances of all appropriations heretofore made for the personal registration of electors of said cities during the year one thousand nine hundred and nineteen to and for the use of the said commissions punishing and fixing penalties for violations hereof and repealing all legislation inconsistent herewith" approved April eleventh one thousand nine hundred and twenty-nine (Pamphlet Laws four hundred eighty-three)

(b) The following act of Assembly is hereby repealed in so far as it applies in or relates to the registration or enrollment of voters in cities of the first class

(c) An act entitled "An act to provide for the registration and enrollment of the voters of the State according to their respective party preferences fixing the compensation of assessors and registry assessors for making said registration and enrollment and prescribing penalties for false registration or enrollment and for voters voting or attempting to vote and for election officers wilfully permitting or conspiring to permit them to vote at a primary by or on any other than their own party tickets" approved July twenty-fifth one thousand nine hundred and thirteen (Pamphlet Laws one thousand forty-three)

(c) All other acts or parts of acts of Assembly in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(d) The provisions of this act shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill on third reading?

Mr. LAW. Mr. President, I ask unanimous consent to amend section 5, page 12, line 1, by striking out after the word "fit" and before the word "the" the bracket,]

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

The PRESIDENT. The Chair understands that these amendments are simply strike-outs.

Mr. LAW. Mr. President, that is correct,—striking out a bracket put in by printer's error.

The PRESIDENT. The Chair understands that it is not necessary to have the bill reprinted.

Mr. LAW. Mr. President, in view of the fact that this is simply a strike-out, I move that the Senate do now proceed to the final passage of this bill.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SALUS. Mr. President, on this bill I propose to vote for it. I also want to go on record that it is my best belief that in its present form it will not pass the Attorney General's office; there are so many inconsistencies in it that it will not pass muster. However, I am going to vote for the bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Henney,	McCreesh,	Ruth,
Buckman,	Heyburn,	McGinnis,	Salus,
Cavalcante,	Homsher,	Mundy,	Scarlett,
Chapman,	Howell,	Pierson,	Shapiro,
Dando,	Jacobs,	Pytko,	Sipe,
Deitrick,	Jaspan,	Rankin,	Sones,
Dent,	Kahle,	Reed,	Sordoni,
DiSilvestro,	Kilgallen,	Rice,	Stiefel,
Eroe,	Kunkel,	Roberts,	Thompson,
Frey,	Lanius,	Rodgers,	Wolfenden,
Gilson,	Law,	Rupp,	Woodward,
Haluska,	Mallery,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 457 (House Bill No. 928), entitled:

An Act requiring persons employing others in or about motion picture theatres to allow them at least one calendar day of rest in each calendar week.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. DENT. Mr. President, I want to state I am in favor of giving every employee in the theatre a day off. However, this bill is all-inclusive; it includes managers that probably operate under a salary of six or seven thousand dollars a year. It forces them to take a day off a week. It does not draw any line of distinction between the types of employment whatsoever. However, in order that there may not be any misunderstanding whatsoever, I am going to vote in favor of the bill, although I do believe that the bill should have more and better wording in it.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Henney,	Mallery,	Ruth,
Buckman,	Heyburn,	McCreesh,	Salus,
Cavalcante,	Homsher,	McGinnis,	Scarlett,
Chapman,	Howell,	Mundy,	Shapiro,
Dando,	Huffman,	Pierson,	Sipe,

Deitrick,	Jacobs,	Pytko,	Sones,
Dent,	Jaspan,	Rankin,	Sordoni,
DiSilvestro	Kahle,	Reed,	Stiefel,
Eroe,	Kilgallen,	Rice,	Thompson,
Frey,	Kunkel,	Roberts,	Wolfenden,
Gilson,	Lanius,	Rodgers,	Woodward,
Haluska,	Law,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 479, as follows:

A Supplement to the act approved the eighteenth day of March one thousand eight hundred and seventy-five (Pamphlet Laws 30) entitled "An act to authorize changes of venue in criminal cases" forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter in criminal prosecutions the venue may be changed by the Supreme Court of Pennsylvania or the court in which the indictment shall be pending on application of the defendant or defendants only and not on applicaton of the Commonwealth or the prosecutor

Section 2 No writ of certiorari shall hereafter be issued by the Supreme Court of Pennsylvania to remove the record of any criminal prosecution thereto for the purpose of changing the venue on petition of the Commonwealth or the prosecutor but such writs shall issue only on petition of the defendant or defendants

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. BUCKMAN. Mr. President, I would like to interrogate the sponsor of this bill, the Senator from Fayette, Mr. Cavalcante.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator if this is not the bill prohibiting the change of venue by the prosecutor or the Commonwealth in criminal cases.

Mr. CAVALCANTE. Mr. President, the Senator from Bucks has the proper interpretation of it.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Fayette what the Attorney General thinks about the bill.

Mr. CAVALCANTE. Mr. President, as I am not the Attorney General's keeper in this case I do not know what he thinks about it. I have not counseled with him on the matter. When he gets it, after final passage, the Attorney General will pass on it.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Henney,	Mallery,	Rupp,
Buckman,	Heyburn,	McCreesh,	Ruth,
Cavalcante,	Homsher,	McGinnis,	Scarlett,
Chapman,	Howell,	Mundy,	Shapiro
Dando,	Jacobs,	Pierson,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Sordoni,
Eroe,	Kilgallen,	Reed,	Stiefel,
Frey,	Kunkel,	Rice,	Thompson,
Gilson,	Lanius,	Roberts,	Wolfenden,
Haluska,	Law,	Rodgers,	Woodward,

NAYS—2

Deitrick,	Salus,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 497 (House Bill No. 617), entitled:

An Act to amend section nine of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," regulating physical examination of applicants.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreebly to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Henney,	McCreesh,	Ruth,
Buckman,	Heyburn,	McGinnis,	Salus,
Cavalcante,	Homsher,	Mundy,	Scarlett,
Chapman,	Howell,	Pierson,	Shapiro,
Dando,	Jacobs,	Pytko,	Sipe,
Deitrick,	Jaspan,	Rankin,	Sones,
Dent,	Kahle,	Reed,	Sordoni,
DiSilvestro,	Kilgallen,	Rice,	Stiefel,
Eroe,	Kunkel,	Roberts,	Thompson,
Frey,	Lanius,	Rodgers,	Wolfenden,
Gilson,	Law,	Rupp,	Woodward,
Haluska	Mallery,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 546, as follows:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding section one A

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth Article thereof

That Article nine be amended by adding thereto section one A as follows

Section 1-A The General Assembly may also by general law exempt from taxation a uniform value in money of the total taxable value of each person's real property in any one municipality or township

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, amending the Constitution is one of the few privileges which the underdog enjoys without any consultation with the Governor, and we cheerfully, last week passed a Constitutional amendment which has gone to the Secretary of the Commonwealth, and which was to set up a graded income tax; but tied in with that was the homestead exemption.

Now, the amendment offered by the Senator from Washington, Mr. Reed, is a straightforward attempt to amend the Constitution for a homestead exemption without any application to the graded income tax, and in my opinion is a fair way to present the question; but, before we vote on this, I feel so strongly on this subject that I have to inflict a few words on the Senate from a book called "Public Finance"—third edition—by Doctor Lutz, of Princeton University. Doctor Lutz is more than a college professor; he has, for several years, been chairman of a New Jersey commission to try to coordinate the local tax system and bring down the cost of taxes in the State of New Jersey. He has this to say on the homestead exemption:

"Recently a movement for a so-called 'homestead exemption' has been spreading rapidly. It means outright exemption of all small residence properties, when occupied by the respective owners, and in some cases there is taxation of only a portion of a certain bracket of value above the exempt minimum. The figure commonly chosen is $2,500 or $3,000, with a possible fractional assessment on the value up to some higher amount.

"This measure is frankly advocated by realty boards and other groups as a device to stimulate home ownership. Its advocates assume the social desirability of subsidizing small home owners by relieving them of all contribution from the cost of the local government benefits and services which is ordinarily made from the property tax. They apparently assume, further, that the psychology of such a group will not be altered by the exemption, said that the beneficiaries will, as voters, scrutinize expenditure and bond issue proposals as carefully as if they knew their own taxes were to be affected thereby.

"This proposal is illogical, unsound and undemocratic. It is a serious blow to the productivity of the property tax, and it will imperil the maintenance of essential governmental service, such as education, protection and health, in which the small home owners themselves are vitally interested. The proposal draws support from its appeal to class and group prejudices, which has become a characteristic feature of the technique of taxation changes.

"Further, it is another instance of the refusal to seek moderation in taxation by effective expenditure control, for the heavy cost of government is thereby rolled over upon the larger properties while all incentive to curb expenditures is removed from a substantial group of voters. Moreover, it makes the tax bill the scapegoat for the other obstacles to small home ownership, such as the inordinate costs of building, the heavy expenses of land sub-division, sales promotion and the like. The property tax, though heavy, is only one, and hardly the most serious obstacle to small home ownership."

Mr. REED. Mr. President, and members of the Senate: I might say that the real estate owner has been misled for years. He has been promised a reduction in his taxes by various bodies, and each time he has been fooled. The only way, it seems to me, to get a reduction in taxation in real estate, is by this method, by fixing it so that there must be a reduction of the burden on the real estate owner.

Now, I think it is true that at the time of the adoption of the present State Constitution, 90% of the wealth of this great Commonwealth was in the real estate; today, I understand, 40% of the wealth of Pennsylvania is in real estate, and yet 85% of the taxes come from real estate. Now, the only way, I repeat, to get some relief for the man who owns a farm or home or other real estate is by this very method. This will force a reduction whether those who are against it like it or not, and I insist that the members who had been telling the farmers or home owners for years that they are in favor of the reduction of real estate taxes, now have an opportunity to show by their votes whether they are or are not in favor of it, and I ask the members of this Senate to vote favorably on this resolution.

Mr. WOODWARD. Mr. President, I would like to have another minute and a half in which to speak on this subject, for I forgot a foot note here:

"Repeal of the recently adopted Constitutional authorizing homestead exemption in Florida"—I hope the Chairman of the Committee on Constitutional Changes will pay attention to this—"is advised by the Special Commission on Taxation and Public Debt. (Report, 1935, p. 123) See, also, the discussion of the effects of this exemption, ibid. pp. 79-83. The Utah Tax Commission, in its report for 1933-1934, pp. 15-16, states that had the then pending proposal for homestead exemption been effective in 1933, on a basis of $2,000 exemption, the revenue loss would have been $2,797,000, or 16 per cent of all property tax levies for that year."

The PRESIDENT. The Senator from Philadelphia, Mr. WOODWARD, still has a half minute, of his minute and a half for supplement argument.

Mr. SHAPIRO. Mr. President, I did not intend to speak on this bill, but since the sponsor of this bill makes the statement that this bill is for the relief of real estate owners, I want to put on record my reasons for voting against it. First, I do not consider this a bill relieving real estate owners, but it is a bill creating another exempted class. We have been quarreling on and off for years to get rid of these exempted classes, manufacturers, and utilities, and now, instead of getting rid of exemption classes we are, by constitutional amendment, endeavoring to create another exemption class, and for that reason I shall vote against the bill.

Mr. CAVALCANTE. Mr. President, I regret that I cannot agree with the Senator from Philadelphia, Dr. Woodward, that as Chairman of the Committee on Constitutional Changes, I pay attention to the language of the book from which he was reading, but it so happens that the Chairman of the Committee on Constitutional Changes does not read out of the same book as the Senator from Philadelphia, Dr. Woodward, does. There is all this sort of a misunderstanding here on the floor of this Senate, whenever we vote on a resolution proposing an amendment of the Constitution. It does seem that in the arguments advanced for and against the resolution, there seems to be an opinion that the adoption of a resolution of that kind is the passage of legislation. It is not the

passage of legislation, but a resolution of this character proposing an amendment to the Constitution, must go to the people themselves for action, and it does seem to me that it is very democratic to propose methods by which the people themselves can say the kind of government that they want, and all resolutions proposing constitutional amendments, are acts of legislatures that do permit that to be done.

Now, this resolution must go to the people, and if the people of this Commonwealth do not want to confer upon the General Assembly the power to enact legislation exempting real estate, the people can so say by their vote at the polls, and I hope that the opinion of the Senator from Philadelphia, Dr. Woodward, that a thing like this is un-democratic will be changed, because it is very evident that whenever we do something here that asks the people to pass their opinion upon it, is the very thing that is democratic, and this resolution should be adopted and should be sent to the people for them to say whether this General Assembly, or others hereafter, shall have power to pass legislation exempting small homesteads from taxation.

Mr. BUCKMAN. Mr. President, like the Senator from Philadelphia, Mr. Shapiro, I did not intend to speak on this resolution, but in order that there may not be any misunderstanding as to the effect of it, I desire to call the attention of the Senate to the result that might accrue from the adoption of this resolution and the submission thereof to the people. I, like probably all of the Senators in this body, believe in reducing taxation on real estate, and if we get a graduated income tax, that will undoubtedly take place, and I believe in every person paying, be he rich or poor, something towards the support of this government. I also believe that if this resolution were submitted to the people, it would probably pass by 90% of the people, for the reason that a man would be a fool if he didn't vote to exempt his own property from taxation.

We must have money to run our schools, to support our roads and our county and local governments, and if we are going to exempt probably 75 or 80% of small property owners from taxation, the revenue will have to be obtained from some other sources, and it will result in a large per capita tax which will be more burdensome to more people than the loss would under the present condition, and we must be just before we are generous in a matter of this sort. I believe it is our duty to stand up here and vote "no" on this resolution, in order that we may preserve our government with that which our government resources are supported, and I consider this a very serious proposition and one which should be considered carefully and not voted upon hastily and sent to the people, because, as I said before, undoubtedly the people would naturally vote to exempt their own property from taxation; and I ask the Senate to vote down this resolution.

Mr. REED. Mr. President, I wish to say that if we do not now have faith in the people and are afraid to submit this resolution to them, then I believe that the democratic government established by our fathers is close to an end.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Cavalcante,	Heyburn,	Mallery,	Rodgers,
Dando,	Howell,	McCreesh,	Rupp,
Dent,	Jacobs,	McGinnis,	Ruth,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Sordoni,
Gilson,	Kunkel,	Reed,	Stiefel,
Haluska,	Lanius,	Rice,	Thompson,
Henney,	Law,	Roberts,	Wolfenden,

NAYS—10

Buckman,	Deitrick,	Salus,	Shapiro,
Bean,	Homsher,	Scarlett,	Woodward,
Chapman,	Pierson,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 13, on second reading, entitled:

An Act to amend section five and to repeal section fifteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-six (P. L. 37), entitled "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers' Assistance Funds of the several counties; authorizing the Department of Welfare to co-operate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts," by changing the qualifications for assistance and by removing the liability of beneficiaries and their estates for repayment of assistance received.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EROE. Mr. President, I ask unanimous consent that Senate Bill No. 219, on second reading, entitled:

An Act to amend section two hundred and seventy-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as amended; providing for the appointment and compensation of a detective to the district attorney in counties of the fifth class.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 241, (House Bill No. 235), as follows:

An Act authorizing the adjournment and readjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight validating any action in adjourning or readjourning tax sales taken prior to the effective date of this act and preserving the lien of all taxes on lands to be sold at such sales

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That during the years one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight any county treasurer may adojurn any tax sale of seated or unseated lands for nonpayment of taxes if the county commissioners of the county have first petitioned the court of common pleas of the county to permit an adjournment or readjournment of a tax sale and the court has approved such adjournment or readjournment Any such tax sale so adjourned may thereafter be readjourned from time to time in the manner above provided but in no event shall such adjournment or readjournment be beyond the first day of May one thousand nine hundred and thirty-nine where any such tax sale is so adjourned or readjourned after advertisement no additional advertisement or notice shall be necessary for such adjourned or readjourned sale

Where any county treasurer has prior to the effective date of this act on his own initiative or with the consent and approval of the county commissioners or court or both or pursuant to any action by the General Assembly or pursuant to any order or decree of any court adjourned or readjourned any tax sale or failed to adjourn or readjourn any tax sale at the time fixed for a sale or for any of the aforesaid reasons has failed to advertise or hold any tax sale such action in so adjourning or readjourning or failing to adjourn or readjourn such sale failing to advertise or hold a tax sale is hereby ratified confirmed and made valid and no such adjournment or readjournment or failure to adjourn or readjourn or failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or any penalty or interest due thereon but the lien of all such taxes shall be fully preserved until the date fixed for such sale in accordance with this act or where said sale was adjourned pursuant to any order or decree of the court until such date as may be fixed by the county treasurer or until such date as may be fixed by the county treasurer with the approval of the county commissioners after the effective date of this act where there was a failure to adjourn or re-adjourn such sale but in either event not later than the date hereinbefore fixed notwithstanding that the period fixed by existing law as the life of such a tax lien has expired.

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 305, as follows:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing counties of the second class to assist political subdivisions in the county in negotiations and contests with public service companies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Article five of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding at the end thereof a new subdivision and section to read as follows

(1) Proceedings before Public Service Commission

Section 495 Counties of the Second Class May Assist Municipalities Upon the request of any political subdivision or subdivisions within the county any county of the second class may assist such political subdivision in any negotiations or contest with any public service company and for such purpose may employ or place at the disposal of such political subdivision the legal engineering accounting or clerical service of the county The county commissioners of any such county may also enter their appearance as interveners or otherwise in any proceedings before the Public Service Commission or before any court in any proceeding involving any controversy between any political subdivision in the county and a public service company

Section 2 This Act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 329, (House Bill No. 735), entitled:

An Act to further amend section two of the act, approved the twenty-first day of April one thousand nine hundred fifteen (Pamphlet Laws one hundred forty) entitled "An act directing the county commissioners of the several counties to offer for sale to the Department of Forestry tracts of land which they may have purchased at County Treasurers' sales for acceptance or refusal for forestry purposes and to convey to the Commonwealth of Pennsylvania the tracts so offered to be sold if accepted by the department" by limiting the consideration to be paid for lands acquired.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. CAVALCANTE. Mr. President, I move that Senate Bill No. 351, (House Bill No. 520), on second reading, entitled:

An Act to amend section ten of the act, approved the twenty-first day of May one thousand nine hundred and thirty-one (P. L. 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" as amended providing that counties may use moneys received from the

Liquid Fuels Tax Fund for the payment of principal due on bonds issued for highways and bridge purposes.

be recommitted to the Committee on County Government.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 355, (House Bill No. 561), entitled:

An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the filing of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto providing for future condemnations and appropriations of waters by allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board

The first section of the bill was read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all of the flowing water other than private springs or private water supplies of this Commonwealth now unappropriated by any municipality corporation copartnership or person is hereby declared to be appropriated to the Commonwealth for the benefit of all of the people of this Commonwealth subject only to such existing rights and uses as may now be lawful and no municipality corporation copartnership or person whether heretofore or hereafter created or which may now possess the right to take condemn and appropriate by eminent domain the waters of this Commonwealth shall hereafter take condemn or appropriate any water except as provided in this act

The second section of the bill was read as follows:

Section 2 Any condemnation or appropriation of waters heretofore made by any municipality corporation copartnership or person heretofore authorized to condemn water which appropriation has not been followed by an actual taking of the larger part of the low water flow thereof heretofore or within a period of two (2) years after the effective date of this act is hereby declared null and void and of no effect except as to that part thereof actually taken Where Condemnation proceedings are pending in any of the courts of this Commonwealth at the date when this act becomes effective the actual taking of the large part of the low water flow of the water shall be within one year following the final determination of such proceeding otherwise the condemnation shall be null and void and of no effect except as to that part thereof actually taken

On the question,

Will the Senate agree to the section?

Mr. RODGERS. Mr. President, I move to amend section 2, page 3, line 20, by striking out after the word "the" and before the word "part" the word: "S (large)" and inserting in lieu thereof the word: 'larger"

Mr. FREY: Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third, fourth, fifth and sixth sections of the bill were read as follows and agreed to:

Section 3 No condemnation or appropriation of water heretofore made under the power of eminent domain claimed by any municipality corporation copartnership or person authorized to condemn and appropriate water shall be valid or binding unless within twelve (12) months or such further time as the board may grant after the date of approval of this act said municipality or corporation shall produce the record upon which such appropriation or condemnation is founded or prove to the satisfaction of the Water and Power Resources Board that such condemnation was lawfully made in accordance with law at the time said condemnation and appropriation was made and shall thereafter file a transcript or certificate of the resolution or record upon which said condemnation or appropriation is claimed duly acknowledged by the secretary and president of the municipality corporation copartnership or person in the office of the Water and Power Resources Board In cases where water has been acquired otherwise than by condemnation the municipality corporation copartnership or person shall file with the board a statement setting forth the manner in which the water has been acquired or on what its claim therefor is based Any party aggrieved by a decision of the Water and Power Resources Board may within sixty (60) days appeal therefrom to the Court of Common Pleas of Dauphin County and the taking of such appeal shall operate as a supersedeas

Section 4 Hereafter no condemnation or appropriation of streams or the waters thereof for public water supply shall be made by any municipality or corporation possessing the power of eminent domain except as follows

Any such municipalities or corporations desiring to condemn or appropriate new or additional water for public supply purposes for present and future needs shall first make application to the Water and Power Resources Board for leave to acquire designated waters appropriated to the Commonwealth by this act setting forth

1 The present source or sources from which water is now taken listing the streams and the quantity of water appropriated therefrom designating as near as may be the point or points from which water is taken or used and the amounts of water stored

2 The necessity for such new or additional source of supply and the river stream or other body of water from which it is proposed to be taken

3 The location and the population needing the supply

4 The amount of water which it is proposed to take

5 The plans for development of the water resources of the streams to maintain the stream flow and to utilize flood runoff including the capacities of any proposed impounding reservoirs

6 The names and addresses of the lower riparian owners who may be affected by the proposed developments

7 Such other provisions as the Water and Power Resources Board shall deem necessary

Section 5 The Water and Power Resources Board shall upon such application make such investigation as may be necessary and grant such hearing as may be required

The Water and Power Resources Board is hereby given authority upon such application to grant leave to acquire such part of the waters appropriated to the Commonwealth by this act to any such municipality or corporation as said application and the investigation thereon may show to be reasonably necessary to the purpose of the application

Section 6 All permits to acquire such waters of this Commonwealth appropriated by this act hereafter granted by the Water and Power Resources Board under this or

any other law of this Commonwealth for public water supply purposes shall be for such term or terms and shall embody such conditions and stipulations as the board may deem necessary and proper to protect the present and future interests of the Commonwealth and its people in the use and distribution of its water resources

The board shall have the further power to revoke any such permit in case the source of water supply applied for is not developed in the manner set forth in the application or required by the permit of the board or if the work is not begun or completed within the time fixed by the board

The seventh section of the bill was read as follows and agreed to.

Section 7 The Water and Power Resources Board shall further have the power to impose by the permit a reasonable charge for the water so permitted to be condemned or acquired pursuant to a grant or allocation of water for public water supply purposes made after the effective date of this act at a rate not exceeding one dollar ($1.00) per million gallons and provide for the collection of the same and to impose such terms and conditions as may be reasonably necessary bearing in mind the character and navigability of the stream and the need of water for other purposes All moneys collected from such charges shall be paid into the State Forests and Waters Fund by and through the Department of Revenue

On the question,

Will the Senate agree to the section?

Mr. WOODWARD. Mr. President, I move to amend section 7, page 6, line 21, by striking out the words "S State Forests and Waters Fund by and" and insert in lieu thereof: "General Fund"

Mr. BUCKMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

SENATE BILL 355. HOUSE BILL 561.

Mr. WOODWARD. Mr. President, this amendment would prevent the formation of a special fund in this Department of Forests and Waters, and would require that department to pay the money into the General Fund.

Now, we used to have thirty-three special funds, and we labored here for years to cut them down. We had a mattress fund, a dog fund, an undertakers' fund, and so on; and there is no reason I can see why the Department of Forests and Waters should be the pampered darling in this respect. Why should they not pay the money into the General Fund? Let them apply to the Legislature, and the Legislature will appropriate what they need.

This is, therefore, to transfer the money to the General Fund and not create a special fund. I see no reason for a special fund for this department.

Mr. RODGERS. Mr. President, there are various other Departments which have funds that distinctly belong to them. I can see no reason why money such as this should not be returned to the Department of Forests and Waters, and I respectfully request that you turn down the Woodward motion.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. RODGERS and Mr. FREY

and were as follows, viz:

YEAS—9

Bean,	Heyburn,	Howell,	Pierson,
Chapman,	Homsher,	Mallery,	Wolfenden,
Deitrick,			

NAYS—31

Cavalcante,	Henney,	McCreesh,	Rodgers,
Dando,	Jacobs,	McGinnis,	Ruth,
Dent,	Jaspan,	Mundy,	Shapiro,
DiSilvestro,	Kahle,	Pytko,	Sipe,
Eroe,	Kilgallen,	Rankin,	Sones,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Lanius,	Rice,	Woodward,
Haluska,	Law,	Roberts,	

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the section?

It was agreed to.

The eighth and ninth sections of the bill were read as follows and agreed to.

Section 8 The provisions of this act are severable and if any of the provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 9 This Act shall become effective immediately upon its final enactment

The title and preamble of the bill were read as follows and agreed to:

An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board.

Whereas An adequate supply of water is a matter of primary concern affecting the life health and comfort of the people of this Commonwealth and the supervision and equitable allocation thereof is an essential part of the police power of the Commonwealth which no Legislature could rightfully impair or barter away and

Whereas All of the flowing water of the Commonwealth by right belongs to the Commonwealth in trust for the benefit of all the people thereof and all uses of such flowing water must be regarded as subject to this sovereign right and

Whereas The increase of the population of the Commonwealth makes it necessary that the available supply of water be apportioned equitably and allocated for the best interests of all concerned

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 385 (House Bill No. 741), as follows:

An Act to amend the title and sections two and twelve and to repeal section five of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred eighteen) entitled "An act regulating the construction equipment maintenance operation and inspection of el-

evators outside of cities of the first and second and second A classes granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by extending the provisions of said act to elevators located in cities of the first second and second A classes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred eighteen) entitled "An act regulating the construction equipment maintenance operation and inspection of elevators outside of cities of the first and second and second A classes granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" is hereby amended to read as follows

An Act regulating the construction equipment maintenance operation and inspection of elevators [outside of cities of the first and second and second A classes] granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act

Section 2 That section two and twelve of the said act are hereby amended to read as follows

Section 2 General Requirement Every elevator as described in section one of this act shall be so constructed equipped maintained and operated with respect to the supporting members elevator car shaftway guides cables doors and gates safety stops and mechanisms locking mechanisms electrical apparatus and wiring mechanical apparatus counterweights and all other appurtenances as to safely sustain the load which the said elevator is designed and intended to carry [Provided That nothing in this act shall be constructed to apply to elevators located in cities of the first second and second A classes]

Section 12 Registration of Elevators The owner or user of every elevator in this Commonwealth except [as exempted from the provisions of this act in Section 2] elevators located in cities of the first second and second A classes shall prior to December thirty-first one thousand nine hundred and twenty-nine register with the Department of Labor and Industry every elevator operated by him giving the type capacity and description name of manufacturer and purpose for which each is used Such registration shall be made on forms to be furnished by the department

The owner or user of every elevator located in cities of the first second and second A classes shall register such elevator as provided in this section prior to December thirty-first one thousand nine hundred thirty-seven

Section 3 That section five of the said act is hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. CAVALCANTE. Mr. President, I move that Senate Bill No. 385 (House Bill No. 741), the bill just read, be placed on the postponed calendar.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. REED. Mr. President, I move that Senate Bill No. 533, on second reading, entitled:

An Act prescribing a uniform method for the collection of all county, township, town, borough, school, poor and other local taxes in the several boroughs, incorporated towns and townships of this Commonwealth, except county taxes, in counties of the second class and in counties having local laws; providing for the election of the collector of taxes and the filling of vacancies in said office; defining the rights, powers and duties of the collector of taxes; regulating the form and time for delivery of the tax duplicate and warrant, the notice to taxables and tax bills; providing for uniform discounts and penalties; the settlement of accounts, exonerations and compensation of such tax collectors; prescribing the liability of taxables and others for the payment of such taxes, and the right of the collector and the taxing authorities to institute suit therefor; imposing certain duties upon the Department of Internal Affairs; imposing penalties; creating liens and repealing certain existing laws.

be recommitted to the Committee on County Government for further study.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO RECOMMIT BILL

Mr. CAVALCANTE. Mr. President, I move that Senate Bill No. 583, on second reading, entitled:

An Act concerning reciprocal agreements for the interstate transportation and the support of poor and indigent persons; and to make uniform the law with reference thereto.

be recommitted to the Committee on County Government.

Mr. DiSILVESTRO. Mr. President, I second the motion

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Mr. President, I understand that a different arrangement has been made by the proponent of the bill, Mr. Rupp, that this bill be given its second reading and then placed on the postponed calendar. In view of that arrangement I wish to withdraw my motion sending the bill back to committee.

Mr. DiSILVESTRO. Mr. President, I withdraw my second.

The PRESIDENT. The motion is withdrawn.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 583, as follows:

An Act concerning reciprocal agreements for the interstate transportation and the support of poor and indigent persons and to make uniform the law with reference thereto.

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Reciprocal Agreements The Department of Welfare subject to the approval of the Attorney General is hereby authorized to enter into reciprocal agreements with corresponding state agencies of other States regarding the interstate transportation of poor and indigent persons and to arrange with the proper officials in this State for the acceptance transfer and support of persons receiving public aid in other States in accordance with the terms of such reciprocal agreements provided that

this State shall not nor shall any county or other political subdivision of this State be committed to the support of persons who are not in the opinion of said Department of Welfare entitled to public support by the laws of this State.

Section 2. Uniformity of Interpretation This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those States which enact it

Section 3 Short Title This act may be cited as the "Uniform Transfer of Dependents Act"

Section 4 Time of Taking Effect This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. CAVALCANTE. Mr. President, I move that Senate Bill No. 583, the bill just read, be postponed for the present.

Mr. DiSILVESTRO. Mr. Presidnet, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. FREY. Mr. President, I move that Senate Bill No. 592, the bill on second reading, entitled:

A Supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing a compulsory system and schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties", as amended and re-enacted, providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions and procedure related to such diseases, and making an appropriation.

be recommitted to the Committee on Labor and Industry for further consideration.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

BILLS INTRODUCED

Mr. RODGERS. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RODGERS, read in place and presented to the Chair Senate Bill No. 653, entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board as an administrative Board of the Department of Labor and Industry conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively further providing that representatives of a majority of the employes be the exclusive representatives for one year of the employes authorizing the Board to conduct hearings and elections providing for the prompt peaceful and just settlement of controversies between employers and their employes prohibiting changes in conditions during the period for settlement of controversies and providing procedure for voluntary arbitration.

Which was committed the Committee on Labor and Industry.

Mr. RICE. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE, read in place and presented to the Chair Senate Bill No. 654, entitled:

An Act fixing the salary of the stenographer to the President of the Senate, and the clerk of the President Pro Tempore of the Senate.

Which was committed to the Committee on Appropriations.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Finance will meet immediately upon the Senate recessing tonight, in Room 400.

The Committee on City Government will meet at 11:35 o'clock tonight in Room 402.

RECESS

Mr. LAW. Mr. President, I move that the Senate do now take a recess for twenty minutes.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGE

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 742

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

A Supplement to the act, approved the twentieth day of July, one thousand nine hundred thirty-five (Appropriation Acts, page seventy-one), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-five; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five," providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first, one thousand nine hundred and thirty-seven.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. FREY. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY, from the Committee on Finance, reported as amended, Senate Bill No. 467 (House Bill No. 916), entitled:

An Act to amend section one of the act, approved the seventeenth day of June, one thousand nine hundred nineteen (Pamphlet Laws, one thousand twenty-five), entitled "A supplement to an act, approved the second day of May.

one thousand eight hundred and ninety-nine (Pamphlet Laws, one hundred and eighty-four), entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares, and merchandise, and providing for the collection of said tax,'" by providing for the annual appointment by the Auditor General, of mercantile appraisers in cities of the first class.

Also, from the Committee on Finance, reported as committed, Senate Bill No. 579 (House Bill No. 1161), entitled:

An Act to amend section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the re-settlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision for the appointment of mercantile appraisers.

Mr. McCREESH. Mr. President, I ask unanimous consent to make report from Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH, from the Committee on City Government, reported as amended, Senate Bill No. 614, (House Bill No. 964), entitled:

An Act to amend section five A of Article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," as amended, by changing the number and method of appointment of the civil service commissioners in said cities.

Mr. KILGALLEN. Mr. President, I ask unanimous consent to make report from Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN, from the Committee of Finance reported as committed, Senate Bill No. 528 (House Bill No. 1046), entitled:

An Act to re-enact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six, Pamphlet Laws thirteen) entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board: providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," by extending the provisions thereof for a further period of time and providing a method of ascertaining the amount of the tax for payment over to the Department of Revenue.

Mr. DiSILVESTRO. Mr. President, I ask unanimous consent to make a report from Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DiSILVESTRO, from the Committee on City Government, reported as committed, Senate Bill No. 599 (House Bill No. 1204), entitled:

An Act relating to counties of the first class, and the duties of the treasurers thereof in connection with the collection of certain taxes, fees, license taxes and license fees payable to the Commonwealth, and making provision for the disposition of the compensation therefor heretofore received by such treasures.

Also, from the Committee on City Government, reported as committed, Senate Bill No. 598 (House Bill No. 1203), entitled:

An Act relating to counties of the first class, and the duties of the recorders of deeds thereof in connection with the collection of certain fees and taxes, payable to the Commonwealth, and making provision for the dispostion of the compensation therefor, heretofore received by such recorders of deeds.

Mr. HEYBURN. Mr. President, I ask unanimous consent to make a report from Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HEYBURN, from the Committee on Finance, reported as committed, Senate Bill No. 471 (House Bill No. 1045), entitled:

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by imposing an additional tax on liquid fuels for a limited period of time and making further provision for the determination and payment of the tax

Mr. SIPE. Mr. President, I ask unanimous consent to make a report from Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SIPE, from the Committee on Finance, reported as committed, Senate Bill No. 527 (House Bill No. 1041), entitled:

An Act to re-enact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. 208) entitled "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associ-

ations limited partnerships State and county boards and departments making an appropriation and providing penalties" as amended by extending the provisions of the act for a further period of time reducing the rate of tax defining net income making further provision for filing reports on a fiscal year basis and for the filing of consolidated reports providing for the settlement and resettlement of taxes and review and appeal therefrom imposing duties and conferring powers on the Auditor General and making further provisions for the retention of records by corporations and for interest penalties.

Mr. PYTKO. Mr. President, I ask unanimous consent to make a report from the Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PYTKO, from the Committee on Finance, reported as committed, Senate Bill No. 468 (House Bill No. 1040), entitled:

An Act to re-enact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred thirty-five (Pamphlet Laws, three hundred forty-one), entitled, "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined; requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits; prescribing the method and maner of collecting such tax; conferring powers and imposing duties on the Department of Revenue, and persons, as herein defined, engaged in the sale of cigarettes at retail or wholesale; making and appropriation; and providing penalties," by extending the provisions of the act for a further period of time, and by making further provision for penalties.

Also, from the Committee on City Government, reported as committed, Senate Bill No. 586, entitled:

An Act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class.

Also, from the Committee on City Government, reported as committed, Senate Bill No. 587, entitled:

An Act to further amend section five, and to partly repeal sections one, two, three and four of the act, approved the twenty-third day of June, one thousand nine hundred and eleven (P. L. 1123), entitled "An act establishing in each county a board of viewers; prescribing their duties; providing for their appointment as viewers, road juries, juries of view and commissioners to view land; and providing for the charges upon the respective counties in the matter of salaries, costs, and expenses thereof," by providing for the appointment of boards of view from the board of revision of taxes, and abolishing the board of viewers in counties of the first class.

Also, from the Committee on City Government, reported as committed, Senate Bill No. 588, entitled:

An Act to amend the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by abolishing the department of receiver of taxes; and transferring its powers and duties to the department of city treasurer; and abolishing the office of receiver of taxes.

Also, from the Committee on City Government, reported as committed, Senate Bill No. 589, entitled:

An Act fixing the number, qualifications, manner of appointment, organization, and salaries of members of the board of revision of taxes in counties of the first class; providing for the appointment and compensation of a chief deputy appraiser, assistant appraisers and other employes of the board; abolishing the present assessors; and repealing general, local and special laws.

Also, from the Commitee on City Government, reported as committed, Senate Bill No. 590, entitled:

An Act relating to tax assessments in counties of the first class; confering powers and imposing duties on the board of revision of taxes and its agents and employes; and repealing general, local and special laws.

Mr. STIEFEL. Mr. President, I ask unanimous consent to make a report from the Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL, from the Committee on City Government, reported as amended, Senate Bill No. 490 (House Bill No, 257), entitled:

An Act to amend clause (b) of section four, Article two of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," as amended, changing the order in which officers of such cities shall act as mayor in case of a vacancy or disability of the mayor to act.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 467 (House Bill No. 916), entitled:

An Act to amend section one of the act approved the seventeenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand twenty-five) entitled "A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred and eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 468 (House Bill No. 1040), entitled:

An Act to re-enact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-five (Pamphlet Laws three hundred forty-one) entitled "An act to provide by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties" by extending the provisions of the act for a further period of time and by making further provision for penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 471 (House Bill No. 1045), entitled:

An Act to further amend section four of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws, one hundred forty-nine), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalities; and making an appropriation," by imposing an additional tax on liquid fuels for a limited period of time, and making futher provision for the determination and payment of the tax.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 490 (House Bill No. 257), entitled:

An Act to amend clause (b) of section four Article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended changing the order in which officers of such cities shall act as mayor in case of a vacancy or disability of the mayor to act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 527 (House Bill No. 1041), entitled:

An Act to re-enact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. 208) entitled "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county boards and departments making an appropriation and providing penalties" as amended by extending the provisions of the act for a further period of time reducing the rate of tax defining net income making further provision for filing reports on a fiscal year basis and for the filing of consolidated reports providing for the settlement and resettlement of taxes and review and appeal therefrom imposing duties and conferring powers on the Auditor General and making further provisions for the retention of records by corporations and for interest penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 528 (House Bill No. 1046), entitled:

An Act to re-enact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six, Pamphlet Laws, thirteen) entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board", by extending the provisions thereof for a further period of time and providing a method of ascertaining the amount of the tax for payment over to the Department of Revenue.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 579 (House Bill No. 1161), entitled:

An Act to amend section four hundred six of the act, approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision for the appointment of mercantile appraisers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 586, entitled:

An Act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 587, entitled:

An Act to further amend section five, and to partly repeal sections one, two, three and four of the act approved the twenty-third day of June, one thousand nine hundred and eleven (P. L. 1123), entitled "An act establishing in ach county a board of viewers; prescribing their duties; providing for their appointment as viewers, road juries, juries of view and commissioners to view land; and providing for the charges upon respective counties in the matter of salaries, costs, and expenses thereof," by providing for the appointment of boards of view from the board of

revision of taxes, and abolishing the board of viewers in counties of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 588, entitled:

An Act to amend the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by abolishing the department of receiver of taxes; and transferring its powers and duties to the department of city treasurer; and abolishing the office of receiver of taxes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 589, entitled:

An Act fixing the number, qualifications, manner of appointment, organization, and salaries of members of the board of revision of taxes in counties of the first class; providing for the appointment and compensation of a chief deputy appraiser, assistant appraisers and other employes of the board; abolishing the present assessors; and repealing general, local and special laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 590, entitled:

An Act relating to tax assessments in counties of the first class; conferring powers and imposing duties on the board of revision of taxes and its agents and employes; and repealing general, local and special laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 598 (House Bill No. 1203), entitled:

An Act relating to counties of the first class and the duties of the recorders of deeds thereof in connection with the collection of certain fees and taxes payable to the Commonwealth and making provision for the disposition of the compensation therefor heretofore received by such recorders of deeds

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 599 (House Bill No. 1204), entitled:

An Act relating to counties of the first class and the duties of the treasurers thereof in connection with the collection of certain taxes fees license taxes and license fees payable to the Commonwealth and making provision for the disposition of the compensation therefor heretofore received by such treasurers

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 614 (House Bill No. 964), entitled:

An Act to amend section five A of Article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An Act for the better government of cities of the first class of this Commonwealth" as amended, by changing the number and method of appointment of the civil service commissioners in said cities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ANNOUNCEMENT BY THE SECRETARY

There will be a meeting of the Committee on Highways on Wednesday, March 24th, at 10:00 o'clock a. m., in the Senate Caucus Room.

The Committee on Municipal Government will meet on Tuesday, March 23rd, in Room 402, at 11:30 a. m.

The Committee on County Government will meet on Tuesday, March 23rd, at 11:00 o'clock a. m., in Room 402.

The Committee on Agriculture will meet on Tuesday, March 23rd, at 10:30 a. m., in Room 200.

The Committee on Insurance will meet at 11:45 a. m. on Tuesday, March 23rd, in Room 401.

ADJOURNMENT

Mr. ROBERTS. Mr. President, I move that the Senate do now adjourn.

Mr. EROE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 p. m. until twelve o'clock noon, Tuesday.

HOUSE OF REPRESENTATIVES

MONDAY, March 22, 1937.

The House met at 9:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Rev. JOHN FRANKLIN KELLER, Pastor St. John's Lutheran Church, Fogelsville offered the following prayer:

Almighty God. Heavenly Father: Thou Who directest the destinies of nations and of men, we again invoke Thy divine blessing and wisdom upon these servants who gather from time to time at this historical place to solve the perplexing problems concerning the citizens of our State. Lead and guide them in thought and deed, that all is done without malice or hatred in their hearts and through their own consciences.

These are the ultimate servants and guardians of our liberties and welfare. Lead them to a proper understanding of their calling, and crown their work with victory for the interest and honesty of our State. We ask it in Christ's name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, March 17, 1937.

The Clerk proceeded to read the Journal of Wednesday, March 17, 1937, when on motion of Mr. ECKELS the fur-

ther reading was dispensed with and the Journal approved.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

TEACHERS TENURE

Communications from Teachers urging support of Senate Bill No. 369.

Referred to the Committee on Education.

SUNDAY FISHING

A communication from Swissvale District Sportsmen's Association expressing appreciation on passage of bill legalizing fishing.

Referred to the Committee on Fishing.

FINANCIAL RESPONSIBILITY ACT

A resolution from Central Labor Union of Philadelphia, urging amendment of P. L. 553, 1933.

Referred to the Committee on Motor Vehicles.

PRINTING

A resolution from St. Joseph's Protectory for Homeless Boys, Pittsburgh, protesting passage of House Bill No. 418.

Referred to the Committee on Printing.

SALARIES

A petition from State employes requesting increase in salary for janitors.

Referred to the Committee on State Government.

SOCIAL REFORM

A resolution from Central Labor Council, New Brighton urging support for House Bills Nos. 1034, 1035 and 1036.

Referred to the Committee on Ways and Means.

COURTS OF COMMON PLEAS OF PHILADELPHIA

A resolution from the Philadelphia Bar Association endorsing the consolidation of the Courts of Common Pleas of Philadelphia County.

Referred to the Committee on Congressional Apportionment.

LEAVES OF ABSENCE

Mr. Frank P. Hamilton asked and obtained leave of absence for Mr. SHUGARTS on account of illness.

Mr. Fiss asked and obtained leave of absence for Mr. STACKPOLE on account of illness.

Mr. HETRICK asked and obtained leave of absence for himself for tomorrow's session.

REPORTS FROM COMMITTEES

Mr. HOLSTROM, from the Committee on Ways and Means, reported as committed, House Bill No. 1558, entitled:

An Act to repeal the act, approved the second day of April, one thousand eight hundred sixty-eight (Pamphlet Laws, fifty-five), entitled "A supplement to an act, entitled 'An act to increase the revenues of the Commonwealth by taxation of the shares of stock of the national banks, approved April twelfth, one thousand eight hundred and sixty-seven."

Mr. HIRSCH, from the Committee on Ways and Means, reported as committed, House Bill No. 1635, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 284), entitled, as amended "An act imposing a State tax, payable by those herein defined as manufacturers, and by others, on malt or brewed beverages used, sold, transported, or delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, or in the transportation, of malt or brewed beverages taxable hereunder; and providing penalties," as amended and re-enacted, by imposing an additional reciprocal tax; by providing for the assessment and revision of, and appeal from, additional taxes; and by making further provision with regard to refunds, evidence of payment of the tax, and penalties.

Mr. COAKLEY, from the Committee on Ways and Means, reported as amended, House Bill No. 1016, entitled:

An Act to amend section twelve to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-five, (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation;" as amended; providing that the Commonwealth shall pay to the recorders of deeds, prothonotaries and clerks of courts the fees provided by the act for filing with the Department of Revenue certain records.

Mr. ACHTERMAN, from the Committee on Ways and Means, re-reported as amended, House Bill No. 1043, entitled:

An Act to re-enact and amend the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (Pamphlet Laws, four hundred fourteen), entitled " An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotories, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation", as amended, by imposing annual taxes for State and county purposes, and, in cities coextensive with counties, for State, city and county purposes; making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon; modifying and further defining certain exemptions from said taxes, and concerning the distribution of the proceeds thereof; providing that the existing and future borrowing capacity, and the obligations and security of the outstanding bonds and other securities of the several counties, and cities coextensive with counties, of the Commonwealth, shall not be impaired; and making an appropriation.

BILLS RE-REFERRED

Mr. LONGAKER, returned from the Committee on Ways and Means with the recommendation that it be re-referred to the Committee on State Government, House Bill No. 1034, entitled:

An Act to amend section five hundred and twenty-two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," as added, requiring contracts for public works and improvements to stipulate minimum wages to be paid to foremen, timekeepers, engineers, laborers and mechanics and requiring the Commonwealth to pay minimum wages for such work where no contract is let; and providing for county wage boards representing labor, business and the Commonwealth, to determine such minimum wages.

The SPEAKER. The bill is now re-referred to the Committee on State Government.

Mr. LaRUE, returned from the Committee on Ways and Means with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 1035, entitled:

An Act making an appropriation to the Department of Highways to pay the expenses of county wage boards.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1393, entitled:

An Act to protect the public health and welfare, by regulating the employment of persons in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Department of Labor and Industry and others; by prescribing penalties for violation thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1310, entitled:

An Act to provide for advance installment payments of taxes due counties of the second class and regulating the collection and application thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. O'KEEFE. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1246, entitled:

An Act to prohibit the recruiting of the securing or offering to secure employment for and the transportation to places of employment of persons to take the places of employes involved in industrial disputes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1267, entitled:

An Act to prohibit the refusal to employ and the discharge of persons and employes because of industrial disputes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 662, entitled:

An Act to amend sections four hundred thirteen and seven hundred ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds"; changing the registration year and adjusting registration fees.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 77, entitled:

An Act to amend section two thousand eight hundred and nineteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and method of collecting such revenue and repealing all laws general special

or local or any part thereof that are or may be inconsistent therewith" extending the provisions of said section relating to clauses and stipulations in and proposals for certain contracts and eliminating the requirements therein as to preparation and cutting of stone for school buildings to all school districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1415, (Senate Bill No. 77), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws twelve hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" empowering counties of the second class to employ police officers at the expense of such counties and defining their powers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1571, entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief, and expenses; defining the purposes for which such moneys can be expended; prescribing the powers and duties of the State Emergency Relief Board and certain State departments; prohibiting political activity by employes of the State Emergency Relief Board; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1264, entitled:

An Act regulating the motor vehicle junk business; requiring a certificate of approval from the local authorities and a license from the Secretary of Revenue to conduct such business; and authorizing the governmental subdivisions of the Commonwealth to restrict such business from certain districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1344, entitled:

An Act to amend sections five hundred and fifty-one, six hundred and seventy-five and six hundred and seventy-six of the act, approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto" by extending authority therein granted to include leasing of real property.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1289, entitled:

An Act to amend sections seventy-two, seventy-eight, eighty-two, ninety-two and ninety-six and repeal section eighty-seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," relieving counties of the liability to pay the expenses of county officers and employes attending certain state conventions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1322, entitled:

An Act to repeal sections two thousand ninety, two thousand ninety one, two thousand nintey-two, two thousand nintey-three, two thousand nintey-four, two thousand ninety-five, and two thousand ninety-six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," by abolishing the right of taxpayers to furnish all the materials and labor necessary for opening, making, amending and repairing the public highways and bridges of townships by petition and contract.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 248, entitled:

An Act to carry into effect section one of Article fifteen of the Constitution giving cities the right and power to frame, adopt and amend their own charters, and to exercise the powers and authority of local self-government, and providing the procedure therefor; imposing certain restrictions, limitations and regulations; imposing duties upon city councils, city officers, county commissioners and prothonotaries; and providing for the payment of certain expenses by cities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. RUSH. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1320, entitled:

An Act to amend section five hundred twenty, section five hundred thirty as amended and sections seven hundred three and two thousand twelve of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto," providing for the election of auditors, for vacancies in office of commissioners, for compensation to township commissioners, and fixing the width of public roads, streets, lanes and alleys.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1321, entitled:

An Act to amend section one thousand eight hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," as amended, by abolishing the right of taxpayers to prevent the letting of certain contracts and eliminating certain general regulations in the making of insurance contracts by townships.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1302, entitled:

An Act to amend sections two and three, paragraph (c) of section seven and section eight of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1041), entitled "An act to safeguard human health and life in counties of the second class by providing for the licensing and regulation of persons, municipalities and entities engaged in the transportation of garbage and in the disposal of garbage through the construction, keeping, maintenance or conduct of garbage disposal plants; conferring powers and imposing duties on the county commissioners of such counties; and otherwise providing for the administration of the act; and imposing penalties," by excepting from its provisions in certain cases the need for securing a license.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1771 (Senate Bill No. 231), entitled:

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors where there is no evidence of fraud or conspiracy and to authorize ratify confirm and validate payments on such contracts by the school district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading consideration of House Bill No. 1156, entitled:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

The first section was read and agreed to as follows:

Short Title Citation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Permanent Registration Act for boroughs towns and townships"

The second section was read as follows:

Section 2 Definitions (a) The word "Commission" shall mean any registration commission having jurisdiction in boroughs towns and townships

(b) "Commissioner" shall mean a county commissioner acting as a member of the registration commission

(c) "Oath" shall indicate affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special municipal or primary election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any party or political body one of whose candidates at the general election next proceeding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for an elected candidate or any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county containing therein any borough town or township

(j) "Political Body" shall mean any political body not recognized as a political party which has filed proper nomination papers as required by law

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commissions as hereinafter provided

(m) "County" shall mean any county of this Commonwealth

(n) "Public Office" shall mean and include any National State judicial county city borough town township school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(o) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(p) "District" shall mean any election district or precinct of a borough town or township

(q) All references to police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school districts and other officials of counties boroughs towns townships and school districts where not otherwise specified shall refer only to those of any borough town or township or to those of any county within which such borough town or township is located or to any school district containing con-

tained in or co-extensive with any borough town or township

(r) "County Election Board" or "County Board" shall mean the county board of elections of any county as now or hereafter provided for by the election laws of this Commonwealth

(s) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculation or reckoning Provided however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered as the last day for said purpose

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 2, subsection i, page 3, line 6, by striking out the word "proceeding" and inserting in lieu thereof the word "preceeding"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read and agreed to as follows:

Section 3 County Commissioners to Act as Registration Commission for Boroughs Towns and Townships (a) The county commissioners of each county containing one or more boroughs towns or townships shall act as a registration commission in and for such county which commission shall have jurisdiction over the registration of electors in the boroughs towns and townships of such county under the provisions of this act

(b) The commissioners shall receive no compensation in addition to their compensation as county commissioners

(c) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(d) Each commission shall keep a record in permenent form of its proceedings

The fourth section was read as follows:

Section 4 Powers of Commission Regulations Enforcement Correction of Errors or Irregularities Cancellation of Registration Powers of Commissioners

(a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witness as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The Commission and any commissioner shall have power on its or his own motion (1) to summon and interrogate any person concerning the registration of electors or any matter related thereto (2) to investigate any irregularities in registration (3) to summon and examine witnesses (4) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 4, subsection d, page 7, line 3, by inserting after the word "commission" the following: "or commissioner"

Amend section 4, subsection a, page 7, line 12, by striking out the following: "with the consent of the county commissioners"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth section was read as follows:

Section 5 Employes Registrars Inspectors of Registration Duties Appointment Incompatible Offices

(a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The number and compensation of all such assistants and employes shall be fixed by the salary board of the county The commission may with the consent of the county commissioners appoint employes of the county commissioners to act for the registration commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include (1) Registrars or clerks who shall be empowered to register the qualified electors of such boroughs towns and townships and in so doing to administer oaths and affirmations and (2) inspectors of registration who shall have and may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the county No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per deim basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission shall appoint a chief clerk who may be the chief clerk of the county commissioners and who shall have authority to administer oaths and to sign vouchers

(f) Any inspector of registration when directed by the commission shall (1) investigate all questions relating to the registration of electors in boroughs towns and townships and for that purpose shall have power to enter and

inspect any house dwelling building inn lodging-house or hotel within any borough town or township and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or herein regarding any person or persons residing or claiming to reside therat or therein without being required to show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodging-house inn or hotel relating to do affecting the right of any person to vote or to be registered in any borough town or township

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such borough town or township to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest.

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 5, subsection a, page 7, line 13, by striking out the word "commissioners"

Amend section 5, subsection f, page 8, line 19, by striking out the word "care-taken" and inserting in lieu thereof the word "caretaker"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth to the fifteenth sections inclusive were separately read and agreed to as follows:

Section 6 Counsel The County solicitor shall be counsel for the Commission and shall receive no compensation in addition to his compensation as county solicitor Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal procedure for carrying out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common pleas as herein provided

Section 7 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations

(a) The county commissioners shall appropriate annually and from time to time the fund that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of a sufficient number of registrars inspectors of registration and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purposes of this act and for all other necessary expenses

(b) The county commissioners shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provisions of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the effective date of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 8 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 9 Commissioners and Chief Clerk May Act as Registrars and Inspectors A commissioner or the chief clerk may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 10 Immunity from Arrest Commissioners registrars and inspectors of registration shall be privileged from arrest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for a criminal violation of this act

Section 11 Acts to be Done on Legal Holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 12 Records and Documents to be Open to Public Inspection The records of such commission and all district registers street lists voting check lists voter's certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of any borough town or township during ordinary business hours at any time when they are not necessarily being use by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 13 Watchers at Places of Registration Privileges

(a) Any party or political body which now is or hereafter may be entitled to have watchers at any election as well as may organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three qualified electors of the county to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration and to interrogate or chal-

lenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commission and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And Provided That not more than one watcher for any party or political body or citizens' organization represented shall be allowed in a place of registration at any one time

Section 14 Watchers or Attorneys at Sessions of Commisison Any party or political body or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of any borough town or township or attorneys to represent such party or political body or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at places of registration but the number who may be present at any one time may be limited by the commission to not more than three for any party or political body

Section 15 Candidates May be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

The sixteenth section was read as follows:

Section 16 Days and Hours of Registration Places of Registration Use of Polling Places Payment of Rentals Use of School Buildings Public Notice

(a) From and after the first day of May one thousand nine hundred and thirty-seven each commission or any commissioner or a registrar or clerk appointed by the commission shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sunday holidays the day of each election and each primary the thirty days next preceding each election and each primary and the thirty days next following each election and the five days next following each primary at the office of the commission and at such additional places in the boroughs towns and townships as the commission may from time to time designate in accordance with the provisions of subsection (b) herein receive personal applications from persons who claim that they are entitled to be registered as electors of any borough town or township and who appear for registration Provided however that in the year one thousand nine hundred and thirty-seven applications for personal registration shall be received up to and including the first day of September anything in this section to the contrary notwithstanding and provided further that in the year one thousand nine hundred and thirty-seven each commission shall arrange to have two (2) registrars present to receive applications for the personal registrations of electors at the polling place or some other suitable place in each election district in the boroughs towns and townships of such county on at least three separate days prior to September second (one of them being in July and another in August and the third day being September first) Of the two registrars who shall sit in each election district prior to September second in the year one thousand nine hundred and thirty-seven one shall be a member of the party enrolling the largest number of voters within the election district for the preceding November election and the other shall be a member of the party enrolling the second largest number of voters within the election district for such election Such registrars shall be appointed by the commission for the year of one thousand nine hundred and thirty-seven and shall hold office only during such year No person shall be so appointed unless his name is suggested in writing by the county chairman of the party which is entitled to a registrar in such district as herein provided unless the county chairman of the proper party fails to make such suggestion on or before the nineteenth day of June one thousand nine hundred and thirty-seven in which case the commission may appoint any qualified person

(b) The Commission by its own action may or upon the signed petition of at least one hundred qualified electors of any borough town or township requesting the same shall cause at least two registrars to sit not later than thirty days prior to the primary or election for the purpose of receiving personal applications for registrations applications for change of party enrollment and removal notices from electors of said borough town or township at a suitable and cenveniently located place in said borough town or township for at least three days prior to the election or primary between the hours of 10 A M and 3 P M and between the hours of 6 P M and 9 P M Such petitions to be effective shall be filed with the Commission at least forty-five days prior to any primary or election Immediately upon the receipt of any such petition the commission shall notify in writing the county chairmen of the political parties enrolling the largest and second largest number of voters within the county at the preceding November election of the filing of said petition and of the number of registrars the commission will appoint to serve in said boroughs towns and townships Not later than the third day after receipt of said notice said chairmen shall submit to the commission a list of qualified electors of the county to serve as registrars for said days Of the registrars appointed by the commission for such registration days an equal number shall be appointed from the names on each of the lists so submitted Provided however That if either or both of said chairmen shall fail to submit such list within the time herein provided the commission shall appoint an equal number of persons from the list actually submitted and an equal number of any qualified electors of the county or shall appoint as all of such registrars any qualified electors of the county as the case may be

(c) The county election board shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission or required by the provisions of this act for use as a place of registration and the county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(d) The board of public education or school directors of each school district shall furnish suitable space in any public school building under its jurisdiction or control and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be desired by the registration commission for use as a place of registration in accordance with the provisions of this act Provided That such use shall not interfere with instruction for the conduct of which such board of public education or school directors shall be responsible

(e) The proper borough town and township authorities shall furnish suitable space in any borough town or township hall or other municipal building under their jurisdiction or control and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be desired by the commission for use as a place of registration Provided That such use shall not interfere with the use for which such room or space is primarily designed

(f) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least ten placards or notices thereof in conspicuous places throughout said borough town or township at least three days prior to the date when the place shall be so open and shall also give notice of such time and place of registration by publication at least once in one newspaper of general circulation published in the county at least three days prior to the date when the place shall be so open and by such other newspaper publication as it deems desirable

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 16, sub-section b, page 16, line 7, by inserting after the word "primary" the word "continuously"

Amend section 16, sub-section b, page 18, line 8, by striking out the numeral "6" and inserting in lieu thereof the numeral "7"

Amend section 16, sub-section b, page 16, line 8, by striking out the numeral "9" and inserting in lieu thereof the numeral "10"

Amend section 16, sub-section b, page 16, line 11, by inserting after the word "election" the following: "immediately upon such motion of the commission or"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The seventeenth section was read and agreed to as follows:

Section 17 Registration Cards Preparation and Distribution

(a) For the purpose of registering the qualified electors of each borough town or township the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

Registration Affidavit

State of Pennsylvania }
County of } ss:

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before
me this .....day of .....19..

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards which binders can be locked The keys of all such binders shall at all times be retained by the commission.

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

The eighteenth section was read as follows:

Section 18 Manner of Registration

(a) Every person claiming the right to be registered as an elector must appear in person before the commission a commissioner a registrar or a clerk at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with other information herein required shall be recorded in his presence by the registrar commissioner or clerk in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street or road and number if any of his residence (5) if his residence is a portion only of the house the location or number of the room or rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father mother or husband through whom naturalized (13) whether he is unable by reason of illiteracy to read the names on the ballot or on the voting machine labels (14) whether he has a physical disability which will render him unable to see or mark the ballot or the voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) the designation of the political party of the elector for the purpose of voting at primaries (16) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar or clerk and dated by him (17) his height in feet and inches (18) the color of his hair (19) the color of his eyes and (20) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (21) the borough town township ward and election district if any in which the elector resides and to which he may from time to time remove together with his street address in each borough town or township and the other data required to be given upon such removal (22) the date of each election and primary at which the elector votes the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (23) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed alphabetically for the county the registration cards will be known as the General Registers when filed by election districts as the District Registers

(e) If the applicant shall allege inability to sign his name the registrar or clerk shall require him to present the affidavits subscribed in person before a registrar commissioner or clerk of two electors who are personally acquainted with the applicant and who know his qualification as an elector Each of said two electors shall state in his affidavit the applicant's residence his own residence his knowledge of the statements made by the applicant under oath or affirmation in applying for registration and his belief that they are true Upon the filing

thereof the applicant shall be permitted to subscribe to his oath or affirmation by making his mark except that if the applicant's inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar or clerk an affidavit of his inability to sign his name Every affidavit required because of an applicant's inability to sign his name shall be filed with the duplicate registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

(f) When the registration of an elector has been completed the registrar commissioner or clerk shall deliver to the registered elector a written or printed statement signed by such registrar commissioner or clerk setting forth the name and address of the elector giving borough town or township and his ward and district if any the fact of registration designation of party enrollment and the date thereof

(g) Any person employed in the service of this Commonwealth or in the service of the Federal Government and required thereby to be absent from any borough town or township wherein he resided when entering such employment his wife or her husband shall be registered as of the district wherein he or she shall have resided immediately prior to entering such service and be enrolled as a member of the political party he or she designates without declaring a residence by street and number All persons employed by this Commonwealth who register in this manner shall produce a certificate from the Auditor General under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of this Commonwealth and also setting forth the nature of such employment and the time when such person first entered such employment

All persons employed by the Federal Government who register in this manner shall produce a certificate from the head of the proper department or chief of the proper division or bureau under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of the United States and also setting forth the nature of such employment and the time when such person first entered such employment

The commission shall retain such certificates and shall cause to be noted on the registration card of each person so registered the fact that such person is an employe of this Commonwealth or of the Federal Government as the case may be

At least once every two years the commission shall verify the employment of all persons thus registered at either the office of the Auditor General of this Commonwealth or at the office of the department division or bureau of the Federal Government in whose employ such person is alleged to be If any such person is found to be no longer an employe of this Commonwealth or of the Federal Government his registration card shall be removed from the district register until such time as said person appears at the office of the commission and declares the street or road and number if any of his residence in the borough town or township

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 18, sub-section c, page 21, line 19, by inserting after the word "or" and before the word "the" the word "operate"

Amend section 18, sub-section c, page 22, line 10, by striking out the word "intials" and inserting in lieu thereof the word "initials"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The nineteenth section was read and agreed to as follows:

Section 19 Who May Register Who May Vote Electors Need Register Only Once Exception Every person living in a borough town or township who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will have obtained such qualifications before the next ensuing election shall be entitled to be registered as herein provided From and after the effective date of this act no person shall be permitted to vote at any election or primary held in any borough town or township unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided

The twentieth section was read as follows:

Section 20 Applicants to Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by any clerk or by a qualified elector of the borough town or township Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them by his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) Serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residence for the four months immediately preceding date of execution (9) the name of his present employer (10) the city town borough et cetera street and number of his place of business (11) the name of his last employer and the year in which he left his employ (12) the city town borough et cetera street and number of said last employer's place of business (13) sex of the applicant (14) his color (15) the date of his birth and (16) such distinguishing marks peculiarities and further information for indentification as the commission shall prescribe

(d) The challenged applicant shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his residence in the election district and shall produce such other evidence as may be required to satisfy the registrar commissioner or clerk as to his qualifications as an elector If such challenged applicant shall establish his right to be registered as required by this act to the satisfaction of the registrar commissioner or clerk he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the county Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe to an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for persidential elector being counted as two candidates but if he is unable or unwilling

to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 20, sub-section c, page 26, line 15, by striking out the word "et cetera" and inserting in lieu thereof the word "and"

Amend section 20, sub-section c, page 26, line 18, by striking out the words "et cetera and inserting in lieu thereof the word "and"

Amend section 20, sub-section d, page 26, line 26, by cutting out the following: "and shall produce such other evidence as may be required to satisfy the registrar, commissioner or clerk as to his qualifications as an elector"

Amend section 20, sub-section d, page 27, line 1, by striking out the following: "to the satisfaction of the registrar, commissioner or clerk"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twenty-first to the twenty-sixth sections inclusive were separately read and agreed to as follows:

Section 21 Naturalized Applicants Applicants Whose Fathers Mothers or Husbands Were Naturalized All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which his naturalization was effected before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father or mother during his minority may be registered either by the production of his father's or mother's original papers or a certified copy thereof or certificate of the court or by making affidavit as to the court in which and time when his father or mother was naturalized and that he the applicant was then less than twenty-one years of age and that he is unable to produce his father's or mother's papers or a certified copy thereof or certificate And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or certificate of the court in which the naturalization was effected or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and the court in which such naturalization took place and that she the applicant is unable to produce his original naturalization papers or a certified copy thereof or certificate or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 22 Incomplete or Rejected Applications to be Recorded The Registrar commissioner or clerk shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar commissioner or clerk shall note thereon the reason for the rejection and shall sign his name thereto The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 23 Appeal of Rejected Applicant Any person whose application to be registered has been denied by a registrar commissioner or clerk may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar commissioner or clerk who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar commissioner or clerk to register him in the usual manner and shall amend accordingly the records affected but any registrar clerk inspector of registration or qualified elector of the county may appear and show cause why the petitioner should not be registered

Section 24 General Register The duplicate registration cards for all boroughs towns and townships within the county shall be placed in exact alphabetical order and shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These cards shall constitute the General Register of all such boroughs towns and townships in the county and shall not be removed from the office of the Commission except upon order of a court of record of the county wherein such borough town or township is located

Section 25 District Registers The original registration cards shall be filed by election districts and within each election district in exact alphabetical order and indexed The cards so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to public inspection at all times subject to reasonable safeguards rules and regulations

Section 26 Removal Notices (a) The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the borough town or township the street or road and number if any of his present residence and the specific location thereof including the number of the room or rooms apartment flat or floor if his residence is a portion only of a house (2) the borough town or township the street or road and number if any of the address from which he was last registered (3) the date of his removal to his present residence and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring at least two months after the date of his removal into the new district Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission as the elector's signature in the general and district register Each removal notice to be effective must be received at the office of the commission at least thirty days prior to any primary or election which warning shall also be contained on the removal notice

(b) Any elector who removes his residence from one place to another within the same election district must

notify the commission by filing a removal notice with the commission not later than ten days next preceding the primary or election

The twenty-seventh section was read as follows:

Section 27 Transfer of Registration (a) Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same county the commission shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same county shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence In any case the commission shall advise the elector promptly in writing of its action

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon a removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration card of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any case the commission shall advise the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector promptly notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar a commissioner or clerk who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 27, sub-section b, page 32, line 22, by inserting after the word "any" the word "such"

Amend section 27, sub-section d, page 33, line 4, by inserting after the word "commission" the following: "or before a registrar at any registration place designated by the commission and"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twenty-eighth section was read as follows:

Section 28 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Concellation (a) At any time prior to the fifteenth day next preceding a primary or an election excepting the thirty days next following each election and the five days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in writing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identity

(b) At any time not later than the tenth day preceding any primary any qualified elector of the borough town or township including any watcher may petition the commission to cancel the party enrollment of any registered elector of such borough town or township who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least twenty-four hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last general or municipal election at which he voted he voted for a majority of the candidates of the party with which he is enrolled at the time of said hearing all of the candidates of a party for presidental elector being counted as two candidates the petition shall be refused otherwise the party enrollment of such elector shall be forthwith cancelled

(c) Any elector who has since the time of registration suffered a physical disability which renders him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance shall at least ten days prior to the next succeeding primary or election personally make application under oath to the commission or a registrar or a clerk thereof to have such fact entered on his registration card together with the exact nature of his physical disability which entry shall be made accordingly

(d) When the commission shall ascertain that any elector who has declared his need for assistance is no longer illiterate or no longer suffers from the physical disability stated by him or has voted without assistance it shall forthwith cancel on his registration card the entry relating to illiteracy or physical disability which authorized him to have assistance and shall forthwith notify such elector by mail of its action

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 28, sub-section a, page 34, line 3, by inserting after the word "identity" the following: "when an elector has applied for a change in the enrollment of his political designation as provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the electors card attesting his registration"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twenty-ninth to the thirty-third sections inclusive were separately read and agreed to as follows:

Section 29 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration Correction if Person is Falsely Reported Deceased Reports of Removals from Municipal Officers Departments and Bureaus Certain Public Utility Corporations and Real Estate Brokers and Rental Agents Notice

(a) The registrar of vital statistics of every borough town and township shall report in writing at least weekly to the registration commission the deaths of residents of the borough town or township except residents less than twenty years of age Said written report shall contain the full name of the decedent his last residence address the date of his birth if available and the date of his death The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased by any registrar of vital statistics may appear in person before a registrar commissioner or clerk at the office of the commission in such county and prove his identity and the commission thereupon shall correct its records accordingly

(c) All municipal officers departments bureaus and all public utility corporations furnishing electricity gas water or steam to householders in any borough town or township shall report in writing at least once a month to the commission upon forms supplied by the commission all cases of discontinuance of their service to residences together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them All real estate brokers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in any of the foregoing reports and to all the members of his family and household who are electors registered from the same address the notice provided for by section thirty of this act and shall proceed thereupon in accordance with the provisions of that section

Section 30 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the boroughs towns and townships by either of the methods provided for in sub-sections (a) and (b) above

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee can not be found there or upon report by the Post Office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-one of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personaly appears and proves his qualifications as an elector

Section 31 Canvass of Registered Voters

(a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district in the boroughs towns or townships of the county by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day proceeding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered the envelope containing such confirmation to be plainly marked that it is not to be forwarded

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration They shall be qualified electors of the county and shall be appointed without reference to residence in election districts or to their political affiliations or beliefs

(e) The commission shall instruct each special inspector in his duties

Section 32 Comparison and Correction of Registers Preliminary Street Lists

(a) Commencing thirty days prior to each election and primary the commission shall compare and correct the general and district registers

(b) Three months after each municipal election and seven months after each general election the commission shall prepare for each election district a preliminary street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers

(c) The commission shall cause to be made a sufficient number of exact copies of each such list and as soon as possible and not later than the first day of March in each even-numbered year and the first day of July in each odd-numbered year shall distribute the same among the inspectors concerned with the conduct of primaries and elections and among the parties political bodies candidates and organized bodies of citizens interested therein giving at least ten copies of each street list to the county committee of each political party or political body upon the written application of the chairman thereof and at least ten copies of each street list to the executive or governing board or committee of each organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds upon the written application of the presiding officer of such body

of citizens and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 33 Corrected Street Lists Posting Commencing not later than the thirtieth day prior to each primary and election the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers The commission shall cause to be made a sufficient number of exact copies of each such list which may be made by correcting and supplementing exact copies of the preliminary street lists Said lists shall be distributed in the same manner as required for the distribution of preliminary street lists in section thirty-two (c) herein Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

The thirty-fourth section was read as follows:

Section 34 Petition to Strike Off Names At any time not later than the tenth day preceding any election or primary any qualified elector of the borough town township including any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such borough town or township setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented and heard had been given to the person so registered personally at least twenty-four hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no such person is residing at the address given whereupon the commission shall forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 34, page 41, line 19, by inserting after the word "town" the word "or"

Amend section 34, page 41, line 27, by striking out the words "and heard"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-fifth section was read as follows:

Section 35 Delivery of District Registers to Election Officers

(a) Not later than noon of the third day preceding an election or primary the commission shall have the district register accurately corrected to date for each election district and shall deliver the same to the election officers for use on election day in the manner in which the county election boards now are or hereafter may be required to deliver election materials Provided the registration commission shall not deliver board the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are so delivered

(b) District registers when so delivered shall be contained in suitable binders so constructed and locked that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards cannot be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the number of the district and ward if any Said binders shall be enclosed within a case or container and shall be locked and sealed by the commission before delivery

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr Speaker, I desire to offer the following amendment,

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 35, sub-section a, page 42, line 25, by striking out the word "board"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-sixth section was read as follows:

Section 36 Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature Proviso Evidence of Registration Discrepancies Persons Registered and Enrolled May Vote at Primaries if Identified by Signatures Proviso Persons Not Registered are Not Entitled to Vote Challenging of Persons Registered Voter's Certificates Voting Check List Elections and Primaries Counting Et Cetera of Names Checked as Having Voted Sealing of Registers and Voting Check Lists Return of Voting Check List and Registers

(a) Any person whose name is in the district register of any election district in any borough town or township and who upon applying to vote shall have signed his name and address to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting bribery at elections

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each elector shall establish his identity to the satisfaction of the election officers and in such case a voter's certificate shall be prepared for him by one of the election officers upon which

the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name and address or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases Any person although personally registered may be challenged by any qualified elector watcher overseer or election officers at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting bribery at elections and if challenged as to identity or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and shall produce such other evidence as may be required to satisfy the election officers of his identity or continued residence in the election district and if challenged as to bribery he shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received

(f) The county election board shall cause to be printed for each election district in the borough town or township a suitable number of Voter's Certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19....
I hereby certify that I am qualified to vote at this (primary) (election)
Signature .....
Address .....
.....Pennsylvania
Approved .....
Number of stub or ballot issued (or number of admission to voting machines).....
(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county election board After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the elector's signature is not readily legible shall print such elector's name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "Voting Check List" and the number of the district and ward if any and date of the primary or election The voter's certificates so bound shall constitute the voting check list of the district All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the voting check list

(g) The district registers herein provided for shall constitute the ballot check list of the district As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at the primaries a letter or abbreviation designating the party in whose primary he votes and shall sign his name or initials in the proper space on the registration card or such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted be immediately counted and the result compared with the number of persons voting shown by the voting check list and numbered lists of voters and announced and the cause of any difference ascertained is possible before the ballot-box or voting machine is opened The district register and the voting check list shall be immediately locked and sealed and shall be returned to the custody of the registration commission by the judge of election immediately upon completion of the count and tabulation of the votes cast in the district

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 36, subsection e, page 46, line 5, by striking out the following: "and shall produce such other evidence as may be required to satisfy the election officers of his identity or continued residence in the election district"

Amend section 36, sub-section f, page 47, line 11, by striking out the word "addmission" and inserting in lieu thereof the word "admission"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-seventh to the fortieth sections inclusive were separately read and agreed to as follows:

Section 37 Entry of Information in General Registers Following Elections and Primaries Report of Indications of Fraud to District Attorney (a) Immediately following each election or primary the commission shall cause each district register to be examined

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance with the procedure outlined in Sections 30 and 31 herein

(c) The commission specifically shall compare the signature of each elector on each voter's certificate with his signature in the district register and shall report forthwith in writing to the district attorney and evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voter's certificates and registers hereby prescribed

(d) Whenever the registration card of any registered elector shall have been entirely filled up so that the entries required to be made thereon by this act can no longer be made the commission shall have prepared and attached to such registration cards in each register a supplemental card Each supplemental card shall be printed in a color different from the registration cards It shall have the same serial number as the registration card followed by the letter "A" "B" et cetera according to the number of supplemental cards attached to each registration card Each supplemental card shall have space thereon for the entry of the surname of the registered elector his Christian name or names the street and number of his residence the ward and election district in which he resides and to which he may from time to time remove together with his street address in each such district and the other data required to be given upon such removal the elector votes and the signature or initials of the election officer who enters the record of voting on the card Each supplemental card shall be attached to the registration card to which it relates by permanent fasteners in such a manner that the contents of the registration card may be examined and the entries required by this act may be made on the supplemental card Whenever supplemental cards are attached to the registration card of any elector the registration card shall be stamped with the words "Supplemental cards attached" together with the date thereof

Section 38 Cancellation of Registration Upon Failure to Vote Within Two Years Request for Reinstatement Within three months after the municipal election held in the year one thousand nine hundred and thirty-nine and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in case of each registered elector who is not recorded as having voted at any election or primary within the period of two years immediately preceding the date of said municipal or general election the commission shall send to such elector by mail at his address appearing upon his registration card a notice setting forth that the records ot the commission indicate that he has not voted within a period of two years and that his registration will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for reinstatement of his registration setting forth his place of residence and signed by him At the expiration of the time specified in the notice the commission shall cancel the registration of such elector unless he has filed with the commission a signed request for reinstatement of his registration as above provided The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently reregister by personal application to the commission or a commissioner or a registrar or a clerk in the manner provided by this act

Section 39 Cancellation Removal and Preservation of Registration Cards whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration cards of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such card shall be kept for five years after which the commission may destroy it

Section 40 Correction by Commission of Errors in Cancellation of Registration Whenever the registration of an elector has been cancelled through error such elector may petition the commission for the reinstatement of his registration not later than the tenth day preceding any primary or election and after a hearing on said application if error on the part of the commission is proved the commission shall reinstate the registration of such elector

The forty-first section was read as follows:

Section 41 Appeals to Court Time of Hearing Notice Postponement Hearing Decision of Court Costs and Fees

(a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of any borough town or township whose rights are impaired by any general order made by the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the seventh day precending any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief hereupon any judge of the court shall fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Ony judge of the court may enlarge the time with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 41, subsection a, page 52, line 6, by striking out the following: "registration of particular names by the commission on personal application made to it as aforesaid or"

Amend Section 41, subsection b, page 52, line 27, by striking out the word "thereof" and inserting in lieu thereof the word "thereof"

Amend Section 41, subsection d, page 53, line 18, by inserting after the word "manner" the following: "provided, however, that in in all cases where the appeal is sustained by the court, the costs advanced by the appellant shall be ordered refunded"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The forty-second section was read and agreed to as follows:

Section 42 Production of Documents Et Cetera at Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

The forty-third section was read as follows:

Section 43 Subpoenas and Witness Fees (a) Any person filing any petition of any kind with the commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by said commission

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridan of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person amoung those witnesses who have appeared in response to subpoena issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission taking their receipts therefor so long as there are sufficient funds available for such payments

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriation made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 43, subsection d, page 55, line 15, by inserting after the word "payments" the following: "provided, however that in all cases where the petition of the elector is sustained, all costs advanced by him for witness fees and subpoenas shall be refunded to the elector so petitioned"

On the question

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The forty-fourth section was read as follows:

Section 44 Crimes and Penalties (a) Any person who wilfully disobeys a lawful order of the commission or refuses to obey its subpoenas duly issued and served under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

(b) Any wilful false statement made under oath by any person regarding any material matter or thing relating to any subject investigated heard or acted upon by any registrar commissioner clerk judge watcher inspector of registration court or commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(c) Any registrar commissioner or clerk who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(d) Any person who applies for registration or who notifies the commission of a change of his residence address knowing or having reason to know that he is not entitled to be registered or have his residence address changed or any person who declares as his residence a place or address which he knows is not his legal residence or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(e) Any registrar commissioner clerk or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any application card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service or a person having an order of court as aforesaid) or who knowingly receives a vote from a person failsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(g) Any commissioner registrar clerk inspector or registration or other officer assistant or employe or any person partnership or corporation upon whom a duty is laid by this act who shall wilfully delay neglect or refuse to perform such duty shall be guilty of a misdemeanor

and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(h) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(i) Any person who neglects or refuses to furnish to any commissioner or to any inspector of registration any information which he is herein authorized to obtain or to exhibit any records papers or documents herein authorized to be inspected by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(j) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(k) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(l) Any registrar commissioner clerk assistant or employe of a commission or any other person who knowingly and wilfully prevents a person from being registered or who by the coercion threats of bodily injury or intimidation prevents or attempts to prevent any person from being registered or from changing his political enrollment in accordance with the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(m) Any registrar commissioner clerk assistant or employe of a commission or any other person who unlawfully destroys or attempts to destroy any card book paper affidavit or other record of the commission or who unlawfully removes or attempts to remove same from the office of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Cleark.

The amendments were read by the Clerk as follows:

Amend section 44, subsection a, page 55, line 23, by inserting after the word "commission" the following: "or of a commissioner"

Amend section 44, subsection a, page 55, line 24, by inserting after the word "its" the following: "or his"

Amend section 44, subsection e, page 57, line 7, by inserting after the word "registered" the following: "either at the office of the commission or before a registrar appointed by the commission at a place properly designated as provided herein"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The forty-fifth and forty-sixth sections and title were separately read and agreed to as follows:

Section 45 Effective Date Partial Invalidity Legislative Intent (a) Except as otherwise provided herein this act shall become effective immediately upon its final enactment

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 46 Repeal of Prior Laws Proviso (a) The following acts of Assembly and amendments and supplements and supplements thereto are hereby repealed absolutely insofar as they affect the personal registration and enrollment of voters in borough towns and townships

1 Section fifty-nine of an act entitled "An act relating to the elections of this Commonwealth" approved July second one thousand eight hundred and thirty-nine (Pamphlet Laws five hundred nineteen)

2 Sections one two three ten and eighteen of an act approved January thirtieth one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled "A further supplement to the act regulating elections in this Commonwealth"

3 Section one of an act entitled "An act declaratory of and amending the act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four" approved February thirteenth one thousand eight hundred and seventy-four (Pamphlet Laws forty-four)

4 An act entitled "An act to amend sections one two and three of an act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four changing the time and manner of making the registry of voters and the duties of registry assessors" approved the twenty-ninth day of May one thousand eight hundred and ninety-one (Pamphlet Laws one hundred thirty-four)

5 An act entitled "An act to authorize the election of assistant assessor for the purpose of registration of voters in the townships and boroughs containing more than one election district wherein but one assessor for valuation resides" approved June sixteenth one thousand eight hundred and ninety-one (Pamphlet Laws two hundred ninety-eight)

6 An act entitled "An act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four as amended by the act of May twenty-ninth one thousand eight hundred and ninety-one (Pamphlet Laws one hundred thirty-four) fixing the place at which the assesors shall sit to perform the duties imposed upon them by the second section of the said supplement of May twenty-ninth on thousand eight

hundred and ninety-one in all voting districts or precincts in this Commonwealth where temporary voting places are or may be established" approved the twelfth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred fifty-five)

7 An act entitled "An act to amend sections two and three of an act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the twenty-ninth day of May one thousand eight hundred and ninety-one (Pamphlet Laws one hundred and thirty-four) changing the time and manner of making the registry of voters and the duties of registry assessors" approved the sixteenth day of May one thousand eight hundred and ninety-five (Pamphlet Laws seventy-five)

8 Sections three four five six seven and eight of an act entitled "An act to provide for the registration and enrollment of the voters of the State according to their respective party preferences fixing the compensation of assessors and registry assessors for making said registration and enrollment and prescribing penalties for false registration or enrollment and for voters voting or attempting to vote and for election officers wilfully permitting or conspiring to permit them to vote at a primary by or on any other than their own party ticket" approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand forty-three)

9 An act entitled "An act fixing the compensation of election assessors in boroughs and townships at primary elections" approved June second one thousand nine hundred and fifteen (Pamphlet Laws seven hundred twenty-four)

10 An act entitled "An act to amend section one of an act approved the sixteenth day of June one thousand eight hundred ninety-one entitled 'An act to authorize the election of assistant assessor for the purpose of registration of voters in the townships and boroughs containing more than one election district wherein but one assessor for valuation resides' " approved April twentieth one thousand nine hundred and seventeen (Pamphlet Laws eighty-seven)

11 An act entitled "An act regulating the registration and enrollment of voters in boroughs and townships before the primary election" approved the eleventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred seventy-two)

12 An act entitled "An act to amend sections four and seven of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand forty-three) entitled 'An act to provide for the registration and enrollment of the voters of the State according to their respective party preferences fixing the compensation of assesors and registry assessors for making said registration and enrollment and prescribing penalties for false registration or enrollment and for voters voting or teempting to vote and for election officers wilfully permitting or conspiring to permit them to vote at a primary by or on any other than their own party ticket' eliminating one of the days required of the assessors and registry assessors sitting at the polling places" approved the seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws twenty-five)

13 An act entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assesment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten)

14 Sections one two three four and six of the act entitled "An act to further amend sections one two three ten fifteen eighteen and nineteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh one thousand nine hundred thirty-three eliminating the tax-paying qualification for voters" approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred thirty-six one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four)

(15) An act entitled "An act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten) entitled 'An act fixing the compensation of assassors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto' by changing such compensation" approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws six hundred seventy)

(16) An act entitled "An act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten) entitled 'An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto' by changing such compensation" approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws six hundred ninty-four)

(b) The following acts of Assembly and parts of acts are hereby repealed insofar as they relate to assessors who perform duties relative to elections in boroughs towns or townships or to the assessment or registration of voters therein

1 Sections fifteen and nineteen of an act entitled "A further supplement to the act regulating elections in this Commonwealth" approved January thirtieth one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one)

2 Sections five and seven of an act entitled "An act to further amend sections one two three ten fifteen eighteen and nineteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in his Commonwealh' as amended pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh one thousand nine hundred and thirty-three eliminating the taxpaying qualification for voters" approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred thirty-six one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four)

(c) All other acts or parts of acts of Assembly in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(d) The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofor repealed or superseded

(e) The provisions of this act shall not affect any act done or any suit or prosecutions pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

An Act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treas-

urers, county controllers, registrars of vital statistics certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 794, entitled:

An Act to amend sections one and two as amended and sections four and six of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" enlarging the powers of the Secretary of Banking authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof requiring licensees to file annual reports increasing the license fee reducing the rate of interest on loans increasing the penalty for operation without a license and bringing certain transactions within the scope of the act

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and two of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" as amended by the act approved the fourth day of June one thousand nine hundred and nineteen (Pamphlet Laws three hundred seventy-five) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That on and after the passage of this act it shall be [lawful] unlawful for any person persons partnerships association or corporation within this Commonwealth [who shall comply with the requirements of this act] to make a loan of money credit goods or things in action in the amount or of the value of [in sums of] three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities and charge [and collect for the] contract for or receive on any such loan [thereof] a rate of interest [as hereinafter provided under the following conditions] discount fines charges or consideration greater than six per centum (6%) per annum except as authorized by this act without first obtaining a license from the Secretary of Banking in accordance with the provisions of this act

(a) Any person or persons firm corporation or association applying for the same under oath and in the form prescribed by the Secretary of Banking [Commissioner] and paying the sum of [fifty ($50)] one hundred ($100) dollars may in the discretion of the Secretary of Banking [Commissioner] except as hereinafter provided obtain a license for carrying on the said business The said license shall be issued by the Secretary of Banking [Commissioner] and shall expire the first day of June next following the date of its issuance but no abatement of said charge shall be made if licenses are issued for less than one year Every such license shall be renewed annually on the first day of June in each year No license shall be granted to any corporation unless and until such corporation shall in writing and in due form to be first approved by and filed by the Secretary of Banking [Commissioner] appoint an agent resident in the Commonwealth of Pennsylvania upon whom all judicial and other process or legal notice directed to such corporation may be served and in the case of the death removal from the Commonwealth or any legal disability or disqualification of any such agent service of such process or notice may be made upon the Secretary of Banking [Commissioner] The said [Commissioner] Secretary of Banking shall have the power to reject any application for license if he is satisfied that the financial responsibility experience character and general fitness of the applicant or applicants is not such as to command the confidence of the community and to warrant the conclusion that the business will be honestly transacted in accordance with the intent and purpose of this act or if he is not satisfied that allowing such applicant to engage in business will promote the convenience and advantage of the community in which the business of the applicant is to be conducted or if it shall appear to the Secretary of Banking that the business of the applicant is or is to be substantially that generally conducted by pawnbrokers The said [Commissioner] Secretary of Banking may upon thirty (30) days' written notice to the licensee forwarded by registered mail to the address of the place of business of such licensee as shown in the application for license stating the contemplated action and in general the grounds therefor revoke any license if the licensee shall violate any of the provisions of this act or if the licensee shall violate any rule or regulation made by the Secretary of Banking under and within the authority of this act or if the licensee shall fail to comply with any demand rule or regulation lawfully made by the Secretary of Banking under and within the authority of this act or if the licensee shall fail to pay the cost of an examination by the Secretary of Banking or his authorized representative or if the licensee has failed to maintain in effect the bond required under the provisions of this act or if the licensee shall fail to file the annual report to the Secretary of Banking within the time stipulated in this act or if any fact or condition exists which if it had existed at the time of original application for such licensé clearly would have warranted the Secretary of Banking originally in refusing to issue such license Whenever the Secretary of Banking shall issue a notice of intention to revoke a license issued pursuant to this act the licensee may within ten (10) days of the date of such notice file with the Secretary of Banking an application for a hearing before the Department of Banking Upon receipt of such application the Secretary of Banking shall fix the time and place for such hearing After such hearing the Secretary of Banking may recall the notice of intention to revoke the license or he may after the expiration of thirty (30) days of the hearing and by furnishing the licensee with a written notice his intentions proceed with the revocation of the license Whenever the Secretary of Banking issues a notice of intention to revoke a license and the licensee does not file an application for a hearing before the Department of Banking as in this act provided or when ever the Secretary of Banking issues a notice of intention to proceed with the revocation of a license after a hearing before the Department of Banking the licensee may within the period of thirty days provided in the notice appeal from such action to the Court of Common Pleas of Dauphin County Whenever such license is revoked the [Commissioner] Secretary of Banking shall not issue another to said licensee until the expiration of at least one year from the date of revocation of such license and not at all if such licensee shall have been convicted of a violation of this act for a second offense under the provision of section six (6) thereof When a license has expired and is not renewed on the first day of June or when a

license is surrendered or when a license has been revoked by the Secretary of Banking the licensee shall forfeit the privilege of granting new loans at interest permitted under this act and shall also forfeit the right to collect interest in excess of 6% per annum on outstanding loans In addition to said license fee said licensee shall pay for the examination by said Secretary of Banking [Commissioner] as hereinafter provided Every such applicant shall execute and file a bond to the Commonwealth of Pennsylvania in the penal sum of five thousand ($5,000) dollars with the Secretary of Banking [Commissioner] to be approved by him for the faithful observance of all laws relating to such business Said bond shall be executed by a surety company authorized by the laws of Pennsylvania to transact business within the Commonwealth and such bond shall be renewed and refiled annually not later than the first day of June in each year

(b) The license shall state fully the name or names of the person persons partnership association or croporation [and of every member of the firm or association] authorized to do business thereunder and the location of the office or place of business in which the business is to be conducted [and in the case of a corporation shall also state the date and place of its incorporation the names of its directors for the period for khich the license is issued and the name and address of the agent as provided in Section one (1) of this act] Such license shall be kept posted in a conspicuous place in the office where the business is transacted No person persons firm corporation or association so licensed shall transact or solicit business under any other name or at any other office or place of business than that named in the license Not more than one office or place of business shall be maintained under the same license and no loans or advancements shall be made applications received notes or contracts signed or payments received at any other place of business than that designated in the license But in case of a removal the Secretary of Banking [Commissioner] may on application indorse thereon to the new place of business with the date of transfer and from the time of such indorsement the new place so designated shall be deemed the place designated in the license A licensee shall not conduct the business of making loans under this act within any office room or place of business in which any other business is solicited or engaged in or in association or conjunction therewith except as may be authorized in writing by the Secretary of Banking

(c) The Secretary of Banking [Commissioner] shall either personally or by such person or persons as he may appoint for the purpose at least once a year and oftener if he deems it advisable investigate the business and affairs of every such licensee and for that purpose shall have free access to the vaults books and papers thereof and other sources of information with regard to the business of such licensee and shall ascertain the condition of the business and whether it has been transacted in accordance with the law and the rules and regulations lawfully made by the Secretary of Banking Said [Commissioner] Secretary of Banking and every examiner appointed by him shall have authority to examine under oath or affirmation any person whose testimony relative to the business of any such licensee may be required on any such examination The cost of every such examination shall be paid by the licensee so examined and said [Commissioner] Secretary of Banking may maintain an action for the recovery of such costs in any court of competent jurisdiction

(d) The Secretary of Banking is hereby authorized and empowered to make general rules and regulations governing advertising of licensees contracts with borrowers computation of interest charges books records and accounts of licensees and treatment of collateral and he is further authorized and empowered to make specific demands rulings and requirements for the proper conduct of the business contemplated by this act and for the enforcement of this act which rules and regulations shall have the force and effect of law

(e) For the purpose of discovering violations of this act or securing information required by him hereunder the Secretary of Banking or the examiners appointed by him may at any time investigate the business and examine the books accounts records and files used therein of every person persons partnership association or corporation who or which shall be engaged in the business of making loans or who or which shall advertise or offer to make loans whether such person shal act or claim to act as principal agent or broker or under or without the authority of this act For this purpose the Secretary of Banking shall have free access to the office and places of business books accounts papers records files safes and vaults of all such persons

(f) The Secretary of Banking shall be authorized to require the attendance and testimony of witnesses and the production of any books accounts records papers and correspondence relating to such business which the Secretary of Banking has authority by this act to consider or investigate and for this purpose the Secretary of Banking may sign subpoenas administer oaths and affirmations examine witnesses and receive evidence In case of disobedience of any subpoena or the contumacy of any witness appearing before the Secretary of Banking the Secretary of Banking may invoke the aid of the Court of Common Pleas of Dauphin County or any Court of Common Pleas of the Commonwealth and such Court shall thereupon issue an order requiring the person subpoened to obey the subpoena or to give evidence or to produce books accounts records papers and correspondence relative to the matter in question Any failure to obey such order of the Court may be punished by such Court as a contempt thereof

(g) Every person persons partnership association or corporation licensed under this act shall annually on or before the first day of March file a report with the Secretary of Banking giving such relevant information as the Secretary of Banking may require concerning the business and operations during the previous calendar year of such licensed place of business conducted by such licensee within this Commonwealth Such report shall be made under oath and shall be in the form prescribed by the Secretary of Banking

Section 2 Any person persons copartnership association or corporation who shall obtain a license in accordance with the provisions of section one of this act shall be entitled to loan money in sums of three hundred ($300) dolars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities at his their or its place of business for which said license is issued and to charge the borrowers thereof for its use or loan interest at a rate not to exceed three [and one-half (3½)] (3) per centum per month on that part of the unpaid principal balance of any loan not in excess of one hundred fifty ($150) dollars and two (2) per centum per month on any remainder of such unpaid principal balance No licensee shall induce or permit any borrower to split up or divide any loan No licensee shall induce or permit any person nor any husband and wife jointly or severally to become obligated directly or contingently or both under more than one contract of loan at the same time for the purpose or with the result of obtaining a higher rate of interest than would otherwise be permitted by this section No fees fines or other charges either in addition to or as a part of the above specified interest shall be charged or collected under any pretext whatsoever

A contract for a loan under the provision of this act shall not be made for a period in excess of twenty-four (24) months Interest shall not be payable in advance or compounded and shall be computed only on unpaid balances for the time that has elapsed at date of payment Interest on judgments which have been entered of record may be computed at the rates prescribed in this section until the date of the issuance of a writ of execution thereafter the interest shall be computed at the rate of six (6%) per centum per annum If interest in excess of that hereinbefore prescribed shall be received by any licensee the said licensee shall thereupon lose all his right to collect or receive the interest allowed under this act and shall be entitled to recover from the borrower only the amount actually loaned together with interest at the rate of six per centum per annum upon unpaid balances less any and all

amounts already paid by the borrower on account of said loan either as principal or interest Any person borrowing money from any licensee under this act who shall be charged and pay any interest in excess of that prescribed and allowed by the provisions of this act shall be entitled to recover back from the lender by action at law begun at any time within two years from the date of the last payment any and all sums of money so charged and paid in excess of the amount of the original loan together with interest at the rate of six per centum per annum upon unpaid balances up to the date of final payment of said loan and in addition fifty ($50) dollars as a penalty to be paid to the the borrower

On the question,

Will the House agree to the section?

Mr. LEWIS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 1 (Section 2), page 10, line 29 by striking out: with light face brackets the word "three" and inserting in lieu thereof "two and one-half (2½)"

Amend section 1 (section 2), page 10, line 29 by striking out the figure "(3)" and inserting in lieu thereof "(2½)"

Amend section 1 (section 2), page 11, line 3, by striking out the following: "two (2)" and inserting in lieu thereof: "one and one-half (1½)"

Amend Section 1 (Section 2), page 11, line 17, by striking out the following: "twenty-four (24)" and inserting in lieu thereof "eighteen (18)"

Amend Section 1 (Section 2), page 11, line 17, by inserting after the word "months" the following: "Interest on the unpaid balances, thereafter, shall be payable at the rate of six (6%) per centum per annum."

On the question,

Will the House agree to the amendments?

Mr. TURNER. Mr. Speaker, I would like to interrogate the Chairman of the Banking Committee, the gentleman from York, Mr. Flinchbaugh.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. FLINCHBAUGH. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the Chairman of the Banking Committee, Mr. Flinchbaugh, if the amendments as proposed are not a reduction in the rate below the amount as set forth in the bill as it is now upon the floor of the House.

Mr. FLINCHBAUGH. Mr. Speaker, in answer to the gentleman from Delaware, I will say that the rates are reduced.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from York whether this is not a Department bill.

Mr. FLINCHBAUGH. Mr. Speaker, this bill was drawn up by the Department of Banking.

Mr. TURNER. Mr. Speaker, is it not true that the Banking Department made quite an exhaustive study and made a printed report, which was distributed at the time that this bill was introduced?

Mr. FLINCHBAUGH. Mr. Speaker, in answer to the gentleman from Delaware, I will say that my understanding is that the Banking Department did make an exhaustive study of this subject and afterwards made a report which was printed and distributed to the members of the House of Representatives and the public generally.

Mr. TURNER. Mr. Speaker, therefore, based upon the Banking Department's report, the Banking Department introduced a bill calling for a rate of three percent, with a split of one hundred dollars, is that not true?

Mr. FLINCHBAUGH. That is correct, Mr. Speaker.

Mr. TURNER. Mr. Speaker, as I understand these amendments, they represent a reduction from three percent to two and a half percent and from two percent to one and a half percent, is that not correct?

Mr. FLINCHBAUGH. That is correct, Mr. Speaker. The split is changed from the original split of one hundred dollars and raised to one hundred and fifty dollars.

Mr. TURNER. Mr. Speaker, am I correct in stating that these amendments would reduce the split from one hundred and fifty dollars to one hundred dollars, and would reduce the rate of three percent up to one hundred dollars to two percent net, and from two and a half percent up to one hundred dollars, to one and a half percent.

Mr. FLINCHBAUGH. Mr. Speaker, if I understand the question of the gentleman from Delaware correctly, I will say that the split is still one hundred and fifty dollars.

Mr. TURNER. Mr. Speaker, do I understand that under these amendments the split is still one hundred and fifty dollars?

Mr. FLINCHBAUGH. That is my understanding, Mr. Speaker.

Mr. TURNER. But the reduction, Mr. Speaker, is from three percent up to one hundred dollars to two and a half percent, and from two and a half percent to one and a half percent is that correct?

Mr. FLINCHBAUGH. That is correct, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 That sections four and six of said act are hereby amended to read as follows

Section 4 Whenever payment is made on account of a loan to which the provisions of this act shall apply the person receiving such payment shall when payment is made give to the person paying a receipt setting forth the amount then paid [the total amount previously paid] on account of interest if any the amount then paid on account of principal if any and the amount remaining due on principal identifying the instrument accompanying the loan to which the payment is to be applied

Section 6 A Every person persons copartnership association or corporation licensed under this act or any partner director officer agent or member thereof who shall violate any prevision of this act or shall direct or consent to such violation [or who shall lend money in sums of three hundred ($300) dollars or less and charge or receive for the loan or use thereof interest in excess of six per centum (6%) per annum without first having complied with the provisions of section one of this act] shall be guilty of a misdemeaner and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred ($500) dollars for the first offense and for each subsequent offense a like fine and to suffer imprisonment not to exceed six months or both in the discretion of the Court

B Every person persons copartnership association or corporation or any partner director officer agent or member thereof who shall directly or indirectly as principal agent or broker by any device subterfuge or pretense whatsoever charge contract for or receive any interest dis-

count fees fines charges or consideration greater than six per centum (6%) per annum upon the loan use or forbearance of money goods or things in action or upon the loan use or sale of credit of the amount or value of three hundred ($300) dollars or less without having obtained a license under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred ($500) dollars or more than five thousand ($5,000) dollars or to suffer imprisonment of not less than six (6) months or more than three (3) years or both at the discretion of the Court

C No loan of the amount or value of three hundred ($300) dollars or less except as authorized by this act for which interest discount fees charges or consideration greater than six per centum (6%) per annum has been charged contracted for or received wherever made shall be enforced in this Commonwealth and the borrower shall not be required to pay any principal interest or charges whatsoever This provision shall not apply to loans legally made in any State which then has in effect a regulatory small loan law similar in principal to this act

D The payment of three hundred ($300) dollars or less in money credit goods or things in action as consideration for any sale or assignment of or order for the payment of wages salary commissions or other compensation for services whether earned or to be earned shall for the purposes of regulation under this act be deemed a loan secured by such assignment and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall for the purpose of regulation under this act be deemed interest or charges upon such loan from the date of such payment to the date such compensation is payable Such transactions shall be governed by and subject to the provisions of this act

E The payment of three hundred ($300) dollars or less in money credit gods or things in action as consideration for any sale of real or personal property which is made on condition or agreement expressed or implied that such property be sold back at a greater price shall for the purpose of this act be deemed to be a loan secured by such property and the amount by which the repurchase price exceeds such original purpose price actually paid shall be deemed interest or charges upon such loan from the date such original payment is made until the date such original payment is made until the date such repurchase price is paid Such transaction shall be governed by and subject to the provisions of this act

F When real or personal property is pledged as security on a loan of three hundred ($300) dollars or less and the lender requires the borrower to pay for insurance thereon or when the lender requires life insurance as a security to a loan of three hundred ($300) dollars or less such charge for insurance shall be construed as interest under this act when the lender has failed to have such insurence written by an insurance company legally authorized to conduct business in Pennsylvania When the amount charged for such insurance is in excess of the standard cost of similar insurance in other insurance companies legally authorized to conduct business in Pennsylvania the excess shall be construed as interest under this Act

An Act to amend sections one and two as amended and sections four and six of the act, approved the seventeenth day of June, one thousand nine hundred and fifteen (P. L. 1012), entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less, either with or without security, to individuals pressed by lack of funds to meet immediate necessities; fixing the rates of interest and charges therefor; requiring the licensing of lenders; and prescribing penalties for the violation of this act," enlarging the powers of the Secretary of Banking; authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof; requiring licensees to file annual reports; increasing the license fee; reducing the rate of interest on loans; increasing the penalty for operation without a license; and bringing certain transactions within the scope of the act.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 22, 1937.

To the Honorable, the General Assembly of the Commonwealth of Pennsylvania:

It is most important that we take action at once to end a disgraceful condition existing in our fourth class or rural school districts.

A total of 13,693 teachers in these districts, representing nearly one-fourth of all the elementary school teachers in Pennsylvania, are receiving wages below the minimum level for comfort and decency.

Despite their long years of training, and deposite the great responsibility placed upon them, 9264 of these teachers are receiving only $800 a year, and 4429 of them only $900 a year.

I therefore most strongly urge that the minimum salaries of these teachers be increased to $1000 a year, which is little enough. This would affect approximately 2300 fourth class districts in Pennsylvania.

This will not only permit an approach to a living wage for these teachers, but will likewise enable a great number of school districts to increase their terms from 160 to 180 days a year. Both of these factors will result in more advantages for pupils in these districts, in keeping with our desire to provide equal educational opportunity for all.

To provide revenue necessary for this salary increase I recommend enactment of House Bill No. 228, introduced by Mr. Patterson and Mr. Stank, imposing a tax upon stores, particularly chain stores. I am advised that under existing conditions this tax will provide adequate revenue to meet the additional burden imposed upon the School Fund.

The chain stores of Pennsylvania, which annually take millions of dollars from the pockets of our citizens—a large part of which goes to absentee owners in New York and elsewhere outside the State—are quite able to absorb this entire tax without adding one cent to the housewife's bill.

You may hear protests that this is not the case, but I need only remind you that in such situations you have only to consider the source. Remember that any individual or group receiving revenue of any kind from such stores, directly or indirectly, has a direct interest which makes impartiality difficult, if not impossible.

The truth is that even throughout the depression, when other businesses were going bankrupt, the chain stores of Pennsylvania were making large profits. One of the largest grocery chains in the State made an average profit of nearly $14,000,000 a year between 1929 and 1936. Six of the twelve officials of this chain last year received salaries of $100,000 each. Another large chain made an average profit of nearly $5,000,000 a year between 1929 and 1935.

Certainly with $14,000,000 a year net profit, such a chain cannot object to paying 700 odd thousands a year,

which would be its share of the tax. Nor could it justify in any way any attempt to pass this on to the consumer.

Incidental to the main purpose of this bill, which is to raise revenue for schools, are several facts which have a bearing upon the desirability of this particular bill.

First. Chain stores, because of their large-scale operations, are well able to pay this tax out of their enormous profits without increasing by one dollar the charge to the customer.

Second. Chain stores have escaped their fair share of the State taxes paid by local merchants through juggling their corporate practices.

Third. Because of absentee management the chain stores do not possess the same public spiritedness as the thousands of small merchants they have forced into bankrutpcy.

Fourth. The encouragement to independent merchants furnished under the chain store tax will help local producers, particularly the nearby farmers, upon whom the independents draw for their supplies.

I could give you many other reasons, but I am sure they will be adequately brought forth in the debate upon this measure. I firmly believe that in this case both the tax and its purpose will be productive of much good to the Commonwealth as a whole. Therefore I urge that the necessary legislative action be taken promptly, to the end that our smaller school districts, their pupils and their teachers, may be provided for in a manner befitting their importance to our Commonwealth.

GEORGE H. EARLE.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1142, as follows:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty-five thousand five hundred dollars ($25,500) or as much thereof or may be necessary is hereby specifically appropriated out of the Game Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred thirty-seven for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System wtih respect to State employes receiving compensation from the Game Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of seventeen thousand dollars ($17,000) and to the credit of the Contingent Reserve Account the sum of eight thousand five hundred dollars ($8,500)

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1134, as follows:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of forty thousand nine hundred fifty dollars ($40,950) or as much thereof as may be necessary is hereby specifically appropriated out of the Banking Department Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred and thirty-seven for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of twenty-seven thousand three hundred dollars ($27,300) and to the credit of the Contingent Reserve Account the sum of thirteen thousand six hundred fifty dollars ($13,650)

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1139, as follows:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of seven thousand six hundred fifty dollars ($7,650) or as much thereof as may be necessary is hereby specifically appropriated out of the Fish Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred thirty-seven for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of five thousand one hundred dollars ($5,100) and to the credit of the Contingent Reserve Account the sum of two thousand five hundred fifty dollars ($2,550)

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1140, as follows:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of thirty thousand dollars ($30,000) or so much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund to the Board of Finance and Revenue for the two fiscal years commencing June first one thousand nine hundred and thirty-seven for the payment of the compensation to the Commonwealth's Loan and Transfer Agent for services rendered in connection with the registration transfer and payment of interest on highway bonds and for other services required to be performed by the said Loan and Transfer Agent Payments from such appropriation shall be made at such time and in such amounts and upon such basis as may be provided by law or agreed upon between the Board of Finance and Revenue and the said Loan and Transfer Agent

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 826, as follows:

An Act making an appropriation for the preparation of the Eightieth Division History and creating a commission for such purposes

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to commemorate the heroic achievements of the citizens of Pennsylvania who served on the battlefields of Europe and to perpetuate the memories of those who fell in the World War there is hereby appropriated the sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary for the compilation and the printing in book form of the history of the Eightieth Division

A commission is hereby constituted which shall be composed of five (5) citizens who were former Pennsylvania soldiers and who served with the Eightieth Division during the war wtih Germany The members of the commission shall be appointed by the Governor They shall serve without compensation but shall receive their actual and necessary expenses incurred in the performance of the duties imposed upon them by this act The commission shall organize at the call of the Governor Vacancies occuring in the membership of the commission shall be filled by appointment of the Governor Any member so appointed shall have the same qualifications as is required of the original appointees

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. ALLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1292, entitled:

An Act authorizing council in cities of the second class to make appropriations for the use of the Director of the Department of Supplies and his assistant providing for the deposit of such moneys from time to time in a special fund which may be drawn upon for certain purchases without prior approval

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the council in cities of the second class may appropriate a sum of money for the direct use of the Department of Supplies as hereafter provided Upon the passage of an ordinance making such appropriation the treasurer shall draw by warrant countersigned by the controller and the mayor a sum not exceeding five hundred dollars ($500) from such appropriation and deposit it in a fund to be known as the Department of Supplies Special Fund in the same city depository from which it was drawn Said fund may be drawn upon by the Director of the Department of Supplies or his assistant in payment of items purchased by him provided that no item so purchased shall cost more than the sum of ten dollars ($10)

On the question,

Will the House agree to the section?

Mr. JOHN J. BAKER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 2, section 1, line four, by striking out at the end of the line the words and numerals "ten dollars ($10)," and insert in lieu thereof the following: "five dollars ($5)"

On the question.

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 When any item costing not more than ten dollars ($10) is purchased by the Department of Supplies the director of the department or his assistant may at once draw upon such special fund so deposited without prior approval of his purchase by any other official of the city All items so purchased by him shall be reported at monthly intervals to the city controller and the finance committee of council Whenever said purchases shall thereafter have been approved by the city controller he shall so certify to the city treasurer who shall then draw from the money appropriated for that purpose a sum equal to the amount of such approved purchases and deposit the same in said special fund limited however to the amount of money at any time remaining of the appropriation made by council

In addition to the reports required herein the Director of the Department of Supplies shall at the request of the city controller or the finance committee of council render additional reports and the books and accounts shall be subject at any time to inspection by the city controller or the finance committee of council

On the question,

Will the House agree to the section?

Mr. JOHN J. BAKER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend page 2, section 2, line five, by striking out at the end of the line the word "ten" and insert in lieu thereof the followng: five

Amend page 2, section 2, line six, by striking out at the beginning of the line the numeral "($10)" and insert in lieu thereof the following: ($5)

On the question.

Will the House agree to the amendments?

They were agreed to,

On the question.

Will the House agree to the section as amended?

It was agreed to.

The third and fourth sections and title were separately read and agreed to as follows:

Section 3 All acts or parts of acts inconsistent herewith are hereby repealed

Section 4 This act shall become effective immediately upon its final enactment

An Act authorizing council in cities of the second class to make appropriations for the use of the Director of the Department of Supplies and his assistant providing for the deposit of such moneys from time to time in a special fund which may be drawn upon for certain purchases without prior approval

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1309, as follows:

A Supplement to the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" creating the position of solicitor for the department of city controller

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the city controller of each city of the second class shall designate and appoint one person learned in the law to act as solicitor for the department of city controller Such solicitor shall be an attorney at law admitted and qualified to practice in the courts of this Commonwealth Such solicitor shall be the legal adviser of the city controller in matters pertaining to or affecting his department and he shall when requested by the city controller act as his counsel in any litigation involving any matter or thing pertaining to or affecting the department of city controller The authorization in writing of the city controller in all cases shall be a sufficient warrant of attorney for appearing for and representing him in any such litigation The solicitor shall hold office at the pleasure of the city controller and shall be paid a salary not less than three thousand six hundred dollars ($3,600) per annum as the city by ordinance shall provide and there shall be appropriated a sufficient sum of money for that purpose

Section 2 All acts inconsistent herewith shall be and the same are hereby repealed

Section 3 This act shall take effect forthwith upon its enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1335, entitled:

An Act regulating the employment and hours of employment of the Officers and members of the uniformed Fire protection forces of the Cities of the first class and repealing existing laws

The first section was read as follows:

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Platoon System Hours of service The Director or other officers of the department having charge of the Fire Bureau in each City of the first class Shall divide the Officers and members of the companies of the uniformed Fire protection forces in the employ of such Cities Excepting the Chief Engineer and assistant Chiefs and those employed subject to call into two bodies or platoons One to perform day services and the other to perform night service The hours of day service shall not exceed ten commencing at eight o'clock in the morning and the hours of night service shall not exceed fourteen Commencing at six o'clock in the afternoon The hours of day service shall not exceed thirty hours and the hours of night service shall not exceed forty-two hours in the same calendar week The employes of such Fire forces shall be allowed to have at least twenty-four consecutives hours of rest in every calendar week Exclusive of the change day And to have an annual vacation of not less than fourteen days without diminution of in either case of the salary or compensation fixed ordinance or resolution But no vacation or suspension period shall be increased or reduced by reason of the fact that During such period such member If working would have been entitled to one or more rest days under the provisions of this act In case of Public celebrations Riots serious conflagration Floods Times of War Pestilence or such emergencies the Chief Engineer in charge of the Bureau of Fire or the assistant Chief Deputy or Chief Officer in charge at any Fire shall have the power to assign all members of the Fire protection forces to continuous duty or to continue any members thereof On duty if necessary No member of either said shifts bodies or platoons shall be required to perform any longer day duty than thirty hours of day service or forty-two hours of night service in the same calendar week Excepting as may be necessary to equalize the hours of duty and service and also excepting in case of emergencies as above provided

On the question,

Will the House agree to the section?

Miss BRANCATO. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 2, line 11, by inserting after the word "fixed" the word: "by".

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second and third sections and title were separately read and agreed to as follows:

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

An Act regulating the employment and hours of employment of the Officers and members of the uniformed Fire protection forces of the Cities of the first class and repealing existing laws

And said bill having been read at length the second and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1071, entitled:

A Joint Resolution authorizing the appointment of a Commission to make a survey of the topography of the Commonwealth to make recommendations concerning landing fields and aviation facilities and making an appropriation

The first section was as follows:

Section 1 Be it resolved by the Senate and House of Representatives in General Assembly met That there is hereby created a Commission which shall be composed of two members of the Aeronautics Committee of the House of Representatives to be designated by the Speaker of the House and one member of the Aeronautics Committee or the Senate to be designated by the President Pro Tempore of the Senate and the Chief of Aeronautics of the Commonwealth whose duty it shall be to make a thorough survey of the topography of the Commonwealth and make recommendations based on such survey with regard to acquiring setting up and maintaining

(1) Emergency and intermediary landing fields
(2) Radio and air wave facilities

On the question,

Will the House agree to the section?

Mr. SPROUL. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 2, line 9, by inserting after the word "facilities" the following: "and"

Amend section 1, page 2, by inserting after line 9, the following paragraph:

(3) A program designed to eliminate obstructions adjacent to or in the vicinity of existing or proposed landing fields.

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second, third and fourth sections and the preamble and title were separately read and agreed to as follows:

Section 2 The Commission shall make and file its final report and recommendations to the Executive Board of the Commonwealth not later than April 15 1937

Section 3 The sum of twenty-five hundred dollars or so much thereof as may be necessary is hereby specifically appropriated to the Commission for the payment of expenses of the members of the Commission and for such clerical stenographic and engineering services and for such other expenses deemed proper and necessary by the Commission

Section 4 This Resolution shall become effective immediately upon its final enactment

Whereas the Commonwealth of Pennsylvania holds a recognized position as leader in Aeronautical Law and in the establishment or supervision of airports and terminal and intermediary landing fields and

Whereas it is the desire of the Commonwealth to keep abreast of the progress in commercial aviation to encourage the use of its airways and airports for interstate and intra-state aeronautical commerce and to promote safety in aviation therefore

A Joint Resolution authorizing the appointment of a Commission to make a survey of the topograph of the Commonwealth to make recommendations concerning landing fields and aviation facilities and making an appropriation

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1137, as follows:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of four hundred eighty-four thousand two hundred dollars ($484,200) or as much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred thirty-seven for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of three hundred twenty-two thousand eight hundred dollars ($322,800) and to the credit of the Contingent Reserve Account the sum of one hundred sixty one thousand four hundred dollars ($161,400)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1295, as follows:

An Act to amend sections one and two of the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws 667) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March one thousand nine hundred and one regulating the certification recording advertising and proof of passage of legislative acts of councils and prescribing the effect of the production thereof when required as evidence" by allowing council to shorten the publications provided for

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Genera Assemby met and it is hereby enacted by the authority of the same That sections one and two of the

act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws 667) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March one thousand nine hundred and one regulating the certification recording advertising and proof of passage of legislative acts of councils and prescribing the effect of the production thereof when required as evidence" are hereby amended to read as follows

Section 1 Be it enacted etc That hereafter in cities of the second class when an ordinance or resolution shall have been duly enacted under the provisions of the act to which this is a supplement said ordinance or resolution shall be certified by the [clerks of select and common] clerk of council and shall be recorded in a book provided by the city for that purpose which book shall be at all times open to public inspection Within ten days after any ordinance or resolution becomes a law the same shall be published twice in each of the official newspapers of such city together with the volume and page of the book in which the same is recorded and the date of its becoming a law Provided Said publication shall not include any of the attesting signatures except that of the mayor And further provided That instead of publishing an ordinance or resolution in full an abstract thereof or the title thereof as council may determine with reference in any case to its place of record shall be a sufficient publication thereof

Section 2 The record of all ordinances and resolutions made and kept in accordance with this act as well as all printed copies of ordinances and resolutions of [councils] council published under the authority of [councils] council or of this act and transcripts of the record kept in pursuance hereof certified by [either] the clerk of [select or common] council shall be received in evidence for any purpose for which the original ordinance might be received and shall be prima facie evidence that the same has been duly passed recorded and published

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1311 as follows:

An Act to authorize cities of the second class to sue out writs of scire facias on certain tax liens to revive writs of scire facias on such liens or to revive judgments on such liens where more than five years have elapsed since said liens were filed or such judgments were entered or revived and to reduce such liens to judgment or to revive such judgment and providing for the revival and collection of such judgment

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any city of the second clas has heretofore filed in the office of the Prothonotary of the proper county any tax lien or tax liens and the said city of the second class has not within the period of five years after the date on which any such tax lien was filed sued out a writ of scire facias to reduce the same to judgment or whenever any such tax lien or tax liens have been reduced to judgment and the said city of the second class has not within the period of five years after the date on which such judgment or judgments were entered or within five years after the date on which such judgment or judgments were last revived filed a suggestion of non-payment and an averment of default or sued out a writ of scire facias to revive the same then in any such case any such city of the second classs may within six months after the final enactment of this act issue its praecipe for a writ of scire facias on any such tax lien and proceed to judgment in the manner provided by law to obtain judgment on tax liens or in case judgment has been entered either file a suggestion of non-payment and an averment of default or issue its praecipe for a writ of scire facias on any such judgment and proceed to judgment in the manner provided by law to obtain judgment of revival and such judgment so entered or revived shall be a valid judgment and be a lien upon the real estate upon which it was a lien at the time the lien was filed or the judgment was entered and said judgment may be revived or further revived and collected as other judgments upon tax liens are revived and collected Provided however that the lien of any judgment shall not re-attach against any real estate transferred to any purchaser during the time when the lien of any such tax lien or judgment was lost nor shall the lien of any such judgment impair or affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the said city of the second class to sue out the writ of scire facias or file a suggestion of non-payment and averment of default within the five year period or was entered of record during the time the lien of such tax lien or judgment was lost

This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1154 as follows:

An Act making an appropriation to the General State Authority

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred fifty thousand dollars ($150,000) or so much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the General State Authority for the payment of all expenses necessary for the proper conduct of the work of the Authority including expenses of organization Payments shall be made out of this appropriation upon requisition of the Governor

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1078 as follows:

To amend clause thirty-four of section two thousand four hundred three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the laws relating thereto" by extending the provisions for appropriations to posts of veterans.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause thirty-four of section two thousand four hundred three of the act approved the twenty-third day of June one thousand nine hundred and

thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

34 Appropriations to Post of Veteran To appropriate annually to each camp of the United States War Veterans and to each post of the American Legion and to each post of the Veterans of Foreign Wars and to each Naval Association and to each post of the Grand Army of the Republic and to each post of the Disabled American Veterans of the World War and to each chapter of the Military Order of the Purple Heart and to each post of the Jewish War Veterans and to each organizations of ex-service men in the city incorporated under the laws of the Commonwealth a sum not exceeding two hundred dollars to aid in defraying the expenses of Memorial Day and Armistice Day Where the Grand Army of the Republic has ceased to exist or to function such appropriation may be made to the Sons of Union Veterans of the Civil War or in the absence of such order to a duly constituted organization which conducts the decorating of the graves of union veterans of the Civil War Such payments shall be made to defray actual expenses only Before any payment is made the organization receiving the same shall submit verified accounts of their expenditures

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committe of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1296 as follows:

An Act to amend section one of article fifteen of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" as amended further regulating the giving of contracts relating to city affairs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of article fifteen of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" as amended in part by section two of the act approved the eleventh day of May one thousand nine hundred and eleven (Pamphlet Laws 238) is hereby further amended to read as follows

Article XV

Section 1 All contracts relating to city affairs shall be let to the lowest responsible bidder after reasonable notice When the contract exceeds five hundred dollars such notice shall be by advertisement when less than that amount or when purchased at public sale advertisement may be dispensed with Every contract shall be let by the Mayor and head of the proper department All bids shall be filed with the City Controller and shall be opened publicly by the Mayor and head of the proper department or either of them at a time and place to be designated in the advertisement or notice to bidders and the figures stated to those present No contract shall be let until councils have passed an ordinance providing for the letting of the same by the Mayor and head of the proper department

All contracts shall be in writing signed and executed in the name of the city by the [city recorder] Mayor and head of the proper department No contracts shall be entered into or executed directly by the councils or any committee thereof

All contracts shall be countersigned by the Controller and filed and registered by number date and contents in the [city recorder's] Mayor's office and attested copies furnished to the controller and the department charged with the work

Every contract for public improvements shall be based upon estimate of the whole cost furnished by the proper officer through the department having charge of the improvement and no bid in excess of such estimate shall be accepted Every such contract shall contain a clause that it is subject to the provisions of this act and the liability of the city thereon shall be limited by the amounts which shall have been or may be from time to time appropriated for the same In each and every instance where a contract is let to any person firm company or corporation by any city of the second class or any officer officers or departments of such city for any work material supplies construction or excavation of any kind the person firm company or corporation shall give bond to the city to the amount of fifty per centum of the estimated cost with security to be approved by the [city recorder] Mayor provided that where a long term service contract covering a period of two years or more is let to any person firm company or corporation then the person firm company or corporation shall give bond to the amount of fifty per centum of the estimated cost for the first year and shall thereafter during the life of the contract keep in effect bond in the amount of fifty per centum of the fixed or estimated yearly cost The bond for the second and subsequent year or years shall be given at least sixty days prior to the beginning of the contract year to which it is applicable.

No contact for work to be done for or property or materials to be sold or supplied to the city or any department thereof shall be made with any councilman officer or employe of such city or with any firm co-partnership or association of which such councilman officer or employe is a member and if any councilman officer or employe during the term for which he shall have been elected or appointed knowingly acquires an interest in any such contract he shall forfeit his office At the expiration of present contract and every three years thereafter the [city recorder] Mayor of each of the cities of the second class shall contract for a term of three years with [not less than three nor more than five] two daily newspapers [one of which shall be a daily newspaper printed in the German language] published within the county in which such city of the second class is situated for the publication of all official advertising the cost of which is payable out of the municipal treasury which said official advertising shall include all ordinances of councils [city recorder's] Mayor's proclamations all official reports of the city officers all notices for opening widening straightening grading paving and curbing and vacation of streets lanes and alleys and the construction of sewers including all viewers' reports and proposals for public work and supplies such contracts to be let to the lowest bidder agate measure per line for each thouand of circulation the basis of the circulation to be the average daily sales (exclusive of Sunday weekly semiweekly and tri-weekly issues and also exclusive of all credits for returned or unsold newspapers and newspapers distributed free of charge) of such newspaper for the six months next preceding the month in which such advertising may be published.

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committe of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1150 as follows:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Common-

wealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty-eight thousand five hundred dollars ($28,500) or as much thereof as may be necessary is hereby specifically appropriated out of the State Workmen's Insurance Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundrec thirty-seven for payment from time to time into the State Employes' Retirmeent Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State empolyes receiving compensation from the State Workmen's Insurance Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of nineteen thousand dollars ($19,000) and to the credit of the Contingent Reserve Account the sum of nine thousand five hundred dollars ($9,500)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1297 as follows:

An Act authorizing the compromise or reduction of tax claims on real property purchased by any county city borough town school district or poor district at any sale for the nonpayment of taxes and the reconveyance or private sale of such property

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any real property has been heretofore or shall be hereafter purchased by any county city borough incorporated town school district or poor district to be called herein municipality for nonpayment of taxes under any act of Assembly authorizing such sale the municipality purchasing said property may subject to the approval of the court of common pleas after the period of redemption has expired agree with the former owner of such property or his heirs devisees or any one or more of them or with anyone entitled to redeem such property to accept in compromise or reduction of the amount of the taxes penalties interest and costs due any sum less than the whole of such amount so due whereupon either the said municipality or the person with whom such agreement is made may petition the common pleas court for confirmation of said agreement

Section 2 After the period for redemption has passed such municipality may sell at private sale any real property purchased at tax sale and may in effecting such sale accept any sum less than the amount of the taxes penalties and interest due subject to the approval upon petition of the court of common pleas

Section 3 Upon presentation of such petition the court shall fix a day not more than ten days thereafter for a hearing thereon At least five days' notice of such hearing shall be given to all the taxing authorities having tax claims against such real estate

Section 4 If after such hearing the court is satisfied that the proposed compromise or private sale is proper and to the advantage of all the taxing authorities interested it shall enter a decree approving such compromise settlement private sale or such other settlement as the court may find to be proper and directing a conveyance of such property to the person or persons with whom the agreement has been made upon the payment of the agreement amount or such amount as the court may approve and all costs of the proceeding The proceeds of such compromise or private sale shall be distributed to the respective taxing authorities in proportion to their tax claims The title conveyed shall be free and clear of all tax liens but shall not discharge any other liens not discharged by the tax sale

Section 5 All acts and parts of acts inconsistent herewith are hereby repealed

Section 6 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 817, as follows:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania.

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That article fourteenth of the Constitution of the Commonwealth of Pennsylvania is hereby amended to read as follows

Section 1 A new county shall not be created except by the consolidation of two or more existing counties An existing county may be abolished and its territory annexed to one or more contiguous counties The General Assembly shall by law provide for the consolidation and abolition of counties but no existing county shall be consolidated with another and no county shall be abolished without the consent of the electors thereof

Section 2 Counties shall be administered under such system of government and by such officers except as in this article otherwise provided as the General Assembly may by law provide Optional systems of government may be provided for by the General Assembly to become effective in a county only when accepted by the electors thereof

Section 3 Three county commissioners shall be elected in each county in the year one thousand nine hundred and thirty-nine and every fourth year thereafter In the election of such officers each elector shall vote for no more than two persons and the the three persons receiving the highest number of votes shall be elected Any vacancy happening in the office of county commissioner shall be filled for the unexpired term by the court of common pleas of the county by the appointment of an elector of the county who is a member of the same political party as was the person whose place is to be filled In each county there shall also be elected a controller and a district attorney District attorneys and controllers shall hold their respective offices until their successors are duly elected and qualified Vacancies in such offices shall be filled as may be provided by law All other county officers shall be provided for by law and shall be elected or appointed as the General Assembly may by law provide

Section 4 The terms of elected county officers shall be four years commencing on the first Monday of January next after their election

Section 5 All officers and persons employed in the county government shall be paid by salary or stated compensation Such officers or persons shall not receive for their own use any fees commissions or mileage for the performance of any service All fees commissions and

mileage from whatever source derived received and collected by any county officer shall be paid into the State or county treasury as may be provided by law The provisions of this section shall not be construed however to apply to alderman justices of the peace or constables

Section 6 The General Assembly shall provide by law for the strict accountability of all county township and borough officers as well for the fees commissions and milage which may be collected by them as for all public or municipal moneys which may be paid to them

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. WAGNER. Mr. Speaker, I move that this bill be recommitted to the Committee on Constitutional Amendments for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1366, as follows:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section four A

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That aritcle nine of the Constitution of Pennsylvania is hereby amended by adding thereto the following section

Section 4A Notwithstanding any limitation hereinbefore provided the General Assembly irrespective of any debt may authorize the State to issue bonds to the amount of fifty millions of dollars for the purpose of erecting constructing and maintaining flood control works and improvements including the cost of the acquisition of property necesary therefor and for watershed protection

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1038, as follows:

An Act providing that in all cases where writs of habeas corpus are granted the judge may inquire into the facts of the case including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge officer magistrate or grand jury and making such record proceedings and evidence available for inspection by the petitioner or his counsel

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where writs of habeas corpus are granted the judge granting the writ may inquire and examine into the facts of the case

Section 2 Such examination into the facts of the case shall include an examination by the judge into all the proceedings held and evidence produced before a judge magistrate justice of the peace or other officer sitting as a committing judge or magistrate or the grand jury and if such proceedings shall after inquiry be deemed to have been conducted not in accordance with law or the evidence deemed insufficient the prisoner shall be discharged

Section 3 For the purposes of the inquiry the records of all proceedings and testimony shall be available to the petitioner or his counsel for inspection in the court where the application is made regardless of where the proceedings against the person detained are pending.

Section 4 It is hereby declared to be legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

Section 5 This act shall be effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1081 as follows:

An Act To amend clause forty-two of section one thousand two hundred two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by extending the provisions for appropriations to post of veterans

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause forty-two of section one thousand two hundred two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended to read as follows

XLII Appropriations to Posts of Veterans To appropriate annually to each camp of the United Spanish War Veterans and to each post of the American Legion and to each post of the Veterans of Foreign Wars and to each Naval Association and to each post of the Disabled American Veterans of the World War and to each chapter of the Military Order of The Purple Heart and to each post of the Jewish War Veterans and to each organizations of ex-service men incorporated under the [act of April twenty-ninth one thousand eight hundred and seventy-four and to the supplements thereto] laws of this Commonwealth in the respective boroughs a sum not to exceed two hundred dollars to aid in defraying the expenses of Memorial Day and Armistice Day Such payments shall be made to defray actual expenses only Before any payment is made the organization receiving the same shall submit verified accounts of their expenditures

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1032 entitled:

An Act to amend section four hundred ninety-two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second

third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as added providing for country airports.

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred ninety-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as added by the act approved the ninth day of June one thousand nine hundred and thirty-one (P. L. 401) is hereby amended to read as follows

Section 492 Acquisition and Use of Land [Now Owned] for Airports Any county shall have the right and authority to use any land within the county now owned by it for any aviation purposes when in the judgment of the county commissioners such use may be necessary for aviation purposes and may require by lease purchase or condemnation proceedings any land within the territorial limits of the county which in the judgment of the county commissioners may be necessary and desirable for the purpose of establishing operating and maintaining a county airport and the facilities connected therewith.

Proceedings for the condemnation of lands and for the assessment of property taken injured or destroyed shall be conducted as provided in article seven of this act.

Any county may lease any such airport or any part thereof to any individual or corporation desiring to use the same for aeronautical purposes on such terms and subject to such conditions and regulations as may be provided and may enter into any lease providing for the use of said airport by the Federal government for air mail delivery.

Any county may operate and maintain an airport jointly with any political subdivision upon such terms and conditions as may be agreed upon by the county commissioners and the corporate authorities of such political subdivision.

On the question,

Will the House agree to the section?

Mr. BROWNFIELD. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

To amend section 1 (section 492), page 2, line 13, by inserting after the word "therewith" the following:

"providing that no land shall be acquired by lease, purchase, condemnation proceedings or otherwise, unless and until a prior written approval has been obtained from the Bureau of Aeronautics of the Commonwealth of Pennsylvania and the Bureau of Air Commerce of the United States"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment

An Act to amend section four hundred ninety-two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as added providing for county airports

And said bill having been read at length the second timen and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1304 as follows:

An Act to amend section eight of the act approved the sixteenth day of May one thousand eight hundred and ninety-one (Pamphlet Laws 75) entitled "An act in relation to the laying out opening widening straightening extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth the grading paving macadamizing or otherwise improving streets and alleys providing for ascertaining the damages to private property resulting therefrom the assessment of the damages costs and expenses thereof upon the property benefited and the construction of sewers and payment of the damages costs and expenses thereof including damages to private property resulting therefrom" as amended by providing for a temporary improvement or paving the assessment of costs and expenses upon property benefited thereby and assessment of costs and expenses upon property benefited by a subsequent permanent improvement upon credit being given for the prior assessment

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight of the act approved the sixteenth day of May one thousand eight hundred and ninety-one (Pamphlet Laws 75) entitled "An act in relation to the laying out opening widening straightening extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth the grading paving macadamizing or otherwise improving streets and alleys providing for ascertaining the damages to private property resulting therefrom the assessment of the damages costs and expenses thereof upon the property benefited and the construction of sewers and payment of the damages costs and expenses thereof including damages to private property resulting therefrom" as amended by the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (Pamphlet Laws 573) is hereby further amended to read as follows

Section 8 Every municipal corporation shall have power to lay out establish or re-establish grades of streets and alleys or parts thereof and to construct bridges piers and abutments therefor and sewers and drains in any street or alley or through or on or over private property Every municipal corporation shall also have power upon the petition of a majority of property owners in interest and number abutting the line of the proposed improvement to be verified by affidavit of one or more parties to said petition (a majority in interest of owners of undivided interests in any piece of property to be deemed and treated as one person for the purposes of petition) to grade pave curb macadamize and otherwise improve any public street or public alley or part thereof within its corporate limits or which may be in whole or in part boundaries thereof And also including the improvement of any street road lane or alley and any sections or parts thereof in length in the space between the curb gutter or actual carriage-way line and the property line either by an original work or improvement thereon or by a change repair renewal or alteration in the said highway space by the spacing and constructing of a footwalk curb parking space or shade-trees or by changing altering renewing replanting pruning or otherwise improving the same in any or all of said particulars On petition viewers shall be appointed as provided in the first section of this act who shall assess

the costs and expenses of the sewer or grading paving curbing macadamizing footwalks parking shade-tree planting or changing altering renewing replanting pruning or other improvement of each street or alley or part thereof within its corporate limits upon the property benefited according to benefits if sufficient can be found but if not then the deficiency when finally ascertained shall be paid by the municipal corporation and the proceedings of said viewers and the proceedings on their report shall be as provided in this act for viewers and reports of viewers in cases of property taken injured or destroyed

Upon petition of the property owners requesting a temporary improvement or paving the municipal corporation shall have the right to make the same the costs and expenses thereof being assessed against the property benefited in the manner heretofore provided Thereafter the municipal corporation may replace said improvement or paving with a permanent improvement or paving in the manner provided by law with the right to have the costs and expenses thereof assessed against the property benefited in the manner heretofore provided but only if the costs and expenses first assessed shall be allowed as a credit or set-off against the costs and expenses assessed for such subsequent permanent improvement of paving

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1283 entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by designating who shall be known as professional employes in the several school districts and making provisions for their election and dismissal

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand two hundred and one of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 1201 The board of school directors in every school district in this Commonwealth shall employ the necessary qualified teachers to keep the public schools open in their respective districts in compliance with the provisions of this act After the effective date of this act no new prefessional employe shall be chosen for any position in the schools of this Commonwealth except upon the nomination of the county superintendent the district superintendent or the supervising principal who has supervisory jurisdiction over the district

The term "professional employe" as used in this act shall include supervisors supervising principals principals directors of vocational education dental hygienists visiting teachers school secretaries the selection of whom is on the basis of merit as determined by eligibility lists school nurses who are certified as teachers and any regular full-time employe of a school district who is duly certified as a teacher

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. HARKINS. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of a hearing and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1131 as follows:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of nine thousand dollars ($9,000) or as much thereof as may be necessary is hereby specifically appropriated out of the Manufacturing Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred thirty-seven for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of six thousand dollars ($6,000) and to the credit of the Contingent Reserve Account the sum of three thousand dollars ($3,000)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1143 as follows:

An Act Making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of three hundred seven thousand three hundred fifty dollars ($307,350) or as much thereof as may be necessary is hereby specifically appropriated out of the State Stores Fund to the State

Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred thirty-seven for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respec' to State employes receiving compensation from the State Stores Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of two hundred four thousand nine hundred dollars ($204,900) and to the credit of the Contingent Reserve Account the sum of one hundred two thousand four hundred fifty dollars ($102,450)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1080 as follows:

An Act Authorizing cities of the first and second class and second class A and incorporated towns to make appropriations to organizations of ex-service men to aid in defraying the expenses of Memorial Day and Armistice Day

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the ame That the respective authorities of the several cities of the first and second class and second class A and incorporated towns of this Commonwealth are hereby authorized to appropriate annually to each camp of the United Spanish War Veterans and to each post of the American Legion and to each post of the Veterans of Foreign Wars and to each Naval Association and to each post of the Grand Army of the Republic and to each post of the Disabled American Veterans of the World War and to each chapter of the Military Order of the Purple Heart and to each post of the Jewish War Veterans and to each organization of ex-service men incorporated under the laws of this Commonwealth in the respective cities or towns a sum not to exceed two hundred dollars to aid in defraying the expenses of Memorial Day and Armistice Day Where the Grand Army of the Republic has ceased to exist or to function such appropriation may be made to the Sons of Union Veterans of the Civil War or in the absence of such order to a duly constituted organization which conducts the decorating of the graves of Union veterans of the Civil War Such payments shall be made to defray actual expenses only Before any payment is made the organizations receiving the same shall submit verified accounts of their expenditures

Section 2 The act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws 550) entitled "An act authorizing the several counties incorporated towns and boroughs to appropriate annually sums of money to each camp of the United Spanish War Veterans and of the Army of the Philippines and to each post of the American Veterans of Foreign Service in the respective counties boroughs and towns to aid in defraying the expenses of the Memorial Day and its amendments are hereby repealed

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1265 as follows:

An Act to further amend the title and section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1656) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" extending said act to all political subdivisions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1656) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" as last amended by the act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 682) and the act approved the eighteenth day of July one thousand nine hunderd and thirty-five (P. L. 1210) are hereby further amended to read as follows

AN ACT

Authorizing [county commissioners] political subdivisions to refund taxes and license fees erroneously and inadvertently paid by persons and corporations into the [county treasury] treasuries thereof

Section 1 Be it enacted &c That whenever any person or corporation of this Commonwealth has erroneously or inadvertently paid or caused to be paid into [a county treasury] the treasury of a political subdivisions directly or indirectly any tax or taxes on real or personal property or any license fee or fees under an assumption that such taxes or license fees were due and owing when in fact such taxes or license fees or a part thereof were not due and owing to the [county] political subdivision then in such cases the [county Commissioners] corporate authorities of the political subdivisons upon due proof of any such erroneous or inadvertent tax or license fee payments are hereby authorized to draw their warrant on the [county] treasurer in favor of such person or corporation to make refund of such tax or taxes or license fee or fees to which the [county] public sub-division has no valid claim out of the [county] public funds

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1079 as follows

An Act to amend section four hundred and thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by extending the provisions for appropriations to veterans organizations for expenses of Memorial Day and Armistice Day

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred and thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended to read as follows

Section 431 Appropriations to Veterans' Organizations for Expense of Memorial Day The board of commissioners may appropriate annually to each camp of the United Spanish War Veterans and to each post of the American Legion and to each post of the Veterans of Foreigns Wars and to each Naval Association and to each post of the Grand Army of the Republic and to each post of the Disabled American Veterans of the World War and to each Chapter of the Military Order of the Purple Heart and to each post of the Jewish War Veterans and to each organization of ex-service men incorporated under the [act of April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto] laws of this Commonwealth in the county a sum not to exceed two hundred dollars to aid in defraying the expenses of Memorial Day and Armistince Day Where the Grand Army of the Republis has ceased to exist or to function such appropriation may be made to the Sons of Unions Veterans of the Civil War or in the absence of such order to a duly constituted organization which conducts the decorating of graves of Union veterans of the Civil War Such payments shall be made to defray actual expenses only Before any payment is made the organization receiving the same shall submit verified accounts of their expenditures

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 904, entitled:

An Act relating to industrial police and corporation guards prohibiting municipal policeman from being employed or serving as industrial police and requiring their dismissal for so doing regulating their conduct at elections and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no person employed by any county city borough town or township as a policeman or member of the police department or police force or as a deputy sheriff shall during the continuance of such employment be employed by any person copartnership association or corporation in the capacity of industrial police nor shall he in anywise serve in such capacity Any person so employed by any such political subdivision who violates the provisions of this act shall be forthwith dismissed by the political subdivision

On the question,

Will the House agree to the section?

Mr. REISING. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 1, by striking out the word: "son" and inserting in lieu thereof: "person"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second to the fifth sections inclusive and title were separately read and agreed to as follows:

Section 2 No person employed in the capacity of industrial police or corporation guard shall whether or not in uniform loiter or stand except while in the course of marking and casting his ballot within one hundred (100) feet of any polling place during the conduct of any general municipal special or primary election Section 3 Any person violating any of the provisions of this act shall on summary conviction thereof be sentenced to pay a fine not exceeding twenty-five dollars ($25) and in default of the payment of such fine and costs shall be sentenced to imprisonment for not more than ten (10) day Provided however That the provisions of this act shall not apply to the employment of policemen or members of a police department or police force by any person copartnership association or corporation to keep the public peace disperse mobs quell riots or preserve order at public exhibitions of basebal tennis polo water polo field hockey quoits horse-shoe pitching golf squash badminton croquet lacrosse swimming archery football soccer basket ball volley ball track and field sports boat racing ice skating yachting skiing ice hockey curling or shuffle board or at any canine or equine exhibition or show

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

Section 5 This act shall become effective thirty (30) days after its final enactment

An Act relating to industrial police and corporation guards prohibiting municipal police from being employed or serving as industrial police and requiring their dismissal for so doing regulating their conduct at elections and providing penalties

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and Consideration of House Bill No. 999, as follows:

An Act providing for the appointment of a Commission to draft a report on a plan for the future government of the City of Philadelphia in accordance with a proposed amendment to the Constitution consolidating the City and County governments of the said City providing for the employment of certain persons by the Commission giving the Commission the power to subpoena witness books papers and records to hold hearings and making an appropriation.

Whereas The Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met have by joint resolution Number One of the regular Session of One thousand nine hundred and thirty-five proposed an amendment to Article Fourteen of the Constitution of this Commonwealth which would abolish the county of Philadelphia as a governmental subdivision separate and distinct from the City of Philadelphia and

Whereas The said amendment was agreed to by a majority of the General Assembly of the regular session of one thousand nine hundred and thirty-five and

Whereas The Governor in his message to the Legislature of this year has called attention to the necessity for the repassage of the said resolution and for the drafting of an Act providing for the government of the said City of Philadelphia in the event that the proposed amendment becomes effective by the approval of the electorate of this Commonwealth at the general election of one thousand nine hundred and thirty-eight therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That a Commission is hereby created of fifteen residents of the City of Philadelphia ten of whom shall be appointed by the Governor three by the Speaker of the House of Representatives and two

by the President Pro Tempore of the Senate one of whom shall be designated chairman by the Governor The Commission shall be known as the Philadelphia Charter Commission.

Section 2 The Commissioners so appointed shall proceed to organize with one month of their appointment at the call of the chairman who shall generally direct the work of the Commission and the Commission shall have power to sit after the adjournment of the legislature and to hold its meetings at such time and in such places within this Commonwealth as it may deem advisable

Section 3 The members of the Commission shall receive no compensation for their services but shall be reimbursed for all expenses necessarily incurred in the performance of their duties.

Section 4 It shall be the duty of the Commissioners to formulate a plan for the government of the City of Philadelphia and the County of Philadelphia as a consolidated unit looking toward the most suitable allocation among the officers and council of the City of Philadelphia of the various judicial legislative administrative and executive functions now performed by the officers of the County and City of Philadelphia.

Section 5 Not later than the beginning of the session of the legislature of one thousand nine hundred and thirty-nine the Commission shall make a report to the Governor and the General Assembly of its recommendations which report shall include the draft of a proposed Act embodying the recommendation of the Commission.

Section 6 The Commission shall have the power to employ and fix the compensation of such expert stenographers law clerks and research assistants as it deems necessary to carry into effect the provisions of this Act The Commissioners or any one of them thier agents or employees shall have power to examine the books records and papers of any Department of the City and/or County of Philadelphia.

The Commission shall also have power to hold hearings and it issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before it and answer such questions touching matters properly being inquired into by the Commission and to produce such books papers records and documents as the Commission may deem necessary Such sumpoenas may be served upon any person and shall have the force and effect of subpeonas issued out of the Courts of this Commonwealth each member of the Commission shall have the power to administer oaths and affirmations to witnesses appearing before the Commission any person who shall willfully neglect or refuse to testify before the Commission or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Section 7 The sum of $25,000 or so much thereof as may be necessary is hereby speifically appropriated to the Commission created by this Act for the purpose of paying the expenses of the members of the Commission for the payment of the compensation of those employed by the Commission pursuant to Section six for rent postage supplies telephone telegraph miscellaneous expenses and for the printing if its report The moneys hereby appropriated are to be paid out of the State Treasury upon warrants drawn by the Auditor General upon the State Treasurer based upon duly itemized vouchers approved by the Chairman of the said Commission.

Section 8 This act shall become effective immediately upon approval by the Governor.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1421, (Senate Bill No. 370), entitled:

An Act authorizing cities of the first class to set-off delinquent taxes and interest penalties and costs due thereon against claims and accounts due by such cities and prescribing the powers and duties of the city controller in such cases

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1058, entitled:

An Act relating to the protection of agriculture and horticulture including all field crops vegetables trees shrubs vines florist and nursery stock and all other plants and parts or products thereof from plant pests and revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known by the short title of "The Pennsylvania Plant Pest Act of 1937"

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. REUBEN E. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 876, (Senate Bill No. 31), entitled:

A Joint Resolution proposing an amendment to Article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1420, (Senate Bill No. 369), entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same

and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by designating who shall be known as professional employees in the several school districts and making provisions for their election and dismissal

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand two hundred and one of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 1201 The board of school directors in every school district in this Commonwealth shall employ the necessary qualified teachers to keep the public schools open in their respective districts in compliance with the provisions of this act After the effective date of this act no new prefessional employe shall be chosen for any position in the schools of this Commonwealth except upon the nomination of the county superintendent the district superintendent or the supervising principal who has supervisory jurisdiction over the district

The term "professional employe" as used in this act shall include supervisors superivsing principals and principals more than fifty per cent of whose working time is devoted to teaching directors of vocational education dental hygienists visiting teachers school secretaries the selection of whom is on the basis of merit as determined by eligibility lists school nurses who are certified as teachers and any regular full-time employe of a school district who is dully certified as a teachers

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. BROWNFIELD. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of a public hearing.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1284. as follows:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turn-pike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County providing for the creation of the Pennsylvania Turnpike Commission and conferring power and imposing duties on said Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this Act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such bonds exempt from taxation constituting such bonds legal investments in certain instances prescribing conditions upon which such turnpike shall become free providing for condemnation and authorizing the issuance of turnpike revenue refunding bonds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to facilitate vehicular traffic between the eastern and western sections of the Commonwealth the Pennsylvania Turnpike Commission hereinafter created is hereby authorized and empowered to construct operate and maintain a turnpike at such location as shall be approved by the Department of Highways from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County together with connecting tunnels and bridges and to issue turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such construction

Section 2 That turnpike revenue bonds issued under the provisions of this act shall not be deemed to be a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth but such bonds shall be payable exclusively from the fund herein provided therefor from tolls All such bonds shall contain a statement on their face that the Commonwealth is not obligated to pay the same or in the interest thereon except from tolls and that the faith and credit of the Commonwealth is not pledged to the payment of the principal or interest of such bonds The issuance of turnpike revenue bonds under the provisions of this act shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment

Section 3 That the following words and terms shall have the following meanings

(a) The word "Commission" shall mean the Pennsylvania Turnpike Commission hereinafter created or if said Commission shall be abolished any board commission or officer succeeding to the principal function thereof or upon whom the powers given by this Act to said Commission shall be given by law

(b) The word "owner" shall include all individuals copartnerships associations or corporations having any title or interest in any property rights easements or franchises authorized to be acquired by this Act

(c) The words "the turnpike" shall mean the turnpike to be constructed as hereinafter provided from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County and shall be deemed to include not only the turnpike and all tunnels and bridges connected therewith but also all property rights easements and franchises relating thereto and deemed necessary or convenient for the contsruction or theoperation thereof

(d) The term "cost of the turnpike" shall embrace the cost of constructing the turnpike and all connecting tunnels and bridges the cost of all lands properties rights easements and franchises acquired which are deemed necessary for such construction the cost of all machinery and equipment financing charges interest prior to and during construction and for one year after completion of construction cost of traffic estimates and of engineering and legal expenses plans specifications surveys estimates of cost and of revenues other expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative expense and such other expenses as may be necessary or incident to the financing herein authorized the contruction of the turnpike and connecting tunnels and bridges the placing of the same in operation and the condemnation of property necessary for such construction and operation Any obligation or expense heretofore or hereafter incurred by the Department of Highways of the Commonwealth for traffic surveys preparation of plans and specifications supervision of construction and other engineering services performed by the Department and its agents and employes in connection with the construction of the turnpike or any of the connecting

tunnels and bridges shall be regarded as a part of the cost of the turnpike and shall be reimbursed to the Department of Highways out of the proceeds of the turnpike revenue bonds hereinafter authorized

Section 4 That there is hereby created a commission to be known as the "Pennsylvania Tunrpike Commission" and by that name the Commission may sue and be sued plead and be implead contract and be contracted with and have an official seal The Commission shall consist of five members and the Secretary of Highways shall be a member ex officio The four remaining members shall be residents of the Commonwealth of Pennsylvania at the time of their appointment and qualification and shall also at such time have been qualified electors therein for a period of at least one year next preceding their appointment The appointed members of the Commission shall continue in office for terms of four six eight and ten years respectively from the dates of their appointment and until their respective successors shall be duly appointed and qualified the term of each appointed member to be designated by the Governor at the time of his appointment but their successors shall each be appointed for a term of ten years except that any person appointed to fill a vacancy shall serve only for the unexpired term and any member of the Commission shall be eligible for reappointment Immediately after such appointments the members of the Commission shall enter upon their duties Each appointed member of the Commission before entering upon his duties shall take the oath prescribed by Article VIII of the Constitution of the Commonwealth The Commission shall elect one of the appointed members as Chairman of the Commission and shall also elect a Secretary and Treasurer who may not be a member of the Commission Three members of the Commission shall constitute a quorum who for all purposes must act unanimously No vacancy in the Commission shall impair the right of a quorum of the commissioners to exercise all the rights and perform all the duties of the Commission Before the issuance of any turnpike revenue bonds under the provisions of this Act each appointed member of the Commission shall execute a bond in the penalty of $25,000 and the Secretary and Treasurer shall execute a bond in the penalty of $50,000 each such bond to be approved by the Governor and to be conditioned upon the faithful performance of the duties of his office which bonds shall be filed in the office of the Secretary of the Commonwealth The Commission shall make necessary rules and regulations for its own government and shall have power and authority to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act and to employ engineering architectural and construction experts and inspectors and attorneys and such other employes as may be necessary in its judgment and fix their compensation provided however that all contracts and agreements relating to the construction of the turnpike and connecting tunnels and bridges shall be approved by the Department of Highways and the turnpike and connecting tunnels and bridges shall be constructed under the supervision of the Department of Highways Each appointed member of the Commission shall receive an annual salary of $5,000 payable in monthly installments and each member of the Commission shall be reimbursed for necessary expenses incurred in the performance of his duties All such compensation and salaries and all expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the authority of this act All public or private property damaged or destroyed in carrying out the powers granted by this act shall be restored or repaired and placed in their original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this act

Section 5 The Commission with the approval of the Department of Highways is hereby authorized and empowered to acquire by purchase whenever it shall deem such purchase expedient such tunnels whether wholly or partly constructed rights of way franchises easements and other interests in lands as it may deem necessary for the construction and operation of the turnpike upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the Commission and the owner thereof and to take title thereto in the name of the Commonwealth

Section 6 Whenever a reasonable price cannot be agreed upon or whenever the owner is legally incapacitated or is absent or is unable to convey valid title or is unknown the Commission is hereby authorized and empowered to acquire by condemnation any such tunnel or tunnels whether wholly or partly constructed or interest or interests therein and any lands rights easements franchises and other property deemed necessary or convenient for the construction or the efficient operation of the turnpike in the manner hereinbefore provided In such event application shall be made by the Commission acting through the Department of Justice or by any owner or owners to the court of common pleas of the county in which the property is located or in the case of property on the boundary line between two or more counties then in any such counties for the appointment of viewers Whereupon said court or any law judge thereof shall appoint three disinterested freeholders to view such property and estimate the value thereof None of the freeholders shall be a resident of the county wherein such application shall be made The court shall fix a time not less than twenty nor more than thirty days thereafter when the viewers shall meet upon the property and view the same The viewers shall cause at least ten days' personal notice of the time and place of such meeting to be given to the Attorney General and to the owner or owners if resident within said county If the owner is a corporation such notice shall be given to the president secretary or treasurer thereof if such officer resides within said county If neither owner nor any of such officers reside within the county or cannot be found therein or is unknown notice of such first meeting shall be given as the court may direct The viewers having been duly sworn or affirmed faithfully and impartially to perform the duties required of them under the provisions of this act shall at the time fixed for the first meeting proceed to ascertain as accurately as may be the value of such tunnel land rights easements or franchises and to that end may require the attendance of any person whose testimony may be pertinent thereto and production of any such books or papers as the viewers deem necessary If any person shall refuse to appear and testify before such viewers or refuse to produce such books and papers when they are required then the court or any judge thereof shall on application of the viewers or a quorum thereof make such order therein as may be necessary Whenever the viewers shall have ascertained the value of the tunnel lands rights easements or franchises they shall prepare a full report of their labors Upon the completion of the report the viewers shall fix a time when they shall meet and exhibit same Ten days' written notice of the time and place of such meeting together with a copy of said report shall be given to the Chairman of the Commission to the Attorney General and to the owner or owners of the property condemned At the time and place mentioned in such notice the viewers shall meet and publicly exhibit the report and hear all exceptions thereto After making any changes in such report as they may deem necessary the same shall be filed in the court Within thirty days after the filing of the report in the court the Commission acting through the Department of Justice or any person interested may file exceptions thereto Whereupon the court may confirm the report absolutely or modify it or refer it back to the same or to any viewers with like powers and duties of the former viewers Within thirty days after final action on the report by the court the Commission acting through the De-

partment of Justice or any person interested may demand a trial by jury From the action of the court on exceptions or from any judgment after a jury trial an appeal may be taken by any party to the Supreme or Superior Court Each of the viewers shall receive a sum not exceeding ten dollars for each day actually and necessarily employed in the performance of the duties herein prescribed and all necessary expenses actually incurred in the performance of his duties Title to any property condemned by the Commission shall be taken in the name of the Commonwealth The Commonwealth shall be under no obligation to accept and pay for any property condemned or any costs incidental to any condemnation proceedings and shall in no event pay for the same except from the funds prvoided by this act and in any condemnation proceedings the court having jurisdiction of the suit action or proceeding may make such orders as may be just to the Commonwealth and to the owners of the property to be condemned

In addition to the foregoing powers the Commission and its authorized agents and employes may enter upon any lands waters and premises in the State for the purposes of making surveys sounding drillings and examinations as it may deem necessary or convenient for the purposes of this act and such entry shall not be deemed a trespass

All counties cities boroughs townships and other political subdivisions and municipalities and all public agencies and commissions of the Commonwealth of Pennsylvania notwithstanding any contrary provision of law are hereby authorized and empowered to lease lend grant or convey to the Commission upon its request upon such terms and conditions as the proper authorities of such counties cities boroughs townships political subdivisions or other municipalities may deem reasonable and fair and without the necessity for any advertisement order of court or other action or formality other than the regular and formal action of the authorities concerned any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Commission including real property already devoted to public use

Section 7 Whenever the Commission decides to acquire any such tunnel or tunnels lands rights easements and franchises or interests therein by condemnation as hereinbefore provided and has tendered a bond in sufficient sum to secure the owner or owners for damages and the same has been accepted or if the acceptance of said bond has been refused and the same has been filed in and approved by the court in which such condemnation proceeding is instituted the Commission shall have the right to immediate possession of the property which is the subject matter of the condemnation proceedings and shall enter thereon in the name of the Commonwealth If the owner leasee or occupier of any of said premises shall refuse to remove his personal property therefrom or give up possession thereof the Commission may proceed to obtain possession in the manner now provided by law for the obtaining possession by the Secretary of Highways of occupied structures.

Section 8 The Commission is hereby authorized to provide by resolution at one time or from time to time for the issurance of turnpike revenue bonds of the Commonwealth for the purpose of paying the cost as hereinabove defined of the turnpike which resolution shall recite an estimate of such cost The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment The bonds shall be dated shall bear interest at such rate or rates not exceeding six per centum per annum payable semi-annually shall mature at such time or times not exceeding forty years from their date or dates as may be determined by the Commission and may be made redeemable before maturity at the option of the Commission at such price or prices and under such terms and conditions as may be fixed by the Commission prior to the issuance of the bonds provided such redemption price shall not increase interest to more than six per centum The principal and interest of such bonds may be made payable in any lawful medium The Commission shall determine the form of the bonds including any interest coupons to be attached thereto and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof which may be at any bank or trust company within or without the Commonwealth The bonds shall be signed by the Governor and by the Chairman of the Commission and the offical seal of the Commission shall be affixed thereto and attested by the Secretary and Treasurer of the Commission and any coupons attached thereto shall bear the facsimile signature of the Chairman of the Commission In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery All turnpike revenue bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of the negotiable instruments under the negotiable instruments law of the Commonwealth Such bonds and the income thereof shall be exempt from all taxation within the Commonwealth The bonds may be issued in coupon or in registered form or both as the Commission may determine and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest The Commission may sell such bonds in such manner and for such price as it may determine to be for the best interests of the Commonwealth but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values The proceeds of such bonds shall be used solely for the payment of the cost of the turnpike and shall be disbursed upon requisition of the Chairman of the Commission under such restrictions if any as the resolution authorizing the issuance of the bonds or the trust indenture hereinafter mentioned may provide If the proceeds of such bonds by error of calculation or otherwise shall be less than the cost of the turnpike additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued If the proceeds of the bonds shall exceed the cost of the turnpike the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds Prior to the preparation of definitive bonds the Commission may under the restrictions issue temporary bonds with or without coupons exchangeable for definitive bonds upon the issuance of the latter The Commission may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost Such turnpike revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings conditions and things which are specified and required by this act.

Such bonds are hereby made securities in which all State and municipal officers and administrative departments boards and commissions of the Commonwealth all banks bankers savings banks trust companies saving and loan associations investment companies and other persons carrying on a banking business all insurance companies insurance associations and other persons carrying on an insurance business and all administrators executors guardians trustees and other fiduciaries and all other persons whatsoever who now or may hereafter be authorized to invest in bonds or other obligations of the Commonwealth may properly and legally invest any funds including capital belonging to them or within their control and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the

Commonwealth is now or may hereafter be authorized by law.

Section 9 All moneys received from any bonds issued pursuant to this act shall be applied solely to the payment of the cost of the turnpike or to the appurtenant sinking fund and there shall be and hereby is created and granted a lien upon such moneys until so applied in favor of holders of such bonds or the trustee hereinafter provided for in respect of such bonds.

Section 10 In the discretion of the Commission such bonds may be secured by a trust indenture by and between the Commission and a corporate trustee which may be any trust company or bank having the powers of a trust company within or outside of the Commonwealth Such trust indenture may pledge or assign tolls and revenue to be received but shall not coonvey or mortgage the turnpike or any part thereof Either the resolution providing for the issuance of such bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law including covenants setting forth the duties of the Commission in relation to the acquistion of properties and the contractors maintenance operation and repair and insurance of the turnpike and the custody safe-guarding and application of all moneys It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as such depository and to furnish such identifying bonds or to pledge such securities as may be required by the Commission Such indenture may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations In addition to the foregoing such trust indenture may contain such other provisions as the Commission may deem reasonable and proper for the security of bondholders All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance operation and repair of the turnpike.

Section 11 The turnpike when completed and opened to traffic shall be maintained and repaired by the Commission through the Department of Highways of the Commonwealth and all charges and costs actually expended by said Department of Highways shall be paid to it by the Commission upon certification thereof out of tolls Such turnpike shall also be policed and operated by such force of police toll-takers and other operating employes as the Commission may in its discretion employe.

The Commission is hereby authorized to fix and to revise from time to time tolls for the use of the turnpike and the different parts or sections thereof and to charge and collect the same and to contract with any person partnership association or corporation desiring the use of any part thereof including the right of way adjoining the paved portion for placing thereon telephone telegraph electric light or power lines gas stations garages stores hotels restaurants and advertising signs or for any other purpose except for tracks for railroad or railway use and to fix the terms conditions rents and rates of charges for such use Such tolls shall be so fixed and adjusted as to provide a fund sufficient with other revenues of the turnpike if any to pay (a) the cost of maintaining repairing and operating the turnpike and (b) the bonds and the interest thereon as the same shall become due Such tolls shall not be subject to supervision or regulation by any other state commission board bureau or agency The tolls and all other revenues derived from the turn pike except such part thereof as may be required to pay the cost of maintaining repairing and operating the turnpike and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of the bonds or in the trust indenture shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to and charged with the payment of (1) the interest upon such bonds as such interest shall fall due (2) the principal of the bonds as the same shall fall due (3) the necessary fiscal agency charges for paying principal and interest and (4) any premium upon bonds retired by call or purchase as herein provided The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the inssuance of bonds or in the trust indenture but except as may otherwise be provided in such resolution or trust indenture such sinking fund shall be a fund for the benefit of all bonds issued hereunder without distinction or priority of one over another Subject to the provisions of the resolutions authorizing the issuance of bonds or of the trust indenture any moneys in such sinking fund in excess of an amount equal to one year's interest on all bonds then outstanding may be applied to the purchase or redemption of bonds All bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued

Section 12 When the bonds and the interest thereon shall have been paid or a sufficient amount shall have been provided for their payment and shall continue to be held for that purpose the turnpike and the connecting tunnels and bridges shall become a part of the system of state highways and shall be maintained by the Department of Highways free of tolls and thereupon the Commission shall be dissolved and all funds of the Commission not required for the payment of the bonds and all machinery equipment and other property belonging to the Commission shall be vested in the Department of Highways

Section 13 Any holder of bonds issued under the provisions of this act or any of the coupons attached thereto and the Trustee under the trust indenture if any except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture may either at law or in equity by suit action mandamus or other proceedings protect and enforce any and all rights granted hereunder or under such resolution or trust indenture and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture to be performed by the Commission or any officer thereof including the fixing charging and collecting of tolls for the use of the turnpike.

Section 14 The Commission is hereby authorized to provide by resolution for the issuance of turnpike revenue refunding bonds of the Commonwealth for the purpose of refunding any turnpike revenue bonds issued under the provisions of this act and then outstanding The issuance of such turnpike revenue refunding bonds the maturities and other details thereof the rights of the holders thereof and the duties of the Commonwealth and of the Commission in respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable and by the following provisions.

(a) No turnpike revenue refunding bonds shall be delivered unless delivered in exchange for turnpike revenue bonds to be refunded thereby except in the amount necessary to provide for the payment of matured or redeemable turnpike revenue bonds or turnpike revenue bonds maturing or redeemable within three months including any redemption premium thereon.

(b) No turnpike revenue refunding bonds shall be issued unless issued to refund turnpike revenue bonds which have matured or will mature within three months or unless the interest rate of the turnpike revenue refunding bonds shall be at least one-fourth of one per centum less than the interest rate born by the turnpike revenue bonds to be refunded.

Section 15 The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing Such sections being necessary for the welfare of the Commonwealth and its inhabitants shall be liberally construed to effect the purposes thereof

Section 16 The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction the decision of

such court shall not affect or impair any of the remaining provisions It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 17 All acts and parts of acts inconsistent with this act are hereby repealed.

Section 18 This act shall become effective upon its approval by the Governor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 664, as follows:

An Act to amend section twenty-one of the act approved the thirteenth day of June one thousand eight hundred thirty-six (P. L. 551) entitled "An act relating to roads highways and bridges" providing for the vacation of parts of former state roads and turnpike roads where state highways are changed or relocated.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-one of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 551) entitled "An act relating to roads highways and bridges" is hereby amended to read as follows

Section 21 The said courts respectively shall also have power in the manner aforesaid to inquire of and vacate any part of a state road within the respective county which shall have been supplied and rendered useless by a substantial and permanent turnpike road made and completed according to law [but no stockholder in such turnpike road shall in such case be a viewer or reviewer] and also to inquire of and vacate any part or parts of any former state road or turnpike road which was adopted as a state highway where such part or parts thereof due to the change or relocation of the state highway no longer form a part of such state highway

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1303, as follows:

An Act abating certain tax penalties and interest on city and school taxes in cities of the first class and school districts of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent city or school taxes in cities of the first class and in school districts of the first class for the tax year one thousand nine hundred and thirty-six and for all previous tax years shall be abated without the necessity of further action on the part of the council of such city or by the board of public education of such school district as the case may be if the following provisions are complied with

(a) That all of the said respective delinquent taxes are paid in four equal semi-annual installments beginning not later than August first one thousand nine hundred and thirty-seven and that

(b) The respective current taxes for the years during such installment period shall be paid before they become delinquent

Section 2 In case any taxpayer shall default in the payment of any installment of taxes or in the payment of current taxes as required in section one of this act the penalties and interest on the installments of such delinquent taxes remaining unpaid shall not be abated but shall remain due and payable as provided by existing law Provided however That at any time during the installment period any tax payer who has accepted the installment system of payment provided by this act may pay the entire balance due on delinquent taxes for the year one thousand nine hundred and thirty-six and all previous years whereupon the penalties and interest on such delinquent taxes for such years shall be abated and all liens filed for delinquent taxes shall be satisfied of record upon tender of the costs due thereon Provided further however That the taxes for the then current year and all years subsequent to one thousand nine hundred and thirty-six during the installment period have been paid

Section 3 Any taxpayer who has not accepted the installment system provided by this act may at any time before January first one thousand nine hundred and thirty-eight anticipate the payment of all taxes for the year one thousand nine hundred and thirty-six and all previous years by paying the same in full less all penalties and interest whereupon all such penalties and interest shall be abated and the liens filed for the same shall be marked satisfied of record upon tender of the costs due thereon

Section 4 The benefits of this act shall extend and accrue to any successful bidder or purchaser at a sheriff's or other judicial sale grantee transferee mortgagee or other party in interest in the parcel or parcels of real estate against which the above-mentioned taxes have been assessed and levied

Section 5 Any taxpayer shall have the right to pay delinquent taxes assessed and levied against any parcel of real estate and receive the benefits of this act without being required to pay the delinquent taxes assessed and levied against any other parcel or parcels of real estate

Section 6 The abatement of penalties and interest on such taxes shall be made whether or not liens for such taxes have been filed in the office of the prothonotary or proceedings for the collection of such taxes shall have been instituted in any court of such county and the taxpayer and the real estate shall not be liable for the payment of any costs incurred in filing such liens or in prosecuting such proceedings

Section 7 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 64, entitled:

An Act to amend section two hundred and one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" making the real estate of public service companies subject to taxation and providing certain exceptions

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Represenatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby amended to read as follows:

Section 201 Subjects of Taxation Enumerated The following subjects and property shall as hereinafter provided be valued and assessed and subject to taxation for all county city borough town township school and poor purposes at the annual rate

(a) All real estate to wit Houses lands lots of ground and ground rents mills and manufactories of all kinds furnaces forges bloomeries distilleries sugar houses malt houses breweries tan yards fisheries and ferries wharves and all real estate owned or possessed by and public service companies except the super-structure of the roads of railroads and street railways companies and the rights of way upon which same are located and except the lines and pipes of companies used for the transmission of water electric power messages oil natural and artificial gas and the rights of way upon which the same are located and all other real estate not exempt by law from taxation

(b) All salaries and emoluments of office all offices and posts of profit professions trades and occupations except the occupation of farmer and all persons over the age of twenty-one years who do not follow any occupation or calling as well as of unnaturalized foreign-born persons who shall have resided within this Commonwealth for one whole year as of citizens of this Commonwealth Provided That whenever a person other than a Federal employe not taxable under the provision of this clause is disfranchised from voting because he cannot be lawfully assessed for a county or State tax it shall be lawful for the county commissioners to assess the occupation of such persons for county taxation purposes in the manner provided by this act for such assessments The provisions of this clause shall not apply to counties of the second and third class or to cities of the second and second A classs or to school districts

(c) All other things and persons now taxable by the laws of this Commonwealth for county city and school purposes

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page, 2 line 25, by inserting after the word "except" the following: "the production and distribution collection and treatment plants and facilities".

Amend section 1, page 2, line 26, by inserting after the word "transmission" the words "and distribution".

Amend section 1, page 2, line 26, by inserting after the word "water" the word "steam".

Amend section 1, page 2, line 28, by inserting before the word "rights" the words "lands and".

On the question,

Will the House agree to the amendments?

Mr. HOLLAND. Mr. Speaker and members of the House, I rise to oppose these amendments because this bill as it now stands does not go far enough. We have heard in many public hearings of what they do in other states, but in the hearings which we have heard of this bill the utilities have not told us what they pay in other states. In every state in the United States the utilities pay the same taxes to the state as we do. But they go farther; they pay the same real estate tax as the home owner pays; they pay a right of way tax for the use of the streets, for the use of the railroads, and for their overhead wires, which we do not charge in Pennsylvania. When a pipe line leaves the state and enters into an adjoining state, or a railroad makes use of overhead wires, they immediately start to pay a right of way tax.

You have heard a message from the Governor in which he urged the enactment of a tax to help distressed school districts. In nearly all of the distressed school districts of Pennsylvania our lands are held by utilities, who do not pay one cent of local tax. When this tax burden is taken from utilities, where is it placed and placed doubly but on the home owner? If you take a parcel of any property out of a district and make it tax exempt, those remaining in that district must pay the tax for that exemption.

I urge the members of this House to vote down these amendments because let me point out to you the taxes paid in adjoining cities, in addition to the gross receipts tax. In the city of Trenton, which has a population of one hundred and twenty-three thousand people, they pay a local tax of three hundred and seventy-five thousand dollars. In Newark, New Jersey which has a population of four hundred and forty-two thousand people, they pay a local tax of four million four hundred thousand dollars. In the city of Cleveland which has a population of nine hundred thousand people, they pay a local tax of four million two hundred and forty-two thousand dollars. In the city of Baltimore, which has a population of eight hundred thousand people, they pay a local tax of ten million dollars. In Wheeling, West Virginia, a town of only sixty-one thousand people, they pay a local tax of one hundred and seventy-five thousand dollars, and I might add that they pay a gross receipts tax of three per cent. In the city of Buffalo, with a population of five hundred thousand people they pay a local tax of four million seven hundred and sixty-three thousand dollars, and the county in which Buffalo is located collects seven million dollars in local taxes.

Therefore I ask the members of this House to vote down these amendments because it is time to show the people of Pennsylvania that this House is not controlled by utilities.

Mr. YOURISHIN. Mr. Speaker and members of the House, these amendments only tend to correct some of the exemptions that are in the bill at the present time. I do not believe in making fish of one and flesh of another. The amendments merely exempt power plants, transmission lines and steam lines, adding only to the exemptions that are in the bill now a provision exempting railroads, street railways, pipe lines, natural and artificial gas lines.

I ask the members of this House to vote for the amendments.

On the question,

Will the House agree to the amendments?

Mr. HOLLAND. Mr. Speaker, I ask for roll call.

Mr. TRONZO. Mr. Speaker, I second the call for a roll call.

BILL AND AMENDMENTS LAID ON TABLE

Mr. HERBERT B. COHEN. Mr. Speaker, I move you that the bill, together with the amendments, be laid upon the table.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. HOLLAND and Mr. MARINO.

Mr. PIOLE. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—137

Achterman,	Gillette,	McGee,	Sollenberger,
Alexander,	Habbyshaw,	McKinney,	Sproul,
Allmond,	Haberlen,	McShane,	Stewart,
Atkins,	Hagerty,	Melchiorre,	Stockham,
Aukerman,	Hall,	Merrell,	Strode,
Baker, F. T.,	Hamilton, F. P.,	Moul,	Terry,
Balthaser,	Hamilton, R. S.,	Muir,	Thompson,
Bierly,	Hays,	O'Brien,	Toole,
Blank,	Hess,	O'Connor,	Trout,
Boltz,	Hetrick,	Ominsky,	Tumelty,
Boose,	Hindman,	O'Neill,	Turner,
Boyer,	Hirsch,	Ostroff,	Valibus,
Brancato,	Holmes,	Peale,	VanAllsburg,
Cadwalader,	Holstrom,	Perry,	VanSickle,
Caesar,	Horting,	Pershing,	Vogt,
Coakley,	Huntley,	Readinger,	Wall,
Cohen, H. B.,	Imbrie,	Reese,	Walsh,
Cohen, R. E.,	Jirolanio,	Richter,	Wampole,
Coleman,	Kane,	Rothenberger,	Watkins,
Corrigan,	Kilroy,	Royer,	Webster,
Costanzo,	Kline,	Schor,	Weidemann,
Davies,	Kroll,	Schrock,	Welliver,
DeNote,	Leisey,	Schrope,	Westrick,
Donohoe,	Levy,	Schumacher,	Whalen,
Dougherty,	Lewis,	Serrill,	Whitenight,
Downey,	Long,	Shea,	Wilson,
Dubbs,	Longaker,	Shepard,	Winner,
Dyson,	Lopresti,	Shoemaker,	Wood,
Eckels,	Lovett,	Siegel,	Woodside,
Falkenstein,	Mallen,	Simon,	Wright,
Finnerty,	Matthews, J. F.,	Simpson,	Yanoshat,
Fitch,	McCullough,	Smith, James A.,	Yeakel,
Flannery,	McDevitt,	Smith, John A.,	Yourishin,
Flinchbaugh,	McFall,	Snyder,	Furman,
Ganser,			

NAYS—58

Allen,	Elpern,	McElroy,	Preston,
Arnold,	Flanagan,	Mellott,	Reising,
Baine,	Gerard,	Mihm,	Robinson,
Baker, J. J.,	Gorski,	Moomaw,	Ruffennach,
Bohn,	Harkins,	Mooney,	Sarraf,
Boies,	Harmuth,	Moran,	Shaw,
Broad,	Holland,	Murrin,	Stank,
Brown,	Hontz,	Nagel,	Thomas,
Brownfield,	Keenan,	O'Keefe,	Tronzo,
Burrows,	Kelso,	Patterson, S.,	Wagner,
Caputo,	LaRue,	Patterson, W.,	Weiss, D. H.,
Chervenak,	Marino,	Pearson,	Weiss, S. A.,
Coolahan,	McArdle,	Piole,	Welsh,
Decker,	McDermott,	Powers,	Zappala,
Dickinson,			

So the question was determined in the affirmative and the motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on the final passage of House Bill No. 228, as follows:

An Act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores as herein defined prescribing the method and manner of collecting such tax and its disposition and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Short Title This act shall be known and may be cited as the "Store Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Corporation" A corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency

"Department" The Department of Revenue of this Commonwealth

"Person" Every natural person association corporation receiver or assignee

"Store" Any store or any mercantile establishment in which or from which tangible personal property of any kind is sold The term "store" as used in this act shall be construed to mean or include only retail places of business and shall not include warehouses or establishments at which the sole business conducted is that of selling storing or distributing commodities in bulk

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 License It shall be unlawful for any person to open establish operate maintain or control any store in this Commonwealth without first having obtained and having in possession a valid license so to do from the department as hereinafter provided by each person engaged in the operation maintenance or control of such a store on the effective date of this act shall sixty (60) days within which to obtain the first license for each such store operated maintained or controlled by him A separate license shall be procured for each store Licenses issued under this act may not be transferred or assigned Each licensee shall display each license so issued in a conspicuous place in the store for which such license is issued The licenses issued under the provisions of this act shall be annual licenses effective from June first of one year until and including May thirty-first of the year following The first licenses shall be required for the year commencing June first one thousand nine hundred and thirty-seven

Section 4 Application for License Any person desiring to open establish operate maintain or control such a store in this Commonwealth shall apply to the department for a license so to do before the first day of June of each year except as otherwise provided in section three hereof as to the first license The application for license shall be made on a form prescribed and furnished by the department and shall set forth the name of the person desiring such license the name and location of the store for which the license is desired and such other information as the department may require Each such application shall be accompanied by the proper license tax as hereinafter prescribed in this act and upon receiving the prescribed fee the department shall issue said license

Section 5 License Taxes Every person opening establishing operating maintaining or controlling one or more stores within this Commonwealth under the same general management supervision or ownership shall pay an annual license tax for the privilege of opening establishing operating maintaining or controlling such store or stores as follows

(1) Upon one store the sum of one dollar ($1.00)

(2) Upon each store in excess of one but not to exceed five stores the sum of five dollars ($5.00) for each such additional store

(3) Upon each store in excess of five but not to exceed ten stores the sum of ten dollars ($10.00) for each such additional store

(4) Upon each store in excess of ten but not to exceed fifteen stores the sum of twenty dollars ($20.00) for each such additional store

(5) Upon each store in excess of fifteen but not to

exceed twenty stores the sum of thirty dollars ($30.00) for each such additional store

(6) Upon each store in excess of twenty but to exceed thirty stores the sum of fifty dollars ($50.00) for each such additional store

(7) Upon each store in excess of thirty but not to exceed fifty stores the sum of one hundred dollars ($100.00) for each additional store

(8) Upon each store in excess of fifty but not to exceed seventy-five stores the sum of two hundred dollars ($200.00) for each such additional store

(9) Upon each store in excess of seventy-five but not to exceed one hundred stores the sum of two hundred and fifty dollars ($250.00) for each such additional store

(10) Upon each store in excess of one hundred but not to exceed two hundred stores the sum of three hundred and fifty dollars ($350.00) for such additional store

(11) Upon each store in excess of two hundred but not to exceed five hundred stores the sum of four hundred and fifty dollars ($450.00) for each such additional store

(12) Upon each store in excess of five hundred stores the sum of five hundred dollars ($500.00) for each such additional store

Section 6 Ownership Two or more stores shall for the purpose of this act be considered under the same general management supervision or ownership if directly or indirectly controlled by a single person or any group of persons having a common interest in such stores or if any part of the gross revenues net revenues or profits from any such stores shall directly or indirectly be required to be immediately or untimately made available for the beneficial use or shall directly or indirectly inure to the immediate or ultimate benefit of any single person or any group of persons having a common interest therein

Section 7 Penalty Any person operating maintaining or controlling a store without a license as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) and costs of prosecution Each and every day that such violation shall continue shall constitute a separate and distinct offense

Section 8 Examination of Records Penalty The department or any duly authorized agent thereof shall have the power to examine the books records papers and files within or outside the Commonwealth of any person operating maintaining or controlling a store within this Commonwealth It shall have the power to examine witnesses under oath to verify the accuracy of any application or to ascertain whether or not any license tax is due which has not been paid Any person refusing to allow an examination of his books records papers and files as herein provided or who refuses to furnish the department with any information requested shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) and costs of prosecution Each such refusal shall be deemed a separate offense

Section 9 Disposition of Tax and Fines All taxes and fines received collected or recovered under this act shall be paid into the State Treasury through the department and credited to the Sate School and shall be available for the payment of any appropriations made from time to time to the Department of Public Instruction for payment to school districts of the fourth class for the salaries of members of the teaching staffs of schools of such districts in accordance with the provisons of law

Section 10 License Tax in Addition to Existing Taxes The license tax imposed by this act shall be in addition to any taxes now imposed or that may subsequently be imposed by law

Section 11 Constitutionality If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional section sentence clause or part thereof not been included therein

Section 12 Effective Date This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—175

Achterman,	Fitch,	McCullough,	Schor,
Alexander,	Flanagan,	McDermott,	Schrock,
Allen,	Flannery,	McDevitt,	Schrope,
Allmond,	Flinchbaugh,	McElroy,	Shaw,
Arnold,	Ganser,	McFall,	Shea,
Atkins,	Gerard,	McGee,	Shepard,
Aukerman,	Gillette,	McShane,	Shoemaker,
Baine,	Gorski,	Melchiorre,	Siegel,
Baker, F. T.,	Habbyshaw,	Mellott,	Simon,
Baker, J. J.,	Haberlen,	Merrell,	Simpson,
Balthaser,	Hagerty,	Mihm,	Smith, James A.,
Bierly,	Hall,	Moomaw,	Smith, John A.,
Blank,	Hamilton, F. P.,	Mooney,	Snyder,
Bohn,	Hamilton, R. S.,	Moran,	Sollenberger,
Boies,	Harkins,	Moul,	Spengler,
Boltz,	Harmuth,	Munley,	Stank,
Bradley,	Hays,	Murrin,	Thomas,
Brancato,	Hering,	Nagel,	Thompson,
Broad,	Hess,	O'Brien,	Toole,
Brown,	Hetrick,	O'Connor,	Tronzo,
Brownfield,	Hindman,	O'Keefe,	Tumelty,
Burrows,	Hirsch,	Ominsky,	Valibus,
Caesar,	Holland,	O'Neill,	VanAllsburg,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, S.,	Vogt,
Coakley,	Hontz,	Patterson, W.,	Wagner,
Cohen, H. B.,	Horting,	Peale,	Wall,
Cohen, R. E.,	Huntley,	Pearson,	Walsh,
Coleman,	Imbrie,	Perry,	Watkins,
Coolahan,	Jirolanio,	Pershing,	Webster,
Corrigan,	Kane,	Piole,	Weiss, D. H.,
Costanzo,	Keenan,	Powers,	Weiss, S. A.,
Davies,	Kelso,	Preston,	Wellliver,
Decker,	Kilroy,	Readinger,	Welsh,
DeNote,	Kline,	Reese,	Westrick,
Dickinson,	Kroll,	Reising,	Whalen,
Donohoe,	LaRue,	Richter,	Whitenight,
Dougherty,	Leisey,	Robinson,	Wilson,
Downey,	Levy,	Rothenberger,	Wood,
Dubbs,	Lewis,	Royer,	Woodside,
Dyson,	Long,	Ruffennach,	Wright,
Eckels,	Lopresti,	Rush,	Yanoshat,
Elpern,	Lovett,	Sarraf,	Yourishin,
Falkenstein,	Marino,	Matthews, J. F.,	Zappala,
Finnerty,	McArdle,	Scanlon,	Furman,

NAYS—19

Boyer,	Muir,	Stockham,	Wampole,
Cadwalader,	Schumacher,	Strode,	Weidemann,
Fiss,	Serrill,	Terry,	Winner,
Longaker,	Sproul,	Trout,	Yeakel,
McKinney,	Stewart,	Turner,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. FISS filed the following reasons for his vote:

My reasons for voting "No" on H. B. 228:

The bill discriminates.

The large department store which is nothing more than a number of stores in one, will pay one dollar, the chain stores one hundred in number would pay thirty five thousand dollars. The one hundred stores, a smaller corporation does his business but pays more tax. The out-of-state chain stores should be compelled to pay tax to do business in Pennsylvania. The tax means confiscation.

The Independent Grocers would also suffer according to the working of the bill.

The many department stores in the restuarant business.

The mail order Houses would reap a harvest at the expense of Pennsylvania businessmen.

Mr. SCHUMACHER filed the following reason for his vote:

I am voting "No" because I think this tax will be added to consumers cost.

Mr. STEWART filed the following reasons for his vote:

I am voting against House Bill 228, not because I am against the increase of teacher's salaries for I have a bill raising the salary of teachers of the fourth class to $1000 per annum and with increments (House Bill 139).

I believe the bill is class legislation and very unfair, hence I vote "No".

RESOLUTION

RECALLING HOUSE BILL No. 742 FROM THE GOVERNOR

Mr. HERBERT B. COHEN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives
March 22, 1937.

Resolved (if the Senate concur), that House Bill No. 742, Printer's No. 177, entitled "A supplement to the act approved the twentieth day of July one thousand nine hundred thirty-five (Appropriation Acts page seventy-one) entitled 'An act to provide for the ordinary expense of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five, providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-seven", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 646, entitled:

An Act to promote the public health, safety, morals and welfare by providing for the creation of corporations to be known as limited dividend housing companies for the purpose of eliminating unsanitary and dangerous housing conditions, and constructing and operating safe and sanitary dwellings and apartments to be let at reasonable rentals, or sold; providing for the acquisition of property by the exercise of the power of eminent domain; providing for the supervision and regulation of the activities of such companies by the State Board of Housing in the Department of Health, and regulating the supervision by the State Board of any such companies aided by the Federal Government or agencies thereof; defining the rights, powers and duties of such companies, and of persons investing in or dealing with such companies; authorizing such companies to lease and operate, or to manage, projects of any housing authority, and borrow money from agencies of the United States Government; exempting all such companies from the payment of any capital stock tax; making certain securities of such corporations legal investments for funds in the hands of municipal officers, insurance companies and associations, savings banks and savings institutions; authorizing certain existing companies to accept the provisions of this act, and repealing inconsistent acts.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Ganser,	Mellott,	Simpson,
Alexander,	Gerard,	Merrell,	Skale,
Allmond,	Gillette,	Mihm,	Smith, James A.,
Arnold,	Gorski,	Moomaw,	Smith, John A.,
Atkins,	Haberlen,	Mooney,	Snyder,
Aukerman,	Hagerty,	Moran,	Sollenberger,
Baine,	Hall,	Moul,	Spengler,
Baker, F. T.,	Hamilton, F. P.,	Muir,	Sproul,
Baker, J. J.,	Hamilton, R. S.,	Munley,	Stank,
Balthaser,	Harkins,	Murrin,	Stewart,
Bierly,	Harmuth,	Nagel,	Stockham,
Blank,	Hays,	O'Brien,	Strode,
Bohn,	Hering,	O'Connor,	Terry,
Boles,	Hess,	O'Keefe,	Thomas,
Boltz,	Hetrick,	Ominsky,	Thompson,
Boyer,	Hindman,	O'Neill,	Toole,
Bradley,	Hirsch,	Ostroff,	Tronzo,
Brancato,	Holmes,	Patterson, S.,	Trout,
Broad,	Holstrom,	Patterson, W.,	Tumelty,
Brown,	Horting,	Peale,	Turner,
Brownfield,	Huntley,	Pearson,	Valibus,
Burrows,	Imbrie,	Perry,	VanAllsburg,
Caesar,	Jirolanio,	Pershing,	VanSickle,
Caputo,	Kane,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Walsh,
Cohen, R. E.,	Kline,	Reese,	Wampole,
Coleman,	Kroll,	Reising,	Watkins,
Coolahan,	LaRue,	Richter,	Webster,
Corrigan,	Leisey,	Robinson,	Weidemann,
Costanzo,	Levy,	Rothenberger,	Weiss, D. H.,
Davies,	Lewis,	Royer,	Weiss, S. A.,
Decker,	Long,	Ruffennach,	Welliver,
DeNote,	Longaker,	Rush,	Welsh,
Dickinson,	Lopresti,	Sarraf,	Westrick,
Donohoe,	Lovett,	Scanlon,	Whalen,
Dougherty,	Mallen,	Schor,	Whitenight,
Downey,	Marino,	Schrock,	Wilson,
Dubbs,	Matthews, H. T.,	Schrope,	Winner,
Dyson,	McArdle,	Schumacher,	Wood,
Elpern,	McCullough,	Serrill,	Woodside,
Falkenstein,	McDermott,	Shaw,	Wright,
Finnerty,	McDevitt,	Shea,	Yanoshat,
Fiss,	McElroy,	Shepard,	Yeakel,
Fitch,	McFall,	Shoemaker,	Yourishin,
Flanagan,	McGee,	Siegel,	Zappala,
Flannery,	McShane,	Simon,	Furman,
Flinchbaugh,	Melchiorre,		

NAYS—2

Cadwalader,	Habbyshaw,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 965, entitled:

An Act to further amend the act, approved the sixteenth day of April, one thousand nine hundred and twenty-five (P. L. 244), entitled "An act applying to third class counties only, and regulating the selection, drawing, and sum-

moning of all jurors and talesmen, and defining their qualifications in such counties; creating a jury board and defining its powers and procedure; providing for the appointment of a clerk to the jury board and fixing his maximum salary; providing for the custody of the jury wheel, and the filing and custody of jury lists; providing for the public drawing of jurors and the methods thereof; giving the trial judge the right to excuse jurors; prescribing the time of challenging jurors or the array, and regulating the procedure if array is quashed; repealing all acts or parts of acts inconsistent therewith," by abolishing the jury board and transferring its powers and duties to the jury commissioners.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—141

Achterman,	Dyson,	McCullough,	Sarraf,
Alexander,	Falkenstein,	McDermott,	Scanlon,
Allen,	Finnerty,	McElroy,	Schor,
Allmond,	Fitch,	McFall,	Schrope,
Arnold,	Flanagan,	McGee,	Shaw,
Aukerman,	Flannery,	McShane,	Shea,
Baine,	Flinchbaugh,	Melchiorre,	Shepard,
Baker, J. J.,	Gerard,	Mellott,	Shoemaker,
Balthaser,	Gorski,	Mihm,	Siegel,
Bierly,	Hagerty,	Mooney,	Simon,
Blank,	Hamilton, F. P.,	Moran,	Smith, John A.,
Bohn,	Harkins,	Moul,	Smith, James A.,
Boles,	Harmuth,	Munley,	Spengler,
Boltz,	Hays,	Murrin,	Stank,
Bradley,	Hering,	Nagel,	Thomas,
Brown,	Hess,	O'Brien,	Thompson,
Brownfield,	Hetrick,	O'Connor,	Toole,
Burrows,	Hindman,	O'Keefe,	Tronzo,
Caesar,	Hirsch,	Ominsky,	Tumelty,
Caputo,	Holmes,	O'Neill,	Valibus,
Chervenak,	Holstrom,	Ostroff,	VanSickle,
Coakley,	Hontz,	Patterson, C. S.,	Vogt,
Cohen, H. B.,	Horting,	Patterson, J. W.,	Wagner,
Cohen, R. E.,	Jirolanio,	Pearson,	Walsh,
Coleman,	Keenan,	Piole,	Weiss, S. A.,
Coolahan,	Kelso,	Powers,	Welliver,
Corrigan,	Kilroy,	Preston,	Welsh,
Costanzo,	Kroll,	Readinger,	Westrick,
Decker,	LaRue,	Reese,	Whalen,
DeNote,	Levy,	Reising,	Whitenight,
Dickinson,	Lewis,	Richter,	Wright,
Donohoe,	Long,	Robinson,	Yanoshat,
Dougherty,	Lopresti,	Rothenberger,	Yourishin,
Downey,	Marino,	Ruffennach,	Zappala,
Dubbs,	McArdle,	Rush,	Furman,

NAYS—52

Atkins,	Imbrie,	Pershing,	Trout,
Baker, F. T.,	Kane,	Royer,	Turner,
Boose,	Kline,	Schrock,	VanAllsburg,
Broad,	Leisey,	Schumacher,	Wampole,
Cadwalader,	Longaker,	Serrill,	Watkins,
Davies,	Lovett,	Simpson,	Webster,
Eckels,	Mallen,	Snyder,	Weidemann,
Elpern,	Matthews, J. F.,	Sollenberger,	Weiss, D. H.,
Ganser,	McDevitt,	Sproul,	Wilson,
Habbyshaw,	McKinney,	Stewart,	Winner,
Haberlen,	Muir,	Stockham,	Wood,
Hall,	Peale,	Strode,	Woodside,
Hamilton, R. S.,	Perry,	Terry,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. BURROWS. Mr. Speaker, I desire to call up at this time House Bill No. 1217, Printer's No. 303, on page 20 of today's calendar, bill on third reading postponed.

Agreeably to order,

The bill having called from the postponed calendar by Mr. BURROWS.

The House resumed the consideration on third reading of House Bill No. 1217, entitled:

An Act to amend subsection (a) of section nine hundred three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within this Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; and making an appropriation and providing for refunds," as amended, changing the gross weight permitted for certain vehicles.

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. SCHUMACHER. Mr. Speaker and members of the House. I am not opposing House Bill 1217. This is an exact duplicate of House Bill No. 130 which I introduced on January 12th, and which was referred to the Committee on Motor Vehicles January 13, and is still in committee. House Bill 1217 was introduced March 3 by Mr. Burrows and Mr. Dyson, two Democratic members of this House, and referred to the Committee on Motor Vehicles, and was reported out of committee on March 10. This bill increases the gross load on a U license from thirteen thousand to fourteen thousand five hundred pounds.

Mr. Speaker and members of the House, I believe that House Bill 130 is a very good bill, and I also think that House Bill 1217 is a very good bill, and I ask every member of this House to vote "Aye" on House Bill 1217.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—135

Achterman,	Hall,	O'Neill,	Stewart,
Alexander,	Hamilton, F. P.,	Patterson, S.,	Stockham,
Allen,	Hamilton, R. S.,	Peale,	Strode,
Arnold,	Hetrick,	Pearson,	Terry,
Atkins,	Hindman,	Perry,	Thomas,
Aukerman,	Hirsch,	Pershing,	Thompson,
Baine,	Holstrom,	Piole,	Trout,
Baker, F. T.,	Horting,	Powers,	Tumelty,
Baker, J. J.,	Huntley,	Preston,	Turner,
Balthaser,	Imbrie,	Readinger,	Valibus,

Bierly,	Kane,	Reese,	VanAllsburg,
Blank,	Kelso,	Reising,	Vogt,
Bohn,	Kline,	Richter,	Wagner,
Boose,	Long,	Robinson,	Wall,
Bradley,	Longaker,	Rothenberger	Wampole,
Brancato,	Lopresti,	Ruffennach,	Watkins,
Brownfield,	Mallen,	Sarraf,	Webster,
Burrows,	Marino,	Scanlon,	Weidemann,
Cadwalader,	Matthews, J. F.,	Schrock,	Weiss, D. H.,
Caputo,	McCullough,	Schrope,	Weiss, S. A.,
Coleman,	McDermott,	Schumacher,	Welliver,
Coolahan,	McDevitt,	Serrill,	Westrick,
Davies,	McElroy,	Shepard,	Whalen,
Decker,	McGee,	Shoemaker,	Whitenight,
Dickinson,	McKinney,	Siegel,	Wilson,
Downey,	Mellott,	Simon,	Winner,
Dyson,	Merrell,	Simpson,	Wood,
Eckels,	Moomaw,	Smith, James A.,	Woodside,
Fiss,	Moul,	Smith, John A.,	Wright,
Gerard,	Muir,	Snyder,	Yanoshat,
Gillette,	Murrin,	Sollenberger,	Yeakel,
Gorski,	Nagel,	Spengler,	Yourishin,
Habbyshaw,	O'Connor,	Sproul,	Zappala,
Hagerty,	Ominsky,	Stank,	Furman,

NAYS—40

Allmond,	Dougherty,	Holmes,	Melchiorre,
Boies,	Dubbs,	Hontz,	Mihm,
Brown,	Falkenstein,	Jirolanio,	Mooney,
Caesar,	Finnerty,	Keenan,	Moran,
Chervenak,	Fitch,	Kilroy,	Patterson, W.,
Coakley,	Haberlen,	LaRue,	Shaw,
Cohen, R. E.,	Harkins,	Levy,	Shea,
Corrigan,	Harmuth,	Lewis,	Tronzo,
Costanzo,	Hays,	Lovett,	VanSickle,
Donohoe,	Hess,	McFall,	Welsh,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 831, entitled:

An Act providing for the degree of care to be exercised by a pedestrian, operator and driver of a motor or other vehicle at the crossing of a highway and a railroad or railway at grade in certain cases; and the proof of negligence and contributory negligence in such cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—189

Achterman,	Fiss,	McFall,	Shea,
Alexander,	Fitch,	McGee,	Shepard,
Allen,	Flanagan,	McKinney,	Shoemaker,
Allmond,	Flannery,	McShane,	Siegel,
Arnold,	Flinchbaugh,	Melchiorre,	Simon,
Atkins,	Ganser,	Mellott,	Simpson,
Aukerman,	Gerard,	Mihm,	Skale,
Baine	Gillette,	Moomaw,	Smith, James A.,
Baker, F. T.,	Gorski,	Mooney,	Smith, John A.,
Baker, J. J.,	Haberlen,	Moran,	Snyder,
Balthaser,	Hagerty,	Moul,	Sollenberger,
Bierly,	Hall,	Muir,	Spengler,
Blank,	Hamilton, F. P.,	Munley,	Sproul,
Bohn,	Harkins,	Murrin,	Stank,
Boies,	Harmuth,	Nagel,	Stockham,
Boltz,	Hays,	O'Brien,	Thomas,
Boose,	Hering,	O'Connor,	Thompson,
Boyer,	Hess,	O'Keefe,	Toole,
Bradley,	Hindman,	Ominsky,	Tronzo,
Brancato,	Hirsch,	O'Neill,	Tumelty,
Broad,	Holmes,	Ostroff,	Valibus,
Brown,	Holstrom,	Patterson, C. S.,	VanAllsburg,
Brownfield,	Hontz,	Patterson, J. W.,	VanSickle,
Burrows,	Horting,	Peale,	Vogt,
Caesar,	Huntley,	Pearson,	Wagner,
Caputo,	Imbrie,	Perry,	Wall,
Chervenak,	Jirolanio,	Pershing,	Walsh,
Coakley,	Kane,	Piole,	Wampole,
Cohen, H. B.,	Keenan,	Powers,	Watkins,
Cohen, R. E.,	Kelso,	Preston,	Webster,
Coleman,	Kilroy,	Readinger,	Weidemann,
Coolahan,	Kline,	Reese,	Weiss, D. H.,
Corrigan,	Kroll,	Reising,	Weiss, S. A.,
Costanzo,	LaRue,	Richter,	Welliver,
Davies,	Leisey,	Robinson,	Welsh,
Decker,	Levy,	Rothenberger,	Westrick,
DeNote,	Lewis,	Royer,	Whalen,
Dickinson,	Long,	Ruffennach,	Whitenight,
Donohoe,	Longaker,	Rush,	Wilson,
Dougherty,	Lopresti,	Sarraf,	Wood,
Downey,	Lovett,	Scanlon,	Woodside,
Dubbs,	Marino,	Schor,	Wright,
Dyson,	Matthews, J. F.,	Schrock,	Yanoshat,
Eckels,	McArdle,	Schrope,	Yeakel,
Elpern,	McCullough,	Schumacher,	Yourishin,
Falkenstein,	McDermott,	Serrill,	Zappala,
Finnerty,	McElroy,	Shaw,	Furman,

NAYS—12

Cadwalader,	Hetrick,	Merrell,	Terry,
Habbyshaw,	Mallen,	Stewart,	Trout,
Hamilton, R. S.,	McDevitt,	Strode,	Winner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

In the absence of objection House Bill No. 678, Printer's No. 304 was passed over in order at the request of Mr. SPROUL.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1157, entitled:

An Act to amend section one, section three as amended, and sections four, five and nine as added, of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream, artificial or natural body of water, or non-tidal waters of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties," extending fees; providing for new license plates each license year, and fixing license years; and regulating the installation and use of mufflers.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. McELROY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

SENATE MESSAGE

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 959, entitled:

An Act to amend section one hundred and one of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three, (P. L. 359), entitled "An act concerning game and other wild birds and wild animals and amending, revising, consolidating and changing the law relating thereto," as amended, withdrawing the skunk or polecat from the furbearing animal class as defined in said act.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—171

Achterman,	Falkenstein,	Marino,	Sarraf,
Alexander,	Finnerty,	Matthews, J. F.,	Scanlon,
Allen,	Fitch,	McArdle,	Schor,
Allmond,	Flanagan,	McCullough,	Schrope,
Arnold,	Flannery,	McDermott,	Shaw,
Atkins,	Flinchbaugh,	McDevitt,	Shea,
Baine,	Ganser,	McElroy,	Shepard,
Baker, J. J.,	Gerard,	McFall,	Shoemaker,
Balthaser,	Gillette,	McGee,	Siegel,
Bierly,	Gorski,	McKinney,	Simpson,
Blank,	Haberlen,	McShane,	Skale,
Bohn,	Hagerty,	Melchiorre,	Smith, John A.,
Boles,	Hamilton, F. P.,	Mellott,	Smith, James A.,
Boltz,	Hamilton, R. S.,	Mihm,	Spengler,
Boose,	Harkins,	Mcomaw,	Sproul,
Boyer,	Harmuth,	Mooney,	Stackpole,
Bradley,	Hays,	Moran,	Stank,
Brancato,	Hering,	Moul,	Thomas,
Broad,	Hess,	Muir,	Thompson,
Brown,	Hetrick,	Munley,	Toole,
Brownfield,	Hindman,	Murrin,	Tronzo,
Burrows,	Hirsch,	Nagel,	Tumelty,
Caesar,	Holland,	O'Brien,	Valibus,
Caputo,	Holmes,	O'Connor,	VanAllsburg,
Chervenak,	Holstrom,	O'Keefe,	VanSickle,
Coakley,	Hontz,	Ominsky,	Vogt,
Cohen, H. B.,	Horting,	O'Neill,	Wagner,
Cohen, R. E.,	Huntley,	Ostroff,	Walsh,
Coleman,	Imbrie,	Patterson, C. S.,	Weidemann,
Coolahan,	Jirolanio,	Patterson, J. W.,	Weiss, D. H.,
Corrigan,	Kane,	Pearson,	Weiss, S. A.,
Costanzo,	Keenan,	Pershing,	Welliver,
Davies,	Kelso,	Pisle,	Welsh,
Decker,	Kilroy,	Powers,	Westrick,
DeNote,	Kroll,	Preston,	Whalen,
Dickinson,	Leisey,	Readinger,	Whitenight,
Donohoe,	LaRue,	Reese,	Wilson,
Dougherty,	Levy,	Richter,	Winner,
Downey,	Lewis,	Robinson,	Woodside,
Dubbs,	Long,	Rothenberger,	Wright,
Dyson,	Lopresti,	Royer,	Yanoshat,
Eckels,	Lovett,	Ruffennach,	Yourishin,
Elpern,	Mallen,	Rush,	Zappala,

NAYS—31

Aukerman,	Merrell,	Snyder,	Wall,
Baker, F. T.,	Peale,	Sollenberger,	Wampole,
Cadwalader,	Perry,	Stewart,	Watkins,
Fiss,	Reising,	Stockham,	Webster,
Habbyshaw,	Schrock,	Strode,	Wood,
Hall,	Schumacher,	Terry,	Yeakel,
Kline,	Serrill,	Trout,	Furman,
Longaker,	Simon,	Turner,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1159, entitled:

An Act to amend section one thousand six of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties, and repealing certain acts and parts of acts," as amended, by providing further with regard to limitations upon loans to one corporation or person.

On the question,

Will the House agree to the bill on third reading?

Mr. SPENGLER. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend sec. 1, (sec. 1006), page, 4, line 11, by striking out the word "created been" and inserting in lieu thereof: "which has been".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1085, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," changing the manner of creation of townships of the second class.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the Provisions of the Constitution, the yeas and nays were taken.

Mr. TURNER. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—149

Achterman,	Dyson,	McCullough,	Sarraf,
Alexander,	Elpern,	McDermott,	Scanlon,
Allen,	Falkenstein,	McElroy,	Schor,
Allmond,	Finnerty,	McFall,	Schrope,
Arnold,	Fitch,	McGee,	Shaw,
Aukerman,	Flanagan,	McShane	Shea,
Baine,	Flannery,	Melchiorre	Shepard,
Baker, J. J.,	Flinchbaugh,	Mellott,	Shoemaker,
Balthaser,	Ganser,	Mihm,	Siegel,
Bierly,	Gerard,	Moomaw,	Simon,
Blank,	Gorski,	Mooney,	Skale,
Bohn,	Haberlen,	Moran,	Smith, James A.,
Boies,	Hagerty,	Moul,	Smith, John A.,
Boltz,	Hall,	Munley,	Spengler,
Bradley,	Hamilton, F. P.,	Murrin,	Stank,
Brancato,	Harkins,	Nagel,	Thomas,
Broad,	Harmuth,	O'Brien,	Thompson,
Brown,	Hays,	O'Connor,	Toole,
Brownfield,	Hering,	O'Keefe,	Tronzo,
Burrows,	Hess,	Ominsky,	Tumelty,
Caesar,	Hetrick,	O'Neill,	Valibus,
Caputo,	Hirsch,	Ostroff,	VanSickle,
Chervenak,	Hontz,	Patterson, C.,	Vogt,
Coakley,	Horting,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Jirolanio,	Pearson,	Walsh,
Cohen, R. E.,	Keenan,	Pershing,	Weiss, D. H.,
Coleman,	Kelso,	Piole,	Weiss, S. A.,
Coolahan,	Kilroy,	Powers,	Welliver,
Corrigan,	Kroll,	Preston,	Welsh,
Costanzo,	LaRue,	Readinger,	Westrick,
Davies,	Levy,	Reese,	Whalen,
Decker,	Lewis,	Reising,	Whitenight,
DeNote,	Long,	Richter,	Wright,
Dickinson,	Lopresti,	Robinson,	Yanoshat,
Donohoe,	Lovett,	Rothenberger,	Yourishin,
Dougherty,	Marino,	Ruffennach,	Zappala,
Downey,	McArdle,	Rush,	Furman,
Dubbs,			

NAYS—45

Atkins,	Longaker,	Serrill,	VanAllsburg,
Baker, F. T.,	Matthews, J. F.,	Simpson,	Wall,
Boose,	McDevitt,	Snyder,	Wampole,
Boyer,	McKinney,	Sollenberger,	Watkins,
Cadwalader,	Merrell,	Sproul,	Webster,
Eckels,	Muir,	Stewart,	Weidemann,
Fiss,	Peale,	Stockham,	Wilson,
Habbyshaw,	Perry,	Strode,	Winner,
Hamilton, R. S.,	Royer,	Terry,	Wood,
Kane,	Schrock,	Trout,	Woodside,
Kline,	Schumacher,	Turner,	Yeakel,
Leisey,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative,

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 793 as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the requirements for free transportation of pupils removing certain exemptions from the compulsory attendance act providing for standards for vehicles used requiring public liability insurance coverage authorizing the withholding of reimbursement in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the second paragraph of section one thousand four hundred and four of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by section seven of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1152) is hereby further amended to read as follows

Section 1404 The board of school directors in any school district in this Commonwealth may out of the funds of the district provide for the free transportation of any pupil to and from the public schools All vehicles hereafter purchased or placed in use for the transportation of pupils whether owned or hired by the school district shall conform to standards prescribed by the State Council of Education Such standards when promulgated by the State Council of Education may be revised not oftener than once each year and whenever new requirements are made they shall be published at least six months before they shall become effective and shall apply only to vehicles thereafter purchased or put in use

Section 2 Section one thousand four hundred and six of said act as amended by section thirty-four of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1406 The board of school directors of any school district in this Commonwealth may on account of the small number of pupils in attendance or the condition of the then existing school building or for the purpose of better gradation and classification or other reasons close any one or more of the public schools in its district and upon such school or schools being so closed the pupils who belong to the same shall be assigned to other schools or upon cause shown be permitted to attend schools in other districts

[Provided That whenever] Whenever the average term attendance of pupils regularly enrolled at any one-room school in any school district of the fourth class or township which is a district of the third class is ten or less than ten the board of school directors shall close such school

If the board of school directors does not deem it feasible to close such school it may present its petition to the State Council of Education showing the reasons why such school should not be closed thereupon the State Council of Education shall consider such petition and shall make such order as may seem just in the premises [providing however] if any school as aforesaid has been closed because the average term attendance of pupils enrolled was ten or less than ten and has been re-opened upon an order of the State Council of Education and the average term attendance is twelve or more after such re-opening such school shall be considered re-established [Provided further That in]

In any district of the fourth class or township which is a district of the third class elementary school pupils who reside within that part of the school district last served by any elementary school closed since the first Monday of July one thousand nine thousand nine hundred and seven or within a district all of whose schools have been closed or who are assigned to a training school of a State Normal school and reside one and one-half miles or more from the school to which they are assigned shall be furnished proper transportation at the expense of the district to and from the elementary school to which they are assigned All vehicles hereafter purchased or placed in use for the transportation of pupils whether owned or hired by the school district shall conform to standards prescribed by the State Council of Education Such standards when promulgated by the State Council of Education may be revised not oftener than once each year and whenever new requirements are made they shall be published at least six months before they shall become effec-

tive and shall apply only to vehicles thereafter purchased put in use

[And provided further That whenever] Whenever the board of school directors in any fourth class district or township which is a district of the third class agrees to or is required to provide transportation for any pupils such board of school directors may upon petition of the parent guardian or person in parental relation to any of said pupils in lieu of providing such transportation pay for suitable board and lodging for such pupils if such board and lodging is secured in the home of a near relative of the pupil or in a proper school or home approved by the person making the petition [Provided That] [in no] In no such case shall the State's share exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is in attendance at school not exceeding five days in any such one week

[Provided That if] If the Department of Public Instruction approves the transportation as to methods and means and the contracts provided therefor the Commonwealth will pay annually to the school district furnishing such transportation [an amount determined by (a) the true valuation per teacher per district as provided by section one thousand two hundred and ten of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended and by (b) a given per centum of the sum which has been expended during the previous school year by such a school district for transporting pupils of said schools to and from said schools as follows The amount paid by the Commonwealth to a school district which has a true valuation per teacher of assessable property of fifty thousand dollars ($50,000) or less shall be seventy-five (75) per centum more than fifty thousand dollars ($50,000) to one hundred thousand dollars ($100,000) sixty (60) per centum and more than one hundred thousand dollars ($100,000) fifty (50) per centum Provided That in case said] an amount determined according to the following schedule of reimbursement to a school district which has a true valuation per teacher of assessable property of twenty-five thousand dollars ($25,000) or less ninety per centum (90%) more than twenty-five thousand dollars ($25,000) but not more than fifty thousand dollars ($50,000) eighty per centum (80%) more than fifty thousand dollars ($50,000) but not more than seventy-five thousand dollars ($75,000) seventy per centum (75%) more than seventy-five thousand dollars ($75,000) but not more than one hundred thousand dollars ($100,000) sixty per centum (70%) more than one hundred thousand dollars ($100,000) but not more than one hundred fifty thousand dollars ($150,000) sixty-five per centum (65%) more than one hundred fifty thousand dollars ($150,000) but not more than two hundred thousand dollars ($200,000) sixty per centum (60%) more than two hundred thousand dollars ($200,000) but not more than two hundred fifty thousand dollars ($250,000) fifty-five per centum (55%) more than two hundred fifty thousand dollars ($250,000) fifty per centum (50%) In any case where any school district has purchased or shall hereafter purchase an approved school conveyance which is used exclusively for approved school purposes said [sum] payment by the Commonwealth for such transportation may include a reasonable charge for depreciation and repairs not to exceed in any year fifteen (15) per centum of the cost of said approved school conveyance [Provided That the]The State's share of such depreciation and repairs shall not exceed two hundred dollars ($200) per vehicle per year [Provided further That the State's share for] The State shall not pay transportation [shall not exceed] in excess of one dollar ($1.00) per day per pupil for the actual number of days such pupil is transported to and from school and any transportation charge in excess of this amount shall be paid by the local school district [provided further That districts receiving reimbursement on the basis of seventy-five (75) per centum and sixty (60) per centum shall not receive more than four thousand dollars ($4,000) in any one school year from the State for transportation Provided further That districts receiving reimbursements on the basis of fifty (50) per centum shall not receive more than three thousand dollars ($3,000) in any one year from the State for transportation]

Provided That no district shall receive from the Commonwealth in any one year more than eight thousand dollars ($8,000) as reimbursement for transportation

On or before the first day of July of each year each school district of the third and fourth class transporting pupils as herein provided shall present to the Superintendent of Public Instruction in such form as he may prescribe and on blanks to be furnished by him a sworn statement of the amount expended during the previous school year for transporting pupils to and from school as herein provided On the basis of such a statement the Superintendent of Public Instruction shall by requisition upon the State Treasurer pay during the month of September to such school district such reimbursement for the previous school year as is provided for in this act The State Council of Education may for cause specified by it direct the withholding of such reimbursement in any given case permanently or until the school district has compiled with the law or regulations of the State Council of Education

Section 3 Section one thousand four hundred and eight of said act as last amended by section four of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 328) is hereby further amended to read as follows

Section 1408 Where by the terms of this act or any other act any distance is specified between the residence of any pupil and any public school to be attended by him or any transportation is provided for within or beyond any particular distance in computing such distance no allowance shall be made for the distance that the dwelling house of the pupil is situated off the public highway All such distances shall be computed by the public highway from the nearest point where a private way or private road connects the dwelling house or the pupil with said highway to the nearest point where said highway touches the school grounds of the school to which pupil has been assigned [Provided That the] The free transportation of pupils as required or authorized by this act or any other act may be furnished by using either school conveyances private conveyance or electric railways or other common carriers when the total distance which any pupil must travel by the public highway to and from school in addition to such transportation does not exceed one and one-half miles and when stations or other proper shelters are provided for the use of such pupils where needed All private motor vehicles employed in transporting pupils for hire shall be adequately covered by public liability insurance in such amount as the board of school directors shall require

Section 4 Section one thousand four hundred and eighteen of said act as last amended by section one of the act approved the twenty-ninth day of March one thousand nine hundred and twenty-seven (Phamphlet Laws 75) is hereby further amended to read as follows

Section 1418 In case there is no public school in session within two miles by the neasest public highway of the residence of any child in a township which is a district of the third class or in a school district of the fourth class such child shall [be exempt from the provisions of this act relating to compulsory attendance unless proper free transportation] be furnished [to such child] free transportation to and from school [Provided] from and to a point on a public highway not more than two miles distant from the residence of such child All vehicles used for the transportation of pupils whether owned or hired by the school district shall conform to standards prescribed by the State Council of Education [if] For such

proper free transportation [is] furnished to any child [under sixteen years of age] to and from school the Commonwealth shall reimburse any school district of the fourth class or any township which is a district of the third class furnishing such transportation in the same manner and amounts as provided for in this act for transportation of pupils from closed schools When it is not feasible to provide such transportation the board of school directors may in lieu thereof pay for suitable board and lodging for any such child Provided That in no case shall the State's share exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is in attendance at school not exceeding five days in any one week it shall be unlawful for any driver or owner of a vehicle transporting pupils under a contract with a school district or for any member of or board of school directors to demand request or accept any compensation for transportating pupils other than the compensation stipulated in the contract filed with and approved by the Department of Public Instruction

Section 5 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 6 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McFall,	Shoemaker,
Alexander,	Flinchbaugh,	McGee,	Siegel,
Allen,	Ganser,	McKinney,	Simon,
Allmond,	Gerard,	McShane,	Simpson,
Arnold,	Gillette,	Melchiorre,	Skale,
Atkins,	Gorski,	Mellott,	Smith, James A.,
Aukerman,	Wabbyshaw,	Merrell,	Smith, John A.,
Baine,	Haberlen,	Mihm,	Snyder,
Baker, F. T.,	Hagerty,	Moomaw,	Sollenberger,
Baker, J. J.,	Hall,	Mooney,	Spengler,
Balthaser	Hamilton, F. P.,	Moran,	Sproul,
Bierly,	Hamilton, R. S.,	Moul,	Stank,
Blank,	Harkins,	Muir,	Stewart,
Bohn,	Harmuth,	Munley,	Stockham,
Boies,	Hays,	Murrin,	Strode,
Boltz,	Hering,	Nagel,	Terry,
Boose,	Hess,	O'Brien,	Thomas,
Boyer,	Hetrick,	O'Connor,	Thompson,
Bradley,	Hindman,	O'Keefe,	Toole,
Brancato,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Patterson, J. W.,	Valibus,
Cadwalader,	Horting,	Peale,	VanAllsburg,
Caesar,	Huntley,	Pearson,	VanSickle,
Caputo,	Imbrie,	Perry,	Vogt,
Chervenak,	Jirolanio,	Pershing,	Wagner,
Coakley,	Kane,	Piole,	Wall,
Cohen, H. B.,	Keenan,	Powers,	Walsh,
Cohen, R. E.,	Kelso,	Preston,	Wampole,
Coleman,	Kilroy,	Readinger,	Watkins,
Coolahan,	Kline,	Reese,	Webster,
Corrigan,	Kroll,	Reising,	Weidemann.
Costanzo,	LaRue,	Richter,	Weiss, D. H.,
Davies,	Leisey,	Robinson,	Weiss, S. A.,
Decker,	Levy,	Rothenberger,	Welliver,
DeNote,	Lewis,	Royer,	Welsh,
Dickinson,	Long,	Ruffennach,	Westrick,
Donohoe,	Longaker,	Rush,	Whalen,
Dougherty,	Lopresti,	Sarraf,	Whitenight,
Downey,	Lovett,	Scanlon,	Wilson,
Dubbs,	Mallen,	Schor,	Winner,
Dyson,	Marino,	Schrock,	Wood,
Eckels,	Matthews, J. F.,	Schrope,	Woodside,
Elpern,	McArdle,	Schumacher,	Wright,
Falkenstein,	McCullough,	Serrill,	Yanoshat,
Finnerty,	McDermott,	Shaw,	Yeakel,
Fiss,	McDevitt,	Shea,	Yourishin,
Fitch	McElroy,	Shepard,	Zappala,
Flanagan,			Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. WELSH. Mr. Speaker, I desire to call up at this time House Bill No. 1170, Printer's No. 298, on page 20 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having called up from the postponed calendar by Mr. WELSH.

The House resumed the consideration on third reading of House Bill No. 1170, entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance, and protesting of bills, notes, drafts, checks, and other negotiable paper on such days," by authorizing certain additional bank holidays.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were.

Mr. SIMON. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—106

Allmond,	Dougherty,	Long,	Schrope,
Baine	Downey,	Lopresti,	Shaw,
Baker, J. J.,	Dubbs,	Mallen,	Shea,
Balthaser,	Dyson,	McArdle,	Shepard,
Bierly,	Eckels,	McCullough,	Smith, James A.,
Blank,	Falkenstein,	McDermott,	Spengler,
Bohn,	Finnerty,	McDevitt,	Stank,
Boies,	Fitch,	McGee,	Thomas,
Boltz,	Flanagan,	McShane,	Thompson,
Bradley,	Flannery,	Melchiorre,	Toole,
Brancato,	Ganser,	Mihm,	Tronzo,
Brown,	Gerard,	Moran,	Tumelty,
Brownfield,	Gorski,	Munley,	Turner,
Burrows,	Hagerty,	O'Brien,	Valibus,
Cadwalader,	Hamilton, R. S.,	O'Connor,	Vogt,
Caesar,	Harkins,	Ominsky,	Wagner,
Caputo,	Hering,	Ostroff,	Walsh,
Chervenak,	Hess,	Patterson, J. W.,	Weiss, S. A.,
Cohen, H. B.,	Hirsch,	Readinger,	Welliver,
Cohen, R. E.,	Holmes,	Reese,	Welsh,
Coleman,	Holstrom,	Reising,	Westrick,
Corrigan,	Hontz,	Rothenberger,	Whalen,
Costanzo,	Horting,	Rush,	Whitenight,
Davies,	Keenan,	Sarraf,	Wright,
DeNote,	Kroll,	Scanlon,	Yanoshat,
Dickinson,	Levy,	Schor,	Yourishin,
Donohoe,	Lewis,		

NAYS—88

Achterman,	Hetrick,	Muir,	Snyder,
Alexander,	Hindman,	Murrin,	Sollenberger,
Allen,	Holland,	Patterson, C. S.,	Sproul,
Atkins,	Huntley,	Peale,	Stewart,
Aukerman,	Imbrie,	Pearson,	Stockham,
Baker, F. T.,	Jirolanio,	Perry,	Strode,
Boose,	Kane,	Pershing,	Terry,
Boyer,	Kelso,	Piole,	Trout,
Broad,	Kline,	Powers,	VanAllsburg,
Coakley,	LaRue,	Preston,	VanSickle,
Coolahan,	Leisey,	Richter,	Wall,
Decker,	Longaker,	Robinson,	Wampole,
Elpern,	Lovett,	Royer,	Watkins,
Fiss,	Marino,	Ruffennach,	Weiss, D. H.,
Flinchbaugh,	Matthews, J. F.,	Schrock,	Wilson,
Gillette,	McElroy,	Schumacher,	Winner,
Habbyshaw,	McFall,	Serrill,	Wood,
Haberlen,	McKinney,	Shoemaker,	Woodside,
Hall,	Mellott,	Siegel,	Yeakel,
Hamilton, F. P.,	Merrell,	Simon,	Webster,
Harmuth,	Moomaw,	Simpson,	Weidemann,
Hays,	Moul,	Smith, John A.,	Furman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerks present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 673, entitled:

An Act regulating and prescribing the computation and running of sentences for criminal offences

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Simpson,
Allmond,	Gerard,	Melchiorre,	Skale,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser	Hamilton, F. P.,	Moul,	Stank,
Bierly,	Hamilton, R. S.,	Muir,	Stewart,
Blank,	Harkins,	Munley,	Stockham,
Bohn,	Harmuth,	Murrin,	Strode,
Boles,	Hays,	Nagel,	Terry,
Boltz,	Hering,	O'Brien,	Thomas,
Boose,	Hess,	O'Connor,	Thompson,
Boyer,	Hetrick,	O'Keefe,	Toole,
Bradley,	Hindman,	Ominsky,	Tronzo,
Brancato,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Patterson, J. W.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, J. F.,	Schumacher,	Wright,
Elpern,	McArdle,	Serrill,	Yanoshat,
Falkenstein,	McCullough,	Shaw,	Yeakel,
Finnerty,	McDermott,	Shea,	Yourishin,
Fiss,	McDevitt,	Shepard,	Zappala,
Fitch,	McElroy,	Shoemaker,	Furman,
Flanagan,	McFall,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 825, entitled:

An Act to validate contracts for the erection and construction of school buildings, additions to; and improvements of existing school buildings; and improvements of the grounds appurtenant to the same; and orders for extra work and material in connection therewith; and to authorize payment therefor by the school districts where there is no evidence of fraud or conspiracy.

On the question,

Will the House agree to the bill on third readings?

BILL POSTPONED

Mr. FLANNERY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 249, entitled:

An Act to provide revenue by taxation by an assessment of a two per centum tax from the premiums of foreign insurance companies doing what is commonly known as an automobile theft, property and accident insurance, and to provide for the distribution of the revenues of said tax by the State Treasurer to the treasurers of the several cities, boroughs, incorporated towns and townships for certain purposes.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flanagan,	McGee,	Siegel,
Alexander,	Flannery,	McKinney,	Simon,
Allen,	Flinchbaugh,	McShane,	Simpson,
Allmond,	Ganser,	Melchiorre,	Skale,
Arnold,	Gerard,	Mellott,	Smith, John A.,
Atkins,	Gillette,	Merrell,	Smith, James A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Muir,	Stank,
Bierly,	Hamilton, F. P.,	Munley,	Stewart,
Blank,	Hamilton, R. S.,	Murrin,	Stockham,
Bohn,	Harkins,	Nagel,	Strode,
Boles,	Harmuth,	O'Brien,	Terry,

Boltz,	Hays,	O'Connor,	Thompson,
Boose,	Hering,	O'Keefe,	Toole,
Boyer,	Hess,	Ominsky,	Tronzo,
Bradley,	Hetrick,	O'Neill,	Trout,
Brancato,	Hindman,	Ostroff,	Tumelty,
Broad,	Hirsch,	Patterson, C. S.,	Turner,
Brown,	Holland,	Patterson, J. W.,	Valibus,
Brownfield,	Holmes,	Peale,	VanAllsburg,
Burrows,	Holstrom,	Pearson,	VanSickle,
Cadwalader	Hontz,	Perry,	Vogt,
Caesar,	Horting,	Pershing,	Wagner,
Caputo,	Huntley,	Piole,	Wall,
Chervenak,	Imbrie,	Powers,	Walsh,
Coakley,	Jirolanio,	Preston,	Wampole,
Cohen, H. B.,	Kane,	Readinger,	Watkins,
Cohen, R. E.,	Keenan,	Reese,	Webster,
Coleman,	Kelso,	Reising,	Weidemann,
Coolahan,	Kilroy,	Richter,	Weiss, D. H.,
Corrigan,	Kline,	Robinson,	Weiss, S. A.,
Costanzo,	Kroll,	Rothenberger,	Welliver,
Davies,	LaRue,	Royer,	Welsh,
Decker,	Leisey,	Ruffennach,	Westrick,
DeNote,	Levy,	Rush,	Whalen,
Dickinson,	Lewis,	Sarraf,	Whitenight,
Donohoe,	Long,	Scanlon,	Wilson,
Dougherty,	Longaker,	Schor,	Winner,
Downey,	Lopresti,	Schrock,	Wood,
Dubbs,	Lovett,	Schrope,	Woodside,
Dyson,	Mallen,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McCullough,	Shaw,	Yeakel,
Falkenstein,	McDermott,	Shea,	Yourishin,
Finnerty,	McDevitt,	Shepard,	Zappala,
Fiss,	McElroy,	Shoemaker,	Furman,
Fitch,	McFall,		

NAYS—4

Marino,	McArdle,	Moul,	Thomas,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 234, entitled:

An Act to re-enact the act, approved the eighteenth day of May, one thousand nine hundred and thirty-three (P. L. 826), entitled "An act authorizing courts of common pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs," as amended.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Simpson,
Allmond,	Gerard,	Melchiorre,	Skale,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	[illegible]rski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser	Hamilton, F. P.,	Moul,	Stank,
Bierly,	Hamilton, R. S.,	Muir,	Stewart,
Blank,	Harkins,	Munley,	Stockham,
Bohn,	Harmuth,	Murrin,	Strode,
Boies,	Hays,	Nagel,	Terry,
Boltz,	Hering,	O'Brien,	Thomas,
Boose,	Hess,	O'Connor,	Thompson,
Boyer,	Hetrick,	O'Keefe,	Toole,
Bradley,	Hindman,	Ominsky,	Tronzo,
Brancato,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Patterson, J. W.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, J. F.,	Schumacher,	Wright,
Elpern,	McArdle,	Serrill,	Yanoshat,
Falkenstein,	McCullough,	Shaw,	Yeakel,
Finnerty,	McDermott,	Shea,	Yourishin,
Fiss,	McDevitt,	Shepard,	Zappala,
Fitch,	McElroy,	Shoemaker,	Furman,
Flanagan,	McFall,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill 391, as follows:

An Act relating to wages regulating the time place and manner of payment of wages providing for the enforcement of wage claims imposing certain new liabilities upon contractors and certain duties and liabilities upon employers and waiving certain exemptions in certain cases and conferring certain powers and imposing certain duties on the Department of Labor and Industry and providing penalties and repealing existing laws

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Definitions (a) Whenever used in this act "employer" ineludes every person firm partnership association corporation receiver or other such appointee of a court of this Commonwealth and any agent or officer of any of the above mentioned classes employing any person in this Commonwealth

(b) "Wages" shall mean all amounts at which the labor or service rendered is recompensed whether the amount is fixed or ascertained on a time task piece commission basis or other method of calculating such amount

(c) The singular shall include the plural and the masculine shall include the feminine and neuter

Section 2 Semi-monthly Pay Day Every employer shall pay to his employes the wages earned semi-monthly or twice during each calendar month on days to be designated in advance by the employer as the regular pay day provided that the employer shall pay for services rendered during the first and fifteenth days inclusive of any calendar month by the twenty-fifth day of the month during which the said services were rendered and for all services rendered between the sixteenth and last days inclusive of any calendar month he shall pay by the tenth day of the following month Nothing contained herein shall in any way limit or prohibit the payment of wages or compensation at more frequent intervals or in

greater amounts or in full when or before due nor shall it prevent an employer and employe from entering into an agreement that wages shall be paid once a month but not later than ten days after the date when such wages are due or shall become due provided such agreement is entered into between the parties in writing He shall pay such wages in full in lawful money of the United States or checks on banks or banking institutions convertible into cash on demand at full face value thereof

Section 3 Posting and Notification (a) It shall be the duty of every employer to notify his employes in writing at the time of hiring of the day and place of payment of the rate of pay and of any change with respect to any of these items prior to the time of said change Provided however That every employer shall have the option of giving such notification by posting the aforementioned facts and keeping them correctly posted conspicuously at or near the place of work where such posted notice can be seen by each employe as he comes or goes to his place of work

(b) Every employer shall post and keep posted in a similar manner as prescribed for the posting in pragraph (a) of this section an abstract of this act furnished by the Department of Labor and Industry provided however That the provisions of paragraph (b) of this section shall not apply to employers of domestic labor in private homes or of agricultural labor

(c) Failure to post and to keep posted any notice or abstract as wel as any failure to give written notice as prescribed in this section shall be deemed a misdemeanor Any employer shall upon conviction of such misdemeanor be sentenced to pay a fine not exceeding one hundred dollars ($100)

Section 4 Payments on Death of Employes Any employer may within ninety days after the death of any employe and without the filing of a petition for letters testamentary or of administration in respect of decedent's estate make payment of decedent's wages in an amount not exceeding one hundred dollars ($100) to the surviving spouse if entitled thereto under the Interstate Laws children father and mother brother and sister of the decedent giving preference in the foregoing order The making or application of payment in this manner shall be a discharge and release of the employer to the amount thus paid or applied

Section 5 Employes Who are Separated From Payroll Before Pay Days (a) Discharged Employes Whenever an employer separates an employe from the payroll the unpaid wages or compensation of such employe shall become due immediately and the employer shall pay such wages to the employe within five days of the time of separation

In case of any failure to pay wages due a discharged employe within five days of a demand therefor the wages of such employe shall continue from the date of separation until paid at the same rate which said employe received at the time of the separation The employe may recover such wage penalty thus accruing to him in a civil action Said action must be commenced within ninety days from the date of separation Provided however That any employe who secretes or absents himself to avoid payment to him or who refuses to receive payment when tendered shall not be entitled to any wage penalty under this paragraph for such time as he avoids payment

(b) Employes Quitting Whenever an employe (not having a written contract for a definite period) quite or resigns his employment the wages or compensation earned shall become due and payable not later than five days thereafter unless such employe shall have given five days previous notice of his intention to quit in which latter case such employe shall receive his wages and compensation at the time of quitting

(c) Industrial Disputes In the event of the suspension of work as the result of an industrial dispute the wages and compensation earned and unpaid at the time of said suspension shall become due and payable at the next regular pay day as provided in section two or this act without abatement or reduction together with the return of any deposit or other guaranty held by the employer for the faithful performance of the duties of the employment

(d) No employer shall hereafter have the right to deduct from the wages due any employe during his employment or from any employe voluntarily or involuntarily leaving his employment any credits obtained by such employe from any company store extended to the employe for merchandise of any kind whatsoever except for cash advances made in partial payment of wages

Section 6 Unconditional Payment of Wages Conceded To Be Due In case of a dispute over wages the employer shal give written notice to the employe of the amount of wages which he concedes to be due and shall pay such amount without condition within the time set by this act provided that acceptance by the employe of any payment made hereunder shall not constitute a release as to the balance of his claim or jeopardize his right to collect any amount still legally due

Section 7 Provisions of Law May Not Hereafter Be Waived By Agreement Nothing contained in this act shall hereafter in any way be contravened or set aside by a private agreement. All contracts or agreements contrary to this act are hereby declared to be against public policy

Section 8 Contractor's Responsibility for Sub-Contractor's Payroll (a) Whenever a contractor shall subcontract with another for the performance of the contractor's work then it shall be the duty of such contractor to provide in such contract that the employes of the sub-contractor shall be paid according to the provisions of this act and in the event that such sub-contractor shall fail to pay wages to his employes as specified in this act then such employes shall notify the contractor in writing of the failure of the sub-contractor to pay wages due or any portion thereof whereupon the contractor shall after five days notice to the sub-contractor pay to such employe or employes the amount of wages due or owing such employes and such contractor shall have the right to set off or deduct any amount so paid from any balance due the defaulting sub-contractor It shall be the duty of the sub-contractor to post in a conspicuous place the name and address of his contractor and the failure to do so shall be a violation of the provisions of this act and upon a summary conviction before a magistrate or a justice of the peace to be punishable by a fine of fifty dollars ($50) and costs or thirty days in the county prison

(b) The provisions of paragraph (a) of this section shall likewise be deemed applicable to any contractor who not being an employer (hereinafter referred to in this act as an "indirect employer") contracts with a subcontractor for the performance of his work

Section 9 Enforcement It shall be the duty of the Department of Labor and Industry to enforce and to insure compliance with the provisions of this act to investigate violations of this act and to institute or cause to be instituted actions for penalties and forfeitures provided hereunder The Department may hold hearings to satisfy itself as to the justice of any claim and it shall cooperate with any employe in the enforcement of a claim against his employer or any "indirect employer" as defined in section eight in any case whenever in its opinion the claim is just and valid Such hearings shall be held in the county where the alleged violation occurred

Section 10 Employe's Affidavit and Procedure Thereunder When any employe shall file a sworn complaint with the Department of Labor under the provisions of this act the department shall within seven days thereafter serve a copy of said affidavit on the employer and notify the employer to file an answer to the complaint of the employe within seven days after the service of the copy of the said complaint Such answer shall be filed with the department and shall be sworn to by the employer as an individual or by an executive officer if a corporation If upon investigation any such affidavit shall be found to contain any falsehoods then the person making such affidavit shall be prosecuted for perjury as provided under the laws of this Commonwealth Failure to file an answer shall constitute an admission of the truth of the allegations of the complaint

Section 11 Records Subpoenas Et Cetera (a) Every employer shall keep a true and accurate record of hours

worked and wages paid each pay period to each employe He shall keep such records on file for at least one year after the entry of the record

(b) Any authorized representative of the Department of Labor and Industry shall have the right to enter any place of employment for the purpose of inspecting such records and seeing that all provisions of this act are complied with Provided however That paragraphs (a) and (b) of this section shall not apply to employers of domestic labor in private homes or of agricultural labor

(c) Any effort of any employer to obstruct any authorized representatives of the Department of Labor and Industry in the performance of his duties shall be deemed a violation of this act and punishable as such

(d) The Secretary of Labor and Industry and his authorized representatives shall have power to administer oaths and examine witnesses under oath issue subpoenas compel the attendance of witnesses and the production of papers books accounts records payrolls documents and testimony and to the take depositions and affidavits in any proceedings before the Department of Labor and Industry

(e) In case of failure of any person to comply with any subpoena lawfully issued or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated it shall be the duty of the court of common pleas of any county or any judge thereof on application by the Secretary of Labor and Industry to compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein

(f) The Secretary of Labor and Industry and his authorized representatives shall have power to institute prosecutions for perjury against all parties or witnesses making false oath or affidavit in any proceedings before the Department of Labor and Industry under the provisions of this act

Section 12 Personnel The Secretary of Labor and Industry may in accordance with The Administrative Code of one thousand nine hundred twenty-nine employ and fix the compensation of such clerical and other assistants as may be necessary to carry out the purposes of this act

Section 13 Forfeiture and Penalties Any employer who shall violate or fail to comply with any of the provisions of this act shall be subject to a penalty of ten dollars ($10.00) for each such violation or non-compliance Unless otherwise herein provided Each day of failure to pay wages due employes at the time specified in this act shall constitute a separate and distinct violation All such penalties shall be recovered by the Department of Labor and Industry in an action of debt in the name of the Commonwealth

Section 14 Assignment of Wage Claims to Department for Recovery by Civil Action The Department of Labor and Industry shall have power and authority to take assignments of wage claims rights of action for penalties provided by section five of this act to exceed one hundred dollars ($100) in the case of any one claim and shall have power and authority through the medium of attorneys appointed by Attorney-General to prosecute actions in the name of the Commonwealth for the collection of such claims of persons who in the judgment of the department are entitled to the service of the department and who in its judgment have claims which are valid and enforceable in the court The department shall have power to join various claims in one preferred claim or lien and in case of suit to join them in one cause of action Where the department joins various claims in one action the aggregate suit shall not be limited to one hundred dollars ($100)

Section 15 Costs of Civil Actions by Department (a) In all actions brought by the Department of Labor and Industry as assignee under section twelve of this act no court costs of any nature shall be required to be advanced nor shall any bond or other security therefor be required from the said department in connection with the same

(b) Any sheriff constable or other officer requested by the said department to serve summons writs complaints orders including any garnishment papers and all necessary and legal papers within his jurisdiction shall do so without requiring the Department of Labor and Industry to advance the fees or furnish and security or bond therefor

(c) Whenever the Department of Labor and Industry shall require the sheriff constable or other officer whose duty it is to seize property or levy thereon in any attachment proceedings to satisfy any wage claim judgment to perform any such duty said officer shall do so without requiring the department to furnish any security or bond in such action And such officer in carrying out the provisions of this paragraph shall not be responsible in damages for any wrongful seizure made in good faith

But whenever anyone other than the defendant claims the right of possession or ownership to such seized property then in such case the officer may permit such claimant to have the custody of such property as in other interpleader actions pending a determination of the court as to who has right of possession or ownership of such property

(d) No defendant employer shall have the right to claim exemption on any wage claim when execution shall issue on any judgment obtained under the provisions of this act under any of the exemption statutes of this Commonwealth

(e) Any garnishee defendant shall be required to appear and make answer in any such action as required by law without havnig paid to him in advance witness fees but such witness fees shall be included as part of the taxable costs of such action.

Out of any recovery on a judgment in such a suit there shall be paid First the witness fees to the garnishee defendent second the wage claims involved third the sheriff's or constable's fees and fourth the court costs

Section 16 Separability of Provisions The provisions of this act are severable and if any provision is held to be unconstitutional the decision so holding shall not be construed to affect any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 17 General Repeal All acts and parts of acts inconsistent herewith are hereby repealed

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, may I interrogate the sponsor of this bill, Mr. Ostroff?

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. OSTROFF. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, may I ask the gentleman to explain section 14 of this bill.

Mr. OSTROFF. Section 14 of this bill, Mr. Speaker, provides that where wages are due an employe, the employe has the right to assign his wages to the Department of Labor and Industry. The Department then brings suit against the employer who has failed to pay wages in the name of the Commonwealth for the benefit of the employe, also it provides that more than one employe can assign wages against a single defendant and that should the assignment for that amount or for those claims be made to the Department of Labor and Industry then the one hundred dollar limitation will not apply, in other words where one or more employes are suing for wages the Attorney General is not limited to a one hundred dollar suit.

Mr. TURNER. Mr. Speaker, we seem to have some difficulty on this side of the House to determine whether this bill applies to one hundred dollars or less than one hundred dollars.

Mr. OSTROFF. Mr. Speaker, one hundred dollars or less.

Mr. TURNER. Mr. Speaker, from the wording of the section it seems to me to be very vague. I am wondering whether the gentleman will pass the bill over in order that it may be cleared up.

Mr. OSTROFF. Mr. Speaker, there doesn't seem to be anything vague about it. The section to which the gentleman refers reads as follows: "The Department of Labor and Industry shall have power and authority to take assignments of wage claims, rights of action for penalties provided by section 5 of this act to exceed one hundred dollars ($100) in the case of any one claim and shall have power and authority through the medium of attorneys appointed by the Attorney-General to prosecute actions in the name of the Commonwealth for the collection of such claims of persons who in the judgment of the Department are entitled to the service of the Department and who in its judgment have claims which are valid and enforceable in the court. The Department shall have power to join various claims in one preferred claim or lien and in case of suit to joint them in one cause of action. Where the Department joins various claims in one action the aggregate suit shall not be limited to one hundred dollars ($100)."

Mr. TURNER. Mr. Speaker, the act says: "Shall have power and authority to take assignments of wage claims, rights of action for penalties provided by section 5 of this act to exceed one hundred dollars in case of any one claim." "To exceed one hundred dollars in the case of any one claim." Then it says: "Where the Department joins various claims in one action the aggregate suit shall not be limited to one hundred dollars. The bill says: "Shall have power and authority to take assignments of wage claims, rights of action for penalties provided by section 5 of this act to exceed one hundred dollars in case of any one claim. Where the Department joins various claims in one action the aggregate suit shall not be limited to one hundred dollars."

Mr. OSTROFF. The gentleman is correct, Mr. Speaker. There is a "not" missing. Mr. Speaker, I ask that this bill pass over in its order until tomorrow.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHEPARD. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. SHEPARD. Mr. Speaker and members of the House, a group of school teachers from all sections of the State of Pennsylvania have gathered here in this capitol city in the interest of legislation affecting our schools. A group of these teachers had planned a dinner conference at the Penn Harris Hotel in order to discuss their methods of procedure. Some of these teachers are from Philadelphia; some of them are from the particular district that I represent here in the Legislature.

When a group of colored school teachers joined with the group the management of the hotel informed them that it was not their custom and they would not serve. Thereupon the entire body of teachers walked out and refused to eat the food that they had ordered.

I know that this is not a law enforcement body, and there may not be any action that the Legislature can take in the face of such a situation, but nevertheless I want to commend with all the courage and force that I have, the school teachers for the courage that they showed in walking out in protest against such treatment. And with equal force I want to condemn the management of the hotel for such flagrant violation of the laws of this Commonwealth, and I want to condemn the management for such a damnable outrage against respectable, law abiding citizens here in this Commonwealth, and it is a shame that such an event should transpire under the very dome of the Capitol.

We have met here for Legislative business. Those teachers have come here not for social purposes but for business affecting our schools. I think it is a shame on the fair name of this Commonwealth that such a management, that caters to the Legislators and member of this Commonwealth should perpetrate such treatment as that upon law abiding citizens. These teachers do not represent any scalawags; they represent the cream of our race, the best of our citizens, intelligent educated people. I do here now condemn such an outrage as that which was perpetrated upon those teachers at the Penn Harris Hotel this evening.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

QUESTION OF PERSONAL PRIVILEGE

Mr. TRONZO. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. TRONZO. Mr. Speaker and members of the House, the Honorable member from Philadelphia, Mr. Shepard, is right. It is a shame—

POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. TURNER. Mr. Speaker, the gentleman is not speaking on a question of personal privilege. If the gentleman will ask unanimous consent to make a statement I will not object. I did not make an objection when Rev. Marshall Shepard spoke, but the gentleman is not now speaking on a question of personal privilege.

The SPEAKER. The point of order of the gentleman from Delaware is well taken.

STATEMENT BY MR. TRONZO

Mr. Tronzo asked and obtained unanimous consent to make the following statement.

Mr. Speaker and members of the House, the Honorable member from Philadelphia, Reverend Shepard, was right. It is a shame. Just a few years ago, as a matter of fact during the last regular session, we passed some legislation in these very halls known as the "Equal Rights Bill". The purpose of that piece of legislation was to do for a certain class of people what the Constitution of this Commonwealth and of the country should have done. It seems that this piece of legislation does not have enough teeth in it. If it has not, we should put teeth in it. I do not know what right a hotel manager of any corporation, institution or whatever you choose to call it, has in telling free, law-abiding citizens of this Commonwealth that they can not do certain legal things within such places.

As I said, it is a shame. I wish that I could apologize, but naturally it is something beyond me. I can not apologize for them but I can condemm such action, and I condemn the policy adopted by the management of the Penn Harris Hotel, as I condemn any group or any policy that would prevent decent, honest, law-abiding citizens of this Commonwealth and this country from dining in a restaurant or a hotel room.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 852.

An Act to re-enact and amend the act, approved the second day of July, one thousand nine hundred and thirty-five (Pamphlet Laws, five hundred nineteen), entitled "An act authorizing and regulating the reorganization of banks and bank and trust companies," by extending its effective period.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 1, page 3, line 6, by striking out after the word "to" the word "bank" and inserting in lieu thereof the word "banks".

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Simpson,
Allmond,	Gerard,	Melchiorre,	Skale,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser	Hamilton, F. P.,	Moul,	Stank,
Bierly,	Hamilton, R. S.,	Muir,	Stewart,
Blank,	Harkins,	Munley,	Stockham,
Bohn,	Harmuth,	Murrin,	Strode,
Boles,	Hays,	Nagel,	Terry,
Boltz,	Hering,	O'Brien,	Thomas,
Boose,	Hess,	O'Connor,	Thompson,
Boyer,	Hetrick,	O'Keefe,	Toole,
Bradley,	Hindman,	Ominsky,	Tronzo,
Brancato,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom	Patterson, J. W.,	Vallibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robin,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews J. F.,	Schumacher,	Wright,
Elpern,	McArdle,	Serrill,	Yanoshat,
Falkenstein,	McCullough,	Shaw,	Yeakel,
Finnerty,	McDermott,	Shea,	Yourishin,
Fiss,	McDevitt,	Shepard,	Zappala,
Fitch	McElroy,	Shoemaker,	Furman,
Flanagan,	McFall,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendment was concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE BILLS CONCURED BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 345.

An Act to further amend section one of the act, approved the twenty-sixth day of April one thousand eight hundred and fifty-five (Pamphlet Laws 309) entitled "An act relating to damages for injuries producing death" by giving personal representatives the right to recover damages for hospital nursing medical funeral expenses and expenses of administration

HOUSE BILL No. 553.

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons, authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," as amended, by providing for the creation of the Building and Loan Board, the appointment of its members, the payment of its expenses, and defining its powers and duties; and by modifying the powers and duties of the Department of Banking, and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision; and by making inapplicable said act to certain corporations.

HOUSE BILL No. 616.

An Act to amend sections one and six of the act, approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 437) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking

places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" including dining cars under the provisions of this act and making it unlawful to sleep or to permit persons to sleep in a room where food is prepared or served

HOUSE BILL No. 617.

An Act to amend section nine of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and re-instatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," regulating physical examination of applicants.

HOUSE BILL No. 928.

An Act requiring persons employing others in or about motion picture theatres to allow them at least one calendar day of rest in each calendar week

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, March 22, 1937.

Resolved, if the Senate concur) That House Bill No. 742, Printer's No. 177, entitled: A Supplement to the act, approved the twentieth day of July, one thousand nine hundred thirty-five (Appropriation Acts page 71) entitled "An act to provide for the ordinary expense of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five" providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-seven be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 22, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, March 29th, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 29th, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same becorrect, the title was publicly read as follows:

SENATE BILL No. 152.

An Act to amend the act, approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended extending the retirement system of counties of the second class to additional employes declaring certain persons ineligible to receive retirement allowances and generally clarifying the provisions of the law governing such retirement system

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

STATEMENT BY MR. MOOMAW

Mr. MOOMAW asked and obtained unanimous consent to make the following statement·

Mr. Speaker and members of the House, a few weeks ago this House passed unanimously Resolution No. 13, Printer's No. 87, which was presented and passed as a result of one of the most atrocious crimes ever committed in Pennsylvania. The Governor, upon receipt of information from the Department of Welfare, rejected this resolution. Apparently the Department of Welfare misinterpreted the provisions of the resolution, when I learned that the Department thought that a considerable expenditure would be necessary to carry out its provisions.

The Department of Welfare in its statement was correct in saying that this House is without power, except with the Gorvernor's approval, to cause an administrative department to make an investigation involving an outlay of their administrative appropriation. However, this resolution as it passed the House asked the Department of Welfare to submit information to the House so that they could determine what action they desired to take.

This information could all be obtained from data in the Department of Welfare or be quickly obtained through its routine operations, without a special outlay of money. I am informed the House is empowered to obtain any such data from any administrative department from time to time for its guidance.

Immediately upon learning of the Governor's disapproval, I discussed this matter with the Gorvernor's office, explaining what information was wanted, and they informed me they were accordingly asking the Department of Welfare to furnish the House the information called in the resolution. The information the Department of Welfare first furnished me was a report covering the Jean Seville case only and did not cover the provisions of the resolution.

I am now pleased to state that the Department of Welfare furnished me with the information, and I now wish to turn this information over to the House for the use of the Welfare Committee in order to make regulations to better protect these unfortunate children of Pennsylvania. I ask that this information be spread upon the Journal.

The SPEAKER. If there are no objections, the report

and information will be spread upon the Journal. The Chair hears none.

REPORT FROM DEPARTMENT OF WELFARE
CHILDREN'S AID SOCIETY OF FRANKLIN COUNTY

The Children's Aid Society of Franklin County is a private agency, incorporated in 1884, with the purpose of caring for dependent and neglected children in the county. A small institution is maintained, but placements are made for most of the children in foster-family homes.

The Board of Directors, composed of men and women of good standing in the community, is very conservative. Within the last few years a number of people with more modern and progressive points of view have been elected to the Board but this group is in the minority.

The agency is supported by voluntary contributions obtained through an annual appeal to the residents of the county. The County Commissioners pay a per capita board rate of $3.50 weekly for children committed to the agency by the Court. The Directors of the Poor pay the board of those children referred by them to the agency. The Children's Aid Society has a small endowment fund, and $2200 is received biennially from State funds.

Most children are placed in foster-boarding homes, a few in free homes, a small group of older children in working homes. Some older children are working and continuing to live in their foster-homes.

Foster-homes are investigated before put into use. The investigation includes visits to the foster-home with some information secured concerning the social and educational background of the prospective foster-parents. This information with a description of the home is noted in the foster-home record. References given by the applicants are visited and the family physician is consulted. The agency aims to see four references. The information thus obtained is also recorded.

The foster-home records of this agency show nothing of personalities, of relationships within the family group, of attitudes toward children or of the particular strengths of the home which may be utilized in planning for children. Such information, which is necessary in choosing homes for children, is the kind of material sought by workers who have had preparation and experience in this. Nevertheless, in arranging placements, there is some consideration of the type child and of the qualities of the foster-home which may make it suitable for the individual child.

As has been indicated children are referred to the Children's Aid Society of Franklin County principally by the Court and the Directors of the Poor. In the former case preliminary investigations into the situation which make it necessary to remove the child from his own home are made by the Probation Officer. In the latter case the Directors of the Poor or the Children's Aid Society worker may make this investigation.

After placements children are visited frequently. The worker aims to make visits monthly but this is not always the case.

Children receive immediate attention in case of illness. Dental care is given. There is no program of annual physical examinations and a good mental health program has not been developed. Sufficient clothing is supplied and every effort is made to have this attractive and suitable for the individual child. Attention is given to recreation. Children are encouraged to earn money and at the end of the school period are assisted in obtaining work.

Efforts are made to continue the relationship of the child with his own family.

The Children's Aid Society of Franklin County now has under care 82 children. This presents a supervisory task too heavy for one worker. Of the 82 children, there are 17 in the institution and about 10 in the older age group.

The present secretary of the Franklin County Children's Aid Society is a local person, a graduate of Wilson College. She has had no special preparation for social work. Almost from the beginning of her service with the agency she has recognized her need for training and experience. She is an intelligent woman, well thought of in the community, and has the respect and confidence of her Board. In her work she is consciencious, interested and gives untiringly of her time. She does not have the case worker's awareness of the emotional needs of children and their understanding of the significance of behavior. This handicaps her in her tasks and stands in the way of rendering constructive assistance to children and foster-parents.

Attached is a list of the children under care of the Franklin County Children's Aid Society and the names and addresses of the foster-homes in which they are living.

MANNER AND TYPE OF SUPERVISION BY THE DEPARTMENT OF WELFARE OVER ALL CHILDREN'S AID SOCIETIES OF PENNSYLVANIA

March 10, 1937.

The Department of Welfare regularly visits all children's institutions and agencies annually when possible. Because of staff limitations it is sometimes eighteen or twenty-four months before succeeding visits can be made. In these supervisory visits information regarding staff, personnel, management, program, policies, and so forth is obtained through contacts with members of boards of directors, staff members, through reading records and visiting foster homes, as well as through contacts with other agencies and persons in the community. The names of all officers on the boards of directors are secured and listed in the Department of Welfare. The program and policies of the agency are discussed with these individuals as well as means for improvement in standards and personnel.

Information secured on supervisory visits:

Staff—qualifications, experience, attitudes, size, case loads, educational programs, attendance at institutes and conferences, office staff.

Financial support—appropriations from public officials, community funds, per capita payments from public funds or by individuals. How medical care and provisions for clothing are financed. Amount of board paid for children.

Intake—
- How applications for care come to agency
- Kind of investigation made
- Efforts made to keep children in own or relatives' homes
- Cooperation of child's own family in plan

Health program—
- Quality of service
- Physical examination on acceptance for care
- Correction of defects
- Annual physical examinations
- Dental program
- Mental health program

Placements—
- Foster-homes—how found and selected
- Foster-home and children's records read
- (choice is made by Field Representative in that she asks for record of a baby, adolescent, child presenting behavior difficulties, child recently received into care. Usually the record of the foster-home in which the child has been placed is read)
- Frequency and quality of supervision
- Special cases discussed
- Visits made with worker to a few foster-homes

Community Contacts.
- Relationship to other community agencies and to public officials

A report of each supervisory visit is on file in the Department of Welfare.

RESOLUTION

SYMPATHY EXTENDED

Mr. SIMON offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, March 22, 1937.

Word has been received of the death of Honorable W. Howard Klepper, a member of this Assembly from Clinton County during the Legislative Session of 1913.

Honorable W. Howard Klepper, was born in Logan Township, Clinton County, Pennsylvania, July 28, 1860: was educated in the public schools, and was graduated from Lock Haven State Normal School in 1882; taught school in his native township for ten years, locating in Lock Haven for fourteen years, appointed deputy sheriff in 1906; served as school director for three years while deputy sheriff; elected sheriff of Clinton County in 1908.

He enjoyed a long fruitful life, much of which was devoted to public service and public interest; therefore be it

Resolved, That the House of Representatives hereby express their sincere sympathy to the members of the bereaved family; and be it further

Resolved, That a copy of this resolution of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania be sent to the members of the immediate family of the Honorable W. Howard Klepper:

RESOLUTION

Mr. LaRUE offered a resolution which was filed with the Clerk under the rules.

RESOLUTION

SYMPATHY EXTENDED ON DEATH OF EX-GOVERNOR EDWIN S. STUART

Mr. OMINSKY offered a resolution which was read by the Clerk as follows:

In the House of Representatives, March 22, 1937.

Former Governor Edwin S. Stuart has passed away after a long and useful career during which he had the honor of being Mayor of the largest city of Pennsylvania and Governor of his State.

The most unique feature of his career was his association with one single business—Leary's Book Store in Philadelphia—for seventy years. Beginning as a boy at the age of thirteen at a compensation of three dollars per week, he become the owner of the store at the age of twenty-two and remained the owner at the time of his death.

He was elected mayor of his city in 1891, at the age of 38, and Governor of his State in 1906. His choice for these offices by the Republican Party was in large measure due to his known integrity. In each instance charges of corruption in high office were present in the campaigns, but the voters of his city and State trusted him implicitly and in each instance he thoroughly cleaned up conditions after his election.

His most conspicuous service to the Commonwealth was his insistence that the charges growing out of the erection of the State Capitol Building be thoroughly investigated and as a result of this determined stand the guilt of men in high places was exposed and they were indicted, convicted and imprisoned, some of them refunding moneys to the State Treasury. Edwin S. Stuart kept his pledges.

Through his long life he was noted for his industry, and philosophical remarks on his seventy-first birthday came from a wide experience. Said he: "Every industrious fellow does not get along, but no man gets along who is not industrious—you may bank on that."

Resolved, (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania mourns the passing of this sturdy son of Pennsylvania and extends to the family its sincere sympathy in the loss they have sustained.

Resolved, That a committee of four Members of the Senate appointed by the President Pro Tempore, and four Members of the House of Representatives appointed by the Speaker, be named to attend the funeral of the Honorable Edwin S. Stuart are representatives of the General Assembly.

Resolved, That a copy of this resolution be transmitted to the family by the Chief Clerk of this House.

On the question,

Will the House adopt the resolution?

It was unanimously adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

Mr. ARNOLD offered a resolution which was filed with the Clerk under the rules.

COMMITTEE APPOINTED

The SPEAKER. Pursuant to Senate Resolution No. 4 the Chair appoints as a Committee on the part of the House Messrs. Lovett, Weiss, and Trout.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that there will be a meeting of all the committee chairmen immediately after tonight's session in the House Caucus Room

ANNOUNCEMENTS BY THE CLERK

The Committee on Railroads and Railways will meet Wednesday, March 24, at 10:30 a. m. in Room 323.

A public hearing on Tuesday, March 23, at 12:00 noon on House Bill No. 732 before the Committee on Municipal Corporations in the House Caucus Room.

A public hearing on House Bill No. 500, the Moomaw-Moran Bill, at 8:00 p. m. tomorrow in the Hall of the House before the Committee on Municipal Corporations

A public hearing on Tuesday, March 23, at 7:30 p. m. on House Bill No. 1283, Senate Bill No. 369, the Teacher's Tenure bill before the Committee on Education in the Education Forum.

Committee meetings for tomorrow:

Agriculture at 10:00 a. m. in Room 521.

Counties after tomorrow's session in Room 324

Education at 10:30 a. m. House Caucus Room.

Judiciary General at 11:00 a. m. in Room 325.

Labor after tomorrow's session in Room 521.

Military Affairs at 12:00 noon in Room 323 instead of the formerly designated room.

Mines and Mining at 12:45 p. m. in Room 521.

Municipal Corporations will hold a public hearing at 12:00 noon in the House Caucus Room.

Public Health and Sanitation at 12:00 noon in Room 544.

State Boards at 12:15 p. m. in Room 101.

ADJOURNMENT

Mr. LOPRESTI. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 12:59 p. m.) the House adjourned until Tuesday, March 23, 1937, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., TUESDAY, MARCH 23, 1937. No. 33.

SENATE

TUESDAY, March 23, 1937

The Senate met at 12 o'clock a. m.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, LL. D., offered the following prayer:

Our God and our Father, in the name that is above every name, and we trust, in His Spirit, we would greet and grasp the countless tokens of Thy Goodness with reverent and grateful praise. What opportunities come to us this holy and historic week, for contrite meditation and noble high resolve! Discountng all carpentry of human conceit, the superstitions which have fallen as a shadow upon the journey to the journey's end, we would visualize the glory of a great life—the challenge of a great example. Forgive our fevirish ways. Steady our unstable hearts. May our lives be swayed by the passion of His infinite love. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

OPPOSING SUNDAY FISHING LAW

The Chair cleared his table and laid before the Senate the following:

Communication from Edward E. Breitling, Philadelphia, Pa., opposing the passage of the Sunday Fishing Law.

OPPOSING CHAIN STORE TAX

Communications received from the following persons; registering their opposition to the passage of the 'Chain Store' tax bill.

Mrs. David Coffey, Philadelphia, Pa.
Mrs. John Kirkpatrick, Philadelphia, Pa.
Mrs. Lillie McClelland, Philadelphia, Pa.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 23, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Harry Grove, Glassport.
Miss Louise Leachman, The Pittsburgh Press, Pittsburgh.
Miss Evelyn R. Leven, Plaza Bldg., Pittsburgh.
Robert F. Levin, Grant Bldg. Pittsburgh.
Mrs. Olive McGregor, Oakmont.
W. L. Morrow, Aspinwall.
Jos. R. Royston, Jr., Bellevue.
Edward M. Seibert, Jr., 1117 Wolfendale St., Pittsburgh.
Kenneth R. Whitaker, Dravosburg.

BUCKS COUNTY

Miss Mildred R. Moyer, Quakertown.

CLEARFIELD COUNTY

Miss Frances Fugler, DuBois.

DELAWARE COUNTY

George I. Boyd, Springfield Twp., Springfield.
Mrs. Blanche M. Gaskill, Ridley Twp., Folsom.

LUZERNE COUNTY

Samuel Gildenberg, Hazleton.

LYCOMING COUNTY

John C. Brachbill, Williamsport.

MONTGOMERY COUNTY

Robert T. Potts, Norristown.
Miss Mildred L. Yocom, Pottstown.

NORTHAMPTON COUNTY

Miss Marie S. O'Donnell, Easton.

PHILADELPHIA COUNTY

Miss Ethel F. Allen, Fidelity-Phila. Trust Bldg., Philadelphia.
Walter L. Dieroff, 2551 Kensington Ave., Philadelphia.
E. F. Gailey, 15 N. 32d St., Philadelphia.
Miss Lillian A. Hines, 309 N. 34th St., Philadelphia.
Fred C. Keill, Roosevelt Blvd. & Rising Sun Ave., Philadelphia.

SNYDER COUNTY

Fred M. Machmer, Selinsgrove.

VENANGO COUNTY

C. J. Eggbeer, Franklin.

WASHINGTON COUNTY

G. Glenn Piper, E. Bethlehem Twp., Frederichtown.

WESTMORELAND COUNTY

Olive M. Yerty, Vandergrift.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 23, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

PHILADELPHIA COUNTY

Wm. J. Martin, 400 Chestnut St., Philadelphia, March 27, 1937.

CAMBRIA COUNTY

B. Chas. Held, Johnstown, March 28, 1937.

SULLIVAN COUNTY

Chas. E. Moran, Davidson Twp., Muncy Valley, April 1, 1937.

BEAVER COUNTY

William J. Trees, Beaver Falls, April 2, 1937.

SNYDER COUNTY

Jacob B. Bulick, Selinsgrove, April 5, 1937.

CAMBRIA COUNTY

Denver Wharton, Cresson, April 18, 1937.

DAUPHIN COUNTY

James W. Ladd, Harrisburg, April 18, 1937.

ALLEGHENY COUNTY

Ernest H. Loveday, Penn Twp., Universal, April 23, 1937.

NORTHAMPTON COUNTY

John R. Chidsey, Easton, April 27, 1937.

GEORGE H. EARLE.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 23, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate J. Raymond DeShong, of Todd Township, Fulton County, for appointment as Justice of the Peace in the Township of Todd, Fulton County (to fill a vacancy), until the first Monday in January, 1938.

GEORGE H. EARLE.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, March 22, 1937

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, March 29th, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 29th, at nine o'clock.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL NO. 582.

He also informed the Senate that the House had concurred in amendments made by the Senate to House Bill No. 852, entitled:

An Act to re-enact and amend the act, approved the second day of July, one thousand nine hundred and thiry-five (P. L. 519), entitled "An act authorizing and regulating the reorganization of banks and bank and trust companies," by extending its effective period.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL NO. 554.

He also informed the Senate that the House had concurred in amendments made by the Senate to House Bill No. 554.

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employees of such corporations and persons.

RESOLUTION ON THE DEATH OF FORMER GOVERNOR EDWIN S. STUART.

He also presented extract from the Journal of the House, which was twice read as follows:

In the House of Representatives, March 22, 1937.

Former Governor Edwin S. Stuart has passed away after a long and useful career during which he had the honor of being Mayor of the largest city of Pennsylvania and Governor of his State.

The most unique feature of his career was his association with one single business—Leary's Book Store in Philadelphia—for seventy years. Beginning as a boy at the age of thirteen at a compensation of three dollars per week, he became the owner of the store at the age of twenty-two and remained the owner at the time of his death.

He was elected Mayor of his city in 1891, at the age of 38, and Governor of his State in 1906. His choice for these offices by the Republican Party was in large measure due to his known integrity. In each instance charges of corruption in high offices were present in the campaigns, but the voters of his city and State trusted him implicitly and in each instance he thoroughly cleaned up conditions after his election.

His most conspicuous service to the Commonwealth was his insistence that the charges growing out of the erection of the State Capitol Building be thoroughly investigated and as a result of this determined stand the guilt of men in high places was exposed and they were indicted, convicted and imprisoned, some of them refunding moneys to the State Treasury. Edwin S. Stuart kept his pledges.

Through his long life he was noted for his industry, and philosophical remarks on his seventy-first birthday came from a wide experience. Said he: "Every industrious fellow does not get along, but no man gets along who is not industrious—you may bank on that."

Resolved, (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania mourn the

passing of this sturdy son of Pennsylvania and extends to the family its sincere sympathy in the loss they have sustained.

Resolved, That a committee of four Members of the Senate appointed by the President Pro Tempore, and four Members of the House of Representatives appointed by the Speaker, be named to attend the funeral of the Honorable Edwin S. Stuart as representatives of the General Assembly.

Resolved, That a copy of this resolution be transmitted to the family by the Chief Clerk of this House.

Mr. ROBERTS. Mr. President, I move that Rule 39, which requires concurrent resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE BILLS FOR CONCURRENCE.

He also presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 228, (Senate Bill No. 655), entitled:

An Act imposing an annual license tax for the privilege of operating, maintaining or controlling within this Commonwealth a store or stores as herein defined; prescribing the method and manner of collecting such tax and its disposition; and providing penalties.

Which was committed to the Committee on Finance.

House Bill No. 234, (Senate Bill No. 656)

An Act to re-enact the act, approved the eighteenth day of May, one thousand nine hundred and thirty-three (P. L. 826), entitled "An act authorizing courts of common pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs," as amended.

Which was committed to the Committee on Judiciary General.

House Bill No. 249, (Senate Bill No. 657), entitled:

An Act to provide revenue by taxation by an assessment of a two per centum tax from the premiums of foreign insurance companies doing what is commonly known as an automobile theft, property and accident insurance, and to provide for the distribution of the revenues of said tax by the State Treasurer to the treasurers of the several cities, boroughs, incorporated towns and townships for certain purposes.

Which was committed to the Committee on Insurance.

House Bill No. 646, (Senate Bill No. 658), entitled:

An Act to promote the public health, safety, morals and welfare by providing for the creation of corporations to be known as limited dividend housing companies for the purpose of eliminating unsanitary and dangerous housing conditions, and constructing and operating safe and sanitary dwellings and apartments to be let at reasonable rentals, or sold; providing for the acquisition of property by the supervision and regulation of the activities of such companies by the state Board of Housing in the Department of Health, and regulating the supervision by the State Board of any such companies aided by the Federal Government or agencies thereof; defining the rights, powers and duties of such companies, and of persons investing in or dealing with such companies; authorizing such companies to lease and operate, or to manage, projects of any housing authority, and borrow money from agencies of the United States Government; exempting all such companies from the payment of any capital stock tax; making certain securities of such corporations legal investments for funds in the hands of municipal officers, insurance companies and associations, savings banks and savings institutions; authorizing certain existing companies to accept the provisions of this act, and repealing inconsistent acts.

Which was committed to the Committee on Judiciary General.

House Bill No. 673, (Senate Bill No. 659), entitled:

An Act regulating and prescribing the computation and running of sentences for criminal offenses.

Which was committed to the Committee on Judiciary General.

House Bill No. 793, (Senate Bill No. 660), entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," by changing the requirements for free transportation of pupils; removing certain exemptions from the compulsory attendance act; providing for standards for vehicles used; requiring public liability insurance coverage; and authorizing the withholding of reimbursement in certain cases.

Which was committed to the Committee on Education.

House Bill No. 831, (Senate Bill No. 661), entitled:

An Act providing for the degree of care to be exercised by a pedestrian, operator and driver of a motor or other vehicle at the crossing of a highway and a railroad or railway at grade in certain cases; and the proof of negligence and contributory negligence in such cases.

Which was committed to the Committee on Highways.

House Bill No. 959, (Senate Bill No. 662), entitled:

An Act to amend section one hundred and one of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three, (P. L. 359), entitled "Game Law" as amended, withdrawing the skunk or polecat from the furbearing animal class as defined in said act.

Which was committed to the Committee on Game and Fisheries.

House Bill No. 965 (Senate Bill No. 663), entitled:

An Act to further amend the act, approved the sixteenth day of April, one thousand nine hundred and twenty-five (P. L. 244), entitled "An act applying to third class counties only, and regulating the selection, drawing, and summoning of all jurors and talismen, and defining their qualifications in such counties; creating a jury board and defining its powers and procedure; providing for the appointment of a clerk to the jury board and fixing his maximum salary; custody of the jury wheel, and the filing and custody of jury lists; providing for the public drawing of jurors and the methods thereof; giving the trial judge the right to excuse jurors; prescribing the time of chal-

lenging jurors or the array, and regulating the procedure if array is quashed; repealing all acts or parts of acts inconsistent therewith," by abolishing the jury board and transferring its powers and duties to the jury commissioners.

Which was committed to the Committee on County Government.

House Bill No. 1085 (Senate Bill No. 664), entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law" changing the manner of creation of townships of the second class.

Which was committed to the Committee on Municipal Government.

House Bill No. 1170 (Senate Bill No. 665), entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "Legal Holiday Law," by authorizing certain additional bank holidays.

Which was committed to the Committee on Banking.

House Bill No. 1217 (Senate Bill No. 666), entitled:

An Act to amend subsection (a) of section nine hundred three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," as amended, changing the gross weight permitted for certain vehicles.

Which was committed to the Committee on Highways.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employees of such corporations and persons.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORTS OF COMMITTEES

Mr. RANKIN, from the Committee on County Government, reported as committed, Senate Bill No. 337, entitled:

An Act relating to memorial halls in counties of the second class, erected in honor of the veterans of the wars of the United States and providing for the use, upkeep and management and control of such halls.

Mr. LANIUS, from the Committee on Agriculture, reported as committed, Senate Bill No. 396 (House Bill No. 733), entitled:

An Act to amend section one thousand seven hundred and five of and to add section one thousand seven hundred and ten to the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" imposing certain additional powers and duties upon the Department of Agriculture

Mr. SIPE, from the Committee on Agriculture, reported as committed, Senate Bill No. 489 (House Bill No. 177), entitled:

An Act to amend section two of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 682), entitled as amended "An act relating to domestic animals, and providing for their appraisement when condemned to prevent the spread of disease; and regulating payments by the Commonwealth in such cases, and the payment of salvage by butchers," as amended, by changing the amount of compensation in certain cases.

Mr. McCREESH, from the Committee on County Government, reported as committed, Senate Bill No. 422, entitled:

An Act to amend section three hundred and seventy-one of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" authorizing counties to omit the imposition of taxes on occupations.

Mr. McGINNIS, from the Committee on Judiciary General, reported as committed, Senate Bill No. 99, entitled:

An Act to amend sections thirty-two and thirty-eight of the act approved the nineteenth day of May, one thousand nine hundred and fifteen (P. L. 543) entitled, as amended, "An act relating to the sale of goods and choses in action," by providing for the negotiation of documents of title.

Mr. KUNKEL, from the Committee on Judiciary General, reported as committed, Senate Bill No. 384, (House Bill No. 476), entitled:

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

Mr. MALLERY, from the Committee on County Government, reported as committed, Senate Bill No. 406, entitled:

An Act making an appropriation to the Local Government Commission to continue its work.

Also, from the Committee on County Government, re-

ported as committed, Senate Bill No. 577, (House Bill No. 988), entitled:

An Act to amend section eight hundred seventy-four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eigth classes and revising, amending and consolidating the laws relating thereto" authorizing counties to rent and lease road machinery.

Mr. SCARLETT, from the Committee on County Government, reported as committed, Senate Bill No. 409, entitled:

An Act to amend section one thousand and thirty-five as amended, and section one thousand and sixty-two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," further regulating reports of auditors and controllers.

Mr. WOLFENDEN, from the Committee on County Government, reported as committed, Senate Bill No. 407, entitled:

An Act requiring counties (other than counties of the first and second classes), cities of the third class, boroughs, towns ,townships, school districts and poor districts to issue serial bonds when incurring, increasing or refunding indebtedness; and imposing powers and duties on the Department of Internal Affairs.

BILLS INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 667, entitled:

An Act to add section three and one-tenth to the act, approved the twenty-fourth day of July, one thousand nine hundred and thirteen (P. L. 1013), entitled "An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons, regulating the time during which licenses shall he valid, and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court; and prescribing the duties of the clerk of the orphans' court:" by requiring certificates of licensed physicians that the applicants are free from certain diseases prior to the issuance of licenses to marry.

Which was committed to the Committee on Public Health.

Mr. SCARLETT read in his place and presented to the Chair Senate Bill No. 668, entitled:

An Act to amend route 15176 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance to carry out the provisions of said act," as amended, by changing certain routes.

Which was committed to the Committee on Highways.

Mr. KILGALLEN read in his place and presented to the Chair Senate Bill No. 669, entitled:

An Act to amend Article three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law; providing for the incorporation of insurance companies, and the regulating, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus, and the regulating and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties and repealing existing laws," by prohibiting insurance companies from canceling certain policies of insurance under certain circumstances and limiting the time during which actions may be brought on forfeited policies.

Which was committed to the Committee on Insurance.

Mr. RODGERS read in his place and presented to the Chair Senate Bill No. 670, entitled:

An Act to further amend Section 4 of the Act approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106) entitled, "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for Flood control works and improvements conferring the power of eminent domain imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships the Department of Highways and the Department of Property and Supplies" by providing for recording of completed suitable plans and the effect thereof as constructive notice to owners of property taken, damaged or destroyed.

Which was committed to the Committee on Forests and Waters.

Mr. FREY read in his place and presented to the Chair Senate Bill No. 671 entitled:

An Act to provide for the safety and to protect the health and morals of persons while employed; prescribing certain regulations and restrictions concerning places where persons are employed, and the equipment, apparatus, devices and machinery used therein; prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act; and fixing penalties.

Which was committed to the Committee on Labor and Industry.

Also read in his place and presented to the Chair Senate Bill No. 672 entitled:

An Act to amend sections two, twelve and twenty-four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1260), entitled "An act regulating the business of assisting employers to obtain employes, and persons to secure employment; providing for the licensing; registration, bonding, and regulation of certain individuals and entities engaged in such business; conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth, and of said department; and prescribing penalties," providing that the term "employment agent" as therein defined shall not include certain theatrical or entertainment producers and managers; further regulating registers of employment agencies; and prescribing penalties.

Which was committed to the Committee on Labor and Industry.

Mr. RICE read in his place and presented to the Chair Senate Bill No. 673 entitled:

An Act authorizing the Secretary of Highways to abandon portions of State Highway Routes within the limits of State parks or Federal Resettlement projects under certain conditions.

Which was committed to the Committee on Highways.

Also read in place and presented to the Chair Senate Bill No. 674 entitled:

An Act to amend the title and section one of the act approved the twelfth day of July, one thousand nine hundred thirty-five (P. L. 805), entitled, "An act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes, and providing a method of procedure," by further providing for the acquisition and possession of occupied property and structures.

Which was committed to the Committee on Highways.

Mr. DiSILVESTRO read in his place and presented to the Chair Senate Bill No. 675, entitled:

An Act to promote the safety of the air-traveling public in taking off and landing at airports by creating zones in air space and prohibiting the erection or maintenance of obstructions in such zones; conferring additional powers and duties upon the Department of Revenue, counties, municipalities and certain persons, firms, and corporations, including public service companies; restricting existing remedies and providing additional remedies; making an appropriation from the Motor License Fund, and providing penalties.

Which was committed to the Committee on Aeronautics.

Mr. RUPP read in his place and presented to the Chair Senate Bill No. 676, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey certain land located in the City of Allentown, Lehigh County, Pennsylvana.

Which was commited to the Committee on State Government.

Also read in his place and presented to the Chair Senate Bill No. 677, entitled:

An Act to amend section two thousand seven hundred one of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; and amending, revising, consolidating, and changing the law relating thereto." providing that townships of the first class shall have the power to develop their own water supply.

Which was commited to the Committee on State Government.

Also read in his place and presented to the Chair Senate Bill No. 678, entitled:

An Act to amend section one thousand six hundred one of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by providing that townships of the second class shall have the power to develop their own water supply.

Which was commited to the Committee on State Government.

Mr. KUNKEL read in his place and presented to the Chair Senate Bill No. 679, entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in the Township of North Annville, Lebanon County.

Which was commited to the Committee on State Government.

Also read in his place and presented to the Chair Senate Bill No. 680, entitled:

An Act to prevent unfair competition and to prohibit monopolies in the business of financng the sales and transfers of motor vehicles; making unlawful certain contracts and acts of manufacturers and distributors of motor vehicles and of finance companies; defining and prohibiting certain unlawful trade practices of manufacturers and distributors of motor vehicles and of finance companies; conferring jurisdiction upon courts; prohibiting manufacturers and distributors from terminating or threatening to terminate contracts with dealers under certain conditions; defining certain crimes; and providing penalties, forfeitures and recoveries.

Which was committed to the Committee on Banking.

Mr. GILSON read in his place and presented to the Chair Senate Bill No. 681, entitled:

An Act to amend section five of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (1933-1934 P. L. 13), entitled "An act creating and dependent administrative board to be known as the Pennsylvania Liquor Control Board," by making further provision with respect to the fidelity bonds of the members, secretary and employes of the board.

Which was committed to the Committee on State Boards.

Mr. DENT read in his place and presented to the Chair Senate Bill No. 682, entitled:

An Act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resoluton Serial Number one hundred and six, approved March sixteenth, one thousand nine hundred and thirty-seven.

Which was referred to the Committee on Appropriations.

Mr. SIPE read in his place and presented to the Chair Senate Bill No. 683, entitled:

An Act to further amend sections ten, sixteen and twenty-nine of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats, principal cities and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and in-

corporated towns to maintain certain State Highways wholly or in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein, providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work to be done by the State, providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of townships, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same, providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by adding thereto borough bridges over mill races as the responsibility of the Department of Highways by providing that no assessment shall be made against the Commonwealth to assist in the reconstruction of any structure eliminating grade crossings; by providing for the ascertainment of damages for land taken when payment is made by the Commonwealth, and for confirmation by the court of common pleas of awards of viewers, and appeals, and regulating the evidence before viewers and excluding certain evidence of damage from consideration by viewers and providing procedure and by further authorizing the Attorney General, under certain conditions, to enter into agreements with townships for the payment, in installments, of certain claims of the Department of Highways against such townships for construction reconstruction or maintenance of State highways.

Which was referred to the Committee on Highways.

RESOLUTION RECALLING FROM THE SECRETARY OF THE COMMONWEALTH HOUSE BILL NO. 1.

Mr. WOODWARD. Mr. President I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD, offered the following resolution which was twice read:

In the Senate, March 23, 1937.

Resolved, That House Bill No. 1, Senate Bill No. 63, entitled "A joint resolution proposing amendment to section one. Article nine of th Constitution of the Commonwealth of Pennsylvania," be recalled from the Secretary of the Commonwealth's office, for the purpose of amendment.

On the question,

Will the Senate agree to the resolution?

Mr. CAVALCANTE. Mr. President, I object to immediate consideration of the resolution.

The PRESIDENT. The resolution is referred to the Committee on Constitutional Changes.

RESOLUTION RELATIVE TO THE ART-TREASURES OF THE STATE CAPITOL TOGETHER WITH THE REPRODUCTIONS OF ITS PAINTINGS AND MURALS.

Mr. STIEFEL. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL offered the following resolution, which was twice read:

In the Senate, March 23, 1937.

Whereas, the State Capitol of Pennsylvania is a veritable treasure-house of great paintings and inspiring murals, and

Whereas, the central themes of such great paintings as the "Apotheosis of Pennsylvania", "Penn's Treaty with the Indians", "Reading the Declaration of Independence", "Unity", "Lincoln at Gettysburg", "Washington delivering his Constitutional Address", "Valley Forge" or of the awe-inspiring murals adorning the Supreme Court Room of the State Capitol and known as "The Divine Law", "The Scale of Law", "The Golden Age", "Themis", "The Decalogue", "The Beatitudes", "Code of Justinian", "Backstone's Commentaries", "Spirit of William Blackstone", "William Penn as Law Giver", "Supreme Court of Pennsylvania", "Supreme Court of United States", "Supreme Court of the World", and "Disarmament", are of immense cultural and educational value to the people of our great Commonwealth, and

Whereas, the distribution of the reproductions of said murals, and the dissemination of descriptions and information pertaining to these classic paintings have not been heretofore commensurate with their scriptural majesty, awe-inspiring grandeur and thought-provoking value, and

Whereas, a planned and well-directed distribution of reproductions of said murals and paintings and the dissemination of descriptions and information pertaining to these great art-treasures of our State Capitol would be conducive to both an increased tourist-traffic in Pennsylvania and an enhanced interest in the glorious past of our Commonwealth, and

Whereas, "The Pennsylvania Manual" published by the Commonwealth of Pennsylvania and compiled under direction of the Bureau of Publications of the Department of Property and Supplies is the official primary-source-book of information pertaining to our Commonwealth, its government and institutions, and

Whereas, thousands of exemplars of said "Pennsylvania Manual" are being annually distributed throughout the nation and our Commonwealth, thus providing a channel for the dissemination of valuable information, and

Whereas, preparations are now being made for the publication of the forthcoming issue of "The Pennsylvania Manual" for the 1937-1938 biennium, therefore be it

Resolved (if the House of Representatives concur) that the forthcoming issue of "The Pennsylvania Manual" for the 1937-1938 biennium shall contain in addition to its usual material also a new chapter devoted to the description of the art-treasures of the State Capitol together with the reproductions of its paintings and murals, and be it further

Resolved that the President Pro-Tem of the Senate appoint three (3) Senators and the Speaker of the House appoint three (3) Representatives, who together shall form a Committee to write and to edit said chapter, and be it further

Resolved that a copy of this resolution be sent to his Excellency the Governor of Pennsylvania, and the Secretary of Property and Supplies.

Mr. STIEFEL. Mr. President, I ask unanimous consent that Rule 39, which requires concurrent resolutions to be referred to an appropriate committee, be suspended, and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. STIEFEL. Mr. President, in these days when we are confronted with complicated economies and political problems, willy-nilly matters of cultural and educational value must escape our attention. The resolution I have just offered embodies the humble tribute of a tyro Senator to the art treasures of the State Capitol.

Mr. LAW. Mr. President, I object. I believe this is too important a matter to be voted on at this time. This may or may not be the proper channel through which this information can best be disseminated; I think the matter should be considered by a committee.

The PRESIDENT. In the absence of an Art Jury, or Committee on Art, the Chair will refer the resolution to the Committee on State Government.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 241 (House Bill No. 235), entitled:

An Act authorizing the adjournment and re-adjournment of any County Treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight; validating any action in adjourning or re-adjourning tax sales taken prior to the effective date of this act; and preserving the lien of all taxes on lands to be sold at such sales.

And said bill having been read at length the third time, and agreed to,

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provision of the Constitution, and were as follows, viz:

YEAS—43

Bean,	Haluska,	Lanius,	Rodgers,
Buckman,	Henney,	Law,	Rupp,
Cavalcante,	Heyburn,	Mallery,	Ruth,
Chapman,	Homsher,	McCreesh,	Scarlett,
Dando,	Howell,	McGinnis,	Shapiro,
Deitrick,	Huffman,	Pierson,	Sipe,
Dent,	Jacobs,	Pytko,	Sones,
DiSilvestro,	Jaspan,	Rankin,	Stiefel,
Eroe,	Kahle,	Reed,	Wolfenden,
Frey,	Kilgallen,	Rice,	Woodward,
Gilson,	Kunkel,	Roberts	

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 305, entitled:

An Act to amend the act, approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing counties of the second class to assist political subdivisions in the county in negotiations and contests with public service companies.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provision of the Constitution, and were as follows, viz:

YEAS—36

Cavalcante,	Henney,	Mallery,	Rodgers,
Dando,	Heyburn,	McCreesh,	Rupp,
Deitrick,	Huffman,	McGinnis,	Ruth,
Dent,	Jacobs,	Pierson,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Eroe,	Kilgallen,	Rankin,	Sones,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Lanius,	Rice,	Wolfenden,
Haluska,	Law,	Roberts,	Woodward,

NAYS— 4

Bean,	Chapman,	Homsher,	Scarlett,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 329 (House Bill No. 735), entitled:

An Act to further amend section two of the act, approved the twenty-first day of April, one thousand nine hundred fifteen (P. L. 140), entitled "An act directing the County Commissioners of the several counties to offer for sale to the Department of Forestry, tracts of land which they may have purchased at County Treasurers' sales, for acceptance or refusal for forestry purposes, and to convey to the Commonwealth of Pennsylvania the tracts so offered to be sold, if accepted by the department," by limiting the consideration to be paid for lands acquired.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provision of the Constitution, and were as follows, viz:

YEAS—41

Bean,	Henney,	Lanius,	Roberts,
Cavalcante,	Heyburn,	Law,	Rodgers,
Chapman,	Homsher,	Mallery,	Rupp,
Dando,	Howell,	McCreesh,	Ruth,
Deitrick,	Huffman,	McGinnis,	Scarlett,
Dent,	Jacobs,	Pierson,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Rankin,	Sones,
Frey,	Kilgallen,	Reed,	Stiefel,
Gilson,	Kunkel,	Rice,	Woodward,
Haluska,			

NAYS 1

Wolfenden,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 355 (House Bill No. 561) on third reading, entitled:

An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 13, on second reading, entitled:

An Act to amend section five and to repeal section fifteen of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-six (Pamphlet thirty-seven) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers' Assistance Funds of the several counties authorizing the Department of Welfare to cooperate with and accept and disburse moneys received from the United State Government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts" by changing the qualifications for assistance and by removing the liability of beneficiaries and their estates for repayment of assistance received

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KUNKEL. Mr. President, at the request of the Senator from Center, Mr. Thompson, I ask unanimous consent that Senate Bill No. 219, on second reading, entitled:

An Act to amend section two hundred and seventy-eight of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as amended; providing for the appointment and compensation of a detective to the district attorney in counties of the fifth class.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 467, (House Bill No. 916), as follows:

An Act to amend section one of the act approved the seventeenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand twenty-five) entitled "A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred and eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the seventeenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand twenty-five) entitled "A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred and eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax'" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cities of the first class on or before the [thirteenth] thirtieth day of December one thousand nine hundred and nineteen and [quadrennially] on or before the thirtieth day of December of each year thereafter the Auditor General [and the city treasurer] shall appoint five suitable qualified citizens as mercantile appraisers for [terms of four years each] the succeeding year Not all of said appraisers shall be members of the same political party The powers duties and compensation of said appraisers shall be as now provided by law

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 468, (House Bill No. 1040), entitled:

An Act to re-enact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-five (Pamphlet Laws three hundred forty-one) entitled "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties" by extending the provisions of the act for a further period of time and by making further provision for penalties

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 471, (House Bill No. 1045), entitled:

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in

internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by imposing an additional tax on liquid fuels for a limited period of time and making further provisions for the determination and payment of the tax

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 490, (House Bill No. 257), as follows:

An Act to amend clause (b) of section four Article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended changing the order in which officers of such cities shall act as mayor in case of a vacancy or disability of the mayor to act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (b) of section four Article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as last amended by the act approved the third day of June one thousand nine hundred and thirty-three (P. L. 1519) is hereby further amended to read as follows

(b) Until the vacancy is filled or in case of the mayor's temporary disability the city controller [president of the council shall act as mayor or if he should resign or be unable to act as mayor then the chairman of the finance committee of the council] shall act as mayor [director of public safety shall act as mayor or if he should resign or be unable to act as mayor then the director of public health shall act as mayor or if he should resign or be unable to act as mayor then the director of public works shall act as mayor or if he should resign or be unable to act as mayor then the director of public welfare shall act as mayor or if he should resign or be unable to act as mayor then the director of wharves docks and ferries shall act as mayor or if he should resign or be unable to act as mayor then the director of city transit shall act as mayor or if he should resign or be unable to act as mayor then the director of supplies and purchases shall act as mayor or if he should resign or be unable to act as mayor then the director of city architecture shall act as mayor of if he should resign or be unable to act as mayor then the president of the council shall act as mayor]

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 527, (House Bill No. 1041), entitled:

An Act to re-enact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (P. L. 208) entitled "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county boards and departments making an appropriation and providing penalties" as amended by extending the provisions of the act for a further period of time reducing the rate of tax defining net income; making further provision for filing reports on a fiscal year basis and for the filing of consolidated reports; providing for the settlement and resettlement of taxes and review and appeal therefrom; imposing duties and conferring powers on the Auditor General; and making further provision for the retention of records by corporations and for interest penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 528, (House Bill No. 1046), entitled:

An Act to reenact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of 1936 P. L. 13) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" by extending the provisions thereof for a further period of time and providing a method of ascertaining the amount of the tax for payment over to the Department of Revenue

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 579, (House Bill No. 1161), entitled:

An Act to amend section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belong to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting monies payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State

government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision for the appointment of mercantile appraisers

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 586, as follows:

An Act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the board of revision of taxes in counties of the first class shall hereafter be appointed as follows

One of the two members required to be attorneys-at-law the one member required to be a construction engineer and the one member required to be a real estate appraiser shall be appointed by the county treasurer of the county

One of the two members required to be attorneys-at-law the one member required to be a civil engineer and the one member required to be a real estate broker shall b appointed by the county controller

The one member required to be a business man shall be appointed by the county treasurer and the county controller acting jointly

All vacancies shall be filled by the officer or officers who appointed the member whose place is to be filled

Section 2 All acts and parts of acts general local and special inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 587, as follows:

An Act to further amend section five and to partly repeal sections one two three and four of the act approved the twenty-third day of June one thousand nine hundred and eleven (Pamphlet Laws 1123) entitled "An act establishing in each county a board of viewers prescribing their duties providing for their appointment as viewers road juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof" by providing for the appointment of boards of view from the board of revision of taxes and abolishing the board of viewers in counties of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the twenty-third day of June one thousand nine hundred and eleven (Pamphlet Laws 1123) entitled "An act establishing in each county a board of viewers prescribing their duties providing for their appointment as viewers road juries juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof" as amended by section one of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 866) is hereby further amended to read as follows

Section 5 Whenever hereafter a petition shall be presented to any court judge or judges of this Commonwealth praying the appointment of viewers reviewers or re-reviewers or of a jury of view or of a road jury or of commissioners of view or of any person or body under any designation for the purpose of viewing laying out opening grading altering widening vacating or constructing of roads streets highways sewers or bridges or for the assessment of damages and benefits occasioned by such laying out opening grading altering widening vacating and constructing of roads streets highways sewers or bridges or occasioned by any appropriation of land by municipalities and of other corporations having the power of eminent domain the court shall appoint a board of view of three members one of whom may be learned in the law from among the board of viewers of the county as such viewers reviewers re-reviewers or jury of view or road jury or commissioners of view Provided That in counties of the first class such board of view shall be appointed from among the members of the board of revision of taxes of such county

The records filed by such board of view when concurred in by two out of these three members thereof shall have the same force and effect as records filed under existing laws by viewers reviewers re-reviewers or juries of view or road juries or commissioners of view

Appeals from the action of any board of view and exceptions thereto shall be taken and filed in the same manner and with like force and effect as under existing laws

In case of vacancies in a board of view appointed in any case and before its final action the court which appointed the board may fill such vacancies in the board by the appointment of other members of the board of viewers

Section 2 The board of viewers of counties of the first class is hereby abolished

Sections one two three and four of said act and their amendments are hereby repealed in so far as they apply to counties of the first class

Section 3 The provisions of this act shall become effective

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 588, as follows:

An Act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of articles three of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as last amended by section one of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1189) is hereby further amended to read as follows

Section 1 There shall be the following executive departments

1 Department of Public Safety
2 Department of Public Works
3 Department of Public Health
4 Department of Public Welfare
5 Department of Wharves Docks and Ferries
6 Department of City Transit
7 Department of City Treasurer
8 Department of City Controller
9 Department of Law
10 Civil Service Commission
11 Department of Receiver of Taxes
12 Department of Supplies and Purchases
13 Department of City Architecture

No Department shall be created by the council other than those herein enumerated

Section 2 Article eleven of said act is hereby amended by adding at the end thereof a new section to read as follows

Section 7 All officers charged with the duty of collecting taxes and the receipt and collection of funds derived from loans licenses water-rents water-pipe frontages permits and rents from markets lands wharves and other public property and interests shall be attached and subordinate to the department of city treasurer and be subject to its supervision control and direction But boards of directors of city trusts now existing and boards of revision of taxes created by any acts of assembly shall be appointed and perform their functions as provided by law

The city treasurer shall be charged by the controller with the full amount of all tax duplicates of the several wards and also with all other accounts placed in his hands by the proper officer for collection and shall make daily returns to the controller of all moneys paid and by whom paid

Section 3 Article fifteen of said act is hereby repealed

Section 4 The office of receiver of taxes in cities of the first class is hereby abolished and the term of the receiver of taxes in office is hereby terminated on the effective date of this act All books papers records documents supplies materials equipment etc in the possession of the department of receiver of taxes are hereby transferred to the department of city treasurer on the effective date of this act

Section 5 The provisions of this act shall become effective

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 589, as follows:

An Act fixing the number qualifications manner of appointment organization and salaries of members of the board of revision of taxes in counties of the first class providing for the appointment and compensation of a chief deputy appraiser assistant appraisers and other employes of the board abolishing the present assessors and repealing general local and special laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the board of revision of taxes in counties of the first class shall after the first day of April one thousand nine hundred and thirty-seven consist of seven members who shall be appointed as provided by law

Section 2 The respective members of the board shall have the following qualifications

Two of such members shall be attorneys-at-law and members of the bar of the Supreme Court of Pennsylvania and of the county and shall have practiced law specializing in real estate for the last ten years immediately preceding their appointment

One of such members shall be a construction engineer licensed as a professional engineer under the laws of this Commonwealth and shall have had at least ten years' practical experience as such immediately preceding his appointment

One of such members shall be a civil engineer licensed as a professional engineer under the laws of this Commonwealth and shall have had at least ten years' practical experience as such immediately preceding his appointment

One of such members shall be a real estate appraiser and shall have had at least ten years' practical experience as such gained in private business and not in connection with any public office immediately preceding his appointment

One of such members shall be a real estate broker licensed as such under the laws of this Commonwealth and shall have had at least ten years' practical experience as such immediately preceding his appointment

One of such members shall be a business man with at least ten years' practical experience as such immediately preceding his appointment

Section 3 No person shall be appointed a member of the board of revision of taxes unless he shall have filed with the appointing authority a written application for such appointment setting forth in detail sufficient information to show that the applicant possesses the qualifications required of him by this act All such facts shall be sworn to or affirmed by the applicant All such applications shall remain on file in the office of the appointing authority as a public record

Section 4 The board shall organize each year by electing a chairman and a secretary from among its members In the absence of the chairman a member designated by him shall act as chairman

The chairman of the board shall receive a salary of twelve thousand five hundred dollars ($12,500) per annum Each of the other members shall receive salaries of ten thousand dollars ($10,000) per annum None of the members shall receive any other compensation for any service required of them by law

Each member of the board shall give bond in such amount and with such surety or sureties as the tax levying body of the county shall approve conditioned upon the faithful performance of all of their duties as members of the board They shall not be required to give any other bond for any purpose

The members of the board shall not during their terms of office engage in any other employment or hold any other public office or other public employment

Section 5 The board shall appoint a chief deputy appraiser who shall receive a salary of seven thousand five hundred dollars ($7,500) per annum Such chief deputy appraiser shall at the time of his appointment have had not less than ten years' practical experience in making real estate appraisals It shall be his duty to supervise the making of assessments and the keeping of the records of the board in accordance with the directions rules and regulations of the board

Section 6 The board shall appoint as many assistant appraisers as it deems necessary but not more than twenty-five whose salaries shall be fixed by the board subject to the approval of the tax levying body of the county and shall range in amount from two thousand seven hundred fifty dollars ($2,750) to five thousand dollars ($5,000) Each of such assistant appraisers shall have had not less than five years practical experience as a draftsman or a real estate broker or agent or in the appraising and purchasing of real property

The board shall also appoint such number of clerks stenographers and other employes and at such compensation as shall be allowed and fixed by the tax levying body of the county

All salaries and compensation shall be paid out of county treasury

Section 7 The board of revision of taxes may by general rules and regulations prescribe additional qualifica-

tions not inconsistent with the provisions of this act to be possessed by the chief deputy appraiser assistant appraisers and other employes of the board

No person shall be employed by the board in any position except pursuant to written application under oath or affirmation setting forth in detail his qualifications for the office or position which he seeks which applications shall be preserved among the records of the board All appointments shall be made pursuant to competitive examinations conducted by the board which shall be open to all persons possessing the requisite experience and qualifications Appointments shall as far as possible be made by advancement from among the employes of the board

Section 8 The several assessors and personal property assessors heretofore provided for by law in counties of the first class are hereby abolished and the terms of employment of the present assessors are hereby terminated

Section 9 The following acts and their amendments are hereby repealed

The act approved the twenty-fourth day of March one thousand nine hundred and three (P. L. 51) entitled "An act providing for the manner of appointment of assessors for the purpose of valuation of property in counties containing a population of one million two hundred fifty thousand or over"

The act approved the thirty-first of May one thousand nine hundred and seven (P. L. 329) entitled "An act fixing the salary of real estate assessors in counties having a population of one million or over" and

The act approved the seventh day of April one thousand nine hundred and twenty-seven (P. L. 149) entitled "An act providing for the appointment of assessors of personal property in counties of the first class defining their duties and fixing their salaries"

All acts and parts of acts general local and special inconsistent herewith are hereby repealed

Section 10 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 590, as follows:

An Act Relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of revision of taxes and its agents and employes and repealing general local and special laws.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the board of revision of taxes in counties of the first class shall establish a system of tax assessments and records thereof which shall include a complete survey of each parcel of ground and of each building and other improvement in the county and a record thereof showing in full detail descriptions character and size of both land and buildings and other improvements together with the names and address of the owners thereof and the amounts for which such land buildings and improvements respectively stand assessed and the basis upon which such assessments were made

Section 2 Such records shall be set up as soon as conveniently may be after the effective date of this act and shall be in such form as the board shall determine the work of preparing such records together with the necessary maps plates and other details may be performed by contract entered into by the tax levying body of the county in the manner provided by law

Whenever after the completion of such records any change shall occur in the physical condition of any land building or improvement or any change in ownership or whenever any change in the assessed valuation is made in accordance with the provisions of this act such change or changes shall be made and noted on the record of the office of the board

Any taxable inhabitant shall have the right at any time during office hours to examine the assessment of any property shown on such record

Section 3 Immediately after their appointment in the year one thousand nine hundred and thirty-seven and again during the year one thousand nine hundred and thirty-nine and triennially thereafter the board of revision of taxes shall assess rate and value all objects of taxation whether for county city school or poor purposes according to the actual value thereof and at such rates and prices for which the same would separately bona fide sell In assessing real property the board shall classify the same in such manner as to distinguish between the buildings on land and the land exclusive of the buildings but no distinction shall hereafter be made between the farm and suburban property and urban property

Section 4 In the year one thousand nine hundred and thirty-eight and in each year between the years of the triennial assessments the board of revision of taxes shall take an account of all personal property taxable by law together with a just valuation thereof and all persons and also a valuation of all offices and posts of profit professions trades and occupations taxable by law and shall note all persons who have arrived at the age of twenty-one years since the last triennial assessment and all others who have since that time come to inhabit in the county together with the taxable property such persons may possess and the valuation thereof The Board shall also reassess all real property which may have been improved by the erection of buildings or other improvements subsequent to the last preceding triennial assessment and shall note such alterations as may have been occasioned by the transfer or division of real property or by the destruction of buildings

Section 5 In any year other than a triennial year the board of revision of taxes shall if it deems the same necessary make a new assessment of all the property within the county or any part thereof or of any particular property as it deems necessary and advisable

Section 6 As soon as the assessment for the year one thousand nine hundred and thirty-seven and as soon as each triennial assessment thereafter shall have been completed the board of revision of taxes shall prepare a statement in such form as will show the assessed values of all properties within the county Such statement may be in book form and shall be posted or made available for public inspection at such places throughout the county as the board shall deem necessary Copies of such statements may also be sold in such manner and at such price as the board shall determine The proceeds of such sales shall be paid into the county treasury

Section 7 When the times for the meetings of the board of revision of taxes to hear appeals have been fixed the board shall give at least five days' printed or written notice to each taxable of the amount or sum for which such taxable stands rated in any triennial assessment also of any sum or amount for which said persons stand rated by reason of any changes in his her or their assessment in any intervening year for any cause whatsoever together with the time and place of hearing appeals Such notice may served personally or by posting on the premises or by mailing the same to the last known address of the taxable Any person dissatisfied or aggrieved by the assessment or any change thereof may appeal to the board of revision of taxes and be heard at the time and place fixed in the notice

Section 8 At the time and place fixed for the appeal whether at a triennial or inter-triennial assessment the board of revision of taxes shall attend and hear all persons who may apply for redress and grant such relief as to them shall appear just and reasonable Provided That the board of revision of taxes shall not make any allowance or abatement in the valuation of any real estate in any other year than that in which the triennial as-

sessment is made excepting where building or other improvements have been destroyed subsequently to such triennial assessment or where a new assessment has been made as hereinbefore authorized in which cases such allowance or abatement may be made

From any decision of the board an appeal may be had to the court of common pleas of the county as now provided by law

Section 9 For the purpose of all hearings and for all other purposes necessary to the discharge of the duties of the board of revision of taxes each member of the board the chief deputy appraiser each assistant appraiser and such other employes of the board as it may designate shall have authority to administer oaths and affirmations touching any matter relating thereto

Section 10 Except where inconsistent herewith this act does not repeal any of the provisions of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 853) entitled "An act relating to taxation designating the subjects property and persons subjected to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" or its amendments

Section 11 All act and parts of acts general local and special inconsistent herewith are hereby repealed

Section 12 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 598 (House Bill No. 1203), entitled:

An Act relating to counties of the first class and the duties of the recorders of deeds thereof in connection with the collection of certain fees and taxes payable to the Commonwealth and making provision for the disposition of the compensation therefor heretofore received by such recorders of deeds

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 599 (House Bill No. 1204), entitled:

An Act relating to counties of the first class and the duties of the treasurers thereof in connection with the collection of certain taxes fees license taxes and license fees payable to the Commonwealth and making provision for the disposition of the compensation therefor heretofore received by such treasurers

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 614 (House Bill No. 964), as follows:

An Act to amend section five A of Article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended by changing the number and method of appointment of the civil service commissioners in said cities

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five A of Article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended by the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 203) is hereby further amended to read as follows

Section 5-A There shall be established and constituted in such [city] cities a civil service commission consisting of [three] five civil service commissioners [who shall be elected by the city council by a majority vote of all the members elected thereto] two of whom shall be appointed by the mayor of such cities and two of whom shall be appointed by the city controller of such cities and the four commissioners so appointed shall elect a fifth commissioner within thirty days after their appointment and shall hold office for a term of four years and until their successors are severally [elected] appointed and qualified Vacancies in the office of civil service commissioner shall in like manner be filled for the remainder of the term by the appointing power which appointed the person whose vacancy is to be filled The commissioners shall elect from among their own number a president and secretary Each commissioner shall qualify by filing with the mayor an oath to perform the duties of his office faithfully and without fear or favor

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

COMMITTEE TO ATTEND FUNERAL OF FORMER GOVERNOR EDWIN SYDNEY STUART

The PRESIDENT. The President Pro Tempore announces the appointment of the following committee of the Senate, to join with a similar committee of the House in attending the funeral of the late Edwin Sydney Stuart, former Governor of the Commonwealth:

The Senator from Philadelphia, Mr. Pytko,
The Senator from Philadelphia, Mr. Shapiro,
The Senator from Delaware, Mr. Heyburn, and
The Senator from Philadelphia, Mr. Woodward.

MOTION TO READ BILLS THE FIRST TIME

Mr. ROBERTS. Mr. President, I move that all bills reported from committee at todays's session be read the first time.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 99, entitled:

An Act to amend sections thirty-two and thirty-eight of the act approved the nineteenth day of May, one thousand nine hundred and fifteen (P. L. 543) entitled as amended, "An act relating to the sale of goods and choses in action," by providing for the negotiation of documents of title.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 337, entitled:

An Act relating to memorial halls in counties of the second class, erected in honor of the veterans of the wars of the United States and providing for the use, up-keep and management and control of such halls.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 384, (House Bill No. 476), entitled:

An Act abating certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the non-payment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 396, (House Bill No. 733), entitled:

An Act to amend section one thousand seven hundred and five of, and to add section one thousand seven hundred and ten to, the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," imposing certain additional powers and duties upon the Department of Agriculture.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 406, entitled:

An Act making an appropriation to the Local Government Commission to continue its work.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 407, entitled:

An Act requiring counties (other than counties of the first and second classes), cities of the third class, boroughs, towns, townships, school districts and poor districts to issue serial bonds when incurring, increasing or refunding indebtedness; and imposing powers and duties on the Department of Internal Affairs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 409, entitled:

An Act to amend section one thousand and thirty-five as amended, and section one thousand and sixty-two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," further regulating reports of auditors and controllers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 422, entitled:

An Act to amend section three hundred and seventy-one of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" authorizing counties to omit the imposition of taxes on occupations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 489, (House Bill No. 177), entitled:

An Act to amend section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 682), entitled as amended "An act relating to domestic animals, and providing for their appraisement when condemned to prevent the spread of disease; and regulating payments by the Commonwealth in such cases, and the payment of salvage by butchers," as amended, by changing the amount of compensation in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 577, (House Bill No. 988), entitled:

An Act to amend section eight hundred seventy-four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties to rent and lease road machinery.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ANNOUNCEMENTS

The SECRETARY. Immediately upon adjournment the Committee on Congressional Apportionment will meet in Room No. 400.

The Committee on Forests and Waters will meet in Room No. 400 today at 2:15 p. m.

The Committee on Military Affairs will meet in Room No. 265 today at 2:45 p. m.

The Committee on Finance will meet in Room No. 400 today at 3:15 p. m.

The Committee on Public Utilities will meet in Room No. 401 today at 3:45 p. m.

The Committee on Corporations will meet in Room No. 265 today at 4:15 p. m.

The Committee on Judiciary Special will meet in Room No. 200 today at 4:45 p. m.

WEDNESDAY, March 24, 1937

A Democratic caucus will be held tomorrow morning, Wednesday, March 24, 1937, at 10 o'clock, in the Senate Caucus Room.

The Committee on Highways will hold a meeting tomorrow morning, Wednesday, March 24, 1937, at 10:30 o'clock, in the Senate Caucus Room.

The Committee on Labor and Industry will hold a meeting tomorrow morning, Wednesday, March 24, 1937, at 11:15 o'clock, in Room No. 400.

PUBLIC HEARING

A public hearing on Senate Bill No. 488 (House Bill No. 99) will be held by the Committee on Labor and Industry to-night at 8 o'clock in the Senate Chamber.

CRIME COMMISION

The Legislative Committee on the Attorney General's Crime Conference will meet to-night, at 8 o'clock, in the Senate Caucus Room.

PURPOSE OF THE APPORTIONMENT COMMITTEE

Mr. RODGERS. Mr. President, I would like to explain that the Senatorial Apportionment Committee is the special committee which was appointed for preliminary work in connection with re-apportionment.

ADJOURNMENT

Mr. ROBERTS. Mr. President, I move that the Senate do now adjourn until twelve o'clock noon tomorrow.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 1:32 p. m. until twelve o'clock noon tomorrow, Wednesday, March 24, 1937.

HOUSE OF REPRESENTATIVES

TUESDAY, March 23, 1937.

The House met at 1:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain Rev. EPHRIAM Z. GALLAHER, offered the following prayer:

Our heavenly Father, we invoke Thy divine presence. May we continue our task with malice towards none; with charity towards all.

So help us Lord, in Christ's name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. GORSKI the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. MALLEN. HOUSE BILL No. 1794.

An Act to repeal the act, approved the twelfth day of April, one thousand eight hundred and seventy-five (Pamphlet Laws, forty) entitled "An act to repeal an act to permit the voters of this Commonwealth to vote every three years on the question of granting licenses to sell intoxicating liquors, and to restrain and regulate the sale of the same."

Referred to the Committee on State Boards.

By Mr. MALLEN. HOUSE BILL No. 1795.

An Act to amend certain sections of the act, approved the eighteenth day of July, one thousand nine hundred and thirty-five (Act Number 398), entitled "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing licenses and permit fees and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose; imposing duties upon county treasurers, the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts."

Referred to the Committee on State Boards.

By Mr. MALLEN. HOUSE BILL No. 1796.

An Act to repeal the act, approved the twentieth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred seventy-four), entitled "An act authorizing distillers of Spirituous or Vinous Liquors to sell such liquors of their own manufacture in original packages of not less than forty gallons without being required to take out a license as is now required by existing laws."

Referred to the Committee on State Boards.

By Mr. JOHN A. SMITH. HOUSE BILL No. 1797.

An Act to amend clause two of subsection A of section one thousand two hundred and eight of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations, or private bankers, or of affiliated corporations,

associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by extending the provisions of the said act to debentures issued by Federal intermediate credit banks.

Referred to the Committee on Banking.

By Mr. JOHN A. SMITH. HOUSE BILL No. 1798.

An Act to repeal clause (c) as amended, and to amend clause (d) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of non-resident and foreign fiduciaries, the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphan's court in all matters relating to fiduciaries concerned with the estates of decedents," eliminatin certain provisions relating to foreign fiduciaries selling, assigning, transferring and receiving the income from certain assets of decedents, minors and costui que trusts.

Referred to the Committee on Judiciary General.

By Mr. SIEGEL. HOUSE BILL No. 1799.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes in the County in Lycoming.

Referred to the Committee on Highways.

By Mr. DICKINSON. HOUSE BILL No. 1800.

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Public Instruction of engineers having charge of stationary steam of mercury boilers, engines, turbines, refrigerating machinery and such power hoisting and portable machinery, irrespective of the motive power, as shall be used in all construction work; designating the requirements necessary to secure the licensure; providing for the collection of fees; making it a misdemeanor to operate or cause to be operated such apparatus without licensure; and providing penalties.

Referred to the Committee on State Boards.

By Mr. SIEGEL. HOUSE BILL No. 1801.

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing certain routes and adding certain new routes.

Referred to the Committee on Highways.

By Mr. WESTRICK. HOUSE BILL No. 1802.

An Act authorizing County Commissioners to refund taxes and license fees erroneously and inadvertently paid by persons and corporations into the county treasury, and limiting the time within which claims for refund must be made.

Referred to the Committee on Counties.

By Mr. WESTRICK. HOUSE BILL No. 1803.

An Act to further amend seciton one thousand four hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing the use of school conveyances and private conveyances under contract with school districts for transportation of nonprofit civic organizations and groups, during vacations.

Referred to the Committee on Education.

By Mr. THOMAS. HOUSE BILL No. 1804.

An Act for the protection of the public saftey on highways of the Commonwealth; requiring approved brakes to be used on sleds operated on snowy or icy surface on the public highways; prohibiting the use of sleds not so equiped, except where special traffic regulations are provided by proper authorities; and providing penalties.

Referred to the Committee on Highways.

By Mr. THOMAS. HOUSE BILL No. 1805.

An Act to amend section two of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1116), entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet ice and fruit ice, including coated ice cream and the coating thereof; fixing standards for ice cream, custard ice cream, french ice cream, french custard, frozen

custard, sherbet, ice and fruit ice, and to prevent the sale of imitation ice cream and defining said imitation ice cream; providing penalties for the violation thereof, and providing for the enforcement thereof;" requiring ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet, ice and fruit ice to be sold by weight when in containers and packages.

Referred to the Committtee on Agriculture.

By Mr. THOMAS. HOUSE BILL No. 1806.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of Wheatland.

Referred to the Committee on Highways.

By Messrs. McCULLOUGH and MURRIN.
HOUSE BILL No. 1807.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain townships roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities. persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Armstrong.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 1808.

A Supplement to the act, approved the twenty-second day of June one thousand nine hundred and thirty-one (Act No. 203. entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities. persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing additional routes in the County of Butler.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 1809.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-one (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Boroughs of Cherry Valley and Saxonburg.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 1810.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons. associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing additional routes in Butler County.

Referred to the Committee on Highways.

By Mr. CADWALADER. (By Request).
HOUSE BILL No. 1811.

An Act to amend sections one and four of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-five (P. L. 251), entitled "An act prohibiting collection agencies, herein defined, from representing creditors or taking an assignment for the purpose or representing creditors in any action or preceeding, or in settlement or adjustment of the affairs of a debtor; from soliciting business for attorneys at law; and from threatening the debtor with legal proceedings; and providing penalties," further defining collection agencies and regulating the furnishing of legal services.

Referred to the Committee on Judiciary General.

By Messrs. GANSER and CADWALADER.
HOUSE BILL No. 1812.

An Act imposing an annual charge on lands of State institutions and State parks for road and school purposes.

Referred to the Committee on State Government.

By Mr. BOLTZ. HOUSE BILL No. 1813.

An Act to amend subsection (b) of section eight hundred one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public saftey; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers, providing that records are admissible as evidence: imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriaton; and providing for refunds," as amended; further regulating the type of head lamps which are lawful equipment for motor vehiicles.

Referred to the Committee on Motor Vehicles.

By Messrs. ALLEN and ALEXANDER.
HOUSE BILL No. 1814.

An Act to amend subsection (á) of section five, sections eight and fifteen, and subsection (a) of section twenty-two, of the act, approved the twenty-fifth day of July, one thousand nine hundred and thirty-six (P. L. 28), entitled "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds

of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts," by reducing the age under which certain persons shall be entitled to the benefits hereof; fixing the amount of such benefits; and exempting the home of the beneficiary from liability for repayment

Referred to the Committee on Pensions and Gratuities.

By Mr. MOOMAW. HOUSE BILL No. 1815.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvment under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Franklin.

Referred to the Committee on Highways.

By Mr. MOOMAW. HOUSE BILL No. 1816.

An Act to amend section two hundred one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1005), entitled "An act relating to and regulating tractors and trailers and their operation; providing for their registration, and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of tractors and trailers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, and townships, within the Commonwealth, liability for damages caused by the negligent operation of tractors and trailers; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds," as amended, exempting certain trailers and farm machinery from registration.

Referred to the Committee on Motor Vehicles.

By Mr. ZAPPALA. HOUSE BILL No. 1817.

An Act to fix the number of Representatives in the General Assembly of the State, and to apportion the State into representative districts as provided by the Constitution

Referred to the Committee on Legislative Apportionment

By Mr. ACHTERMAN. HOUSE BILL No. 1818.

An Act making an appropriation to the Department of Public Instruction for reimbursing fourth class school districts upon certain increases of the salaries of members of the teaching staffs of elementary schools in such school districts.

Referred to the Committee on Appropriations.

By Mr. ACHTERMAN. HOUSE BILL No. 1819.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes in the Townships of Polk and Eldred, Monroe County.

Referred to the Committee on Highways.

By Mr. ACHTERMAN. HOUSE BILL No. 1820.

An Act to amend section three of the act, approved the twenty-fifth day of July, one thousand nine hundred and seventeen (P. L. 1195), entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions; providing State aid for certain agricultural associations, and regulating the payment thereof," reducing the number of days during which exhibitions need be held.

Referred to the Committee on Agriculture.

By Mr. SPENGLER. HOUSE BILL No. 1821.

An Act authorizing and requiring public service companies and municipalities operating any public utility to return deposits made to secure future payments under certain conditions, when the receipt therefor is lost or destroyed; and imposing duties on the Public Service Commission or its successor.

Referred to the Committee on Public Utilities.

By Mr. HAYS. HOUSE BILL No. 1822.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Clarion

Referred to the Committee on Highways.

By Mr. HAYS. HOUSE BILL No. 1823.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers, upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Clarion.

Referred to the Committee on Highways.

By Mr. HAYS. HOUSE BILL No. 1824.

An Act to further amend section one thousand two hundred one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by making further provision for bringing informations in summary proceedings.

Referred to the Committee on Motor Vehicles.

By Mr. FLINCHBAUGH. HOUSE BILL No. 1825.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing additional routes in the County of York.

Referred to the Committee on Highways.

By Mr. FLINCHBAUGH. HOUSE BILL No. 1826.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of Glen Rock.

Referred to the Committee on Highways.

By Mr. FLINCHBAUGH. HOUSE BILL No. 1827.

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing certain routes and adding certain new routes.

Referred to the Committee on Highways.

By Mr. MOUL. HOUSE BILL No. 1828.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of said act;" establishing additional routes in the County of York.

Referred to the Committee on Highways.

By Mr. FLINCHBAUGH. HOUSE BILL No. 1829.

An Act limiting the amount of service charge that may be made by public service companies supplying electric current for domestic use; and imposing duties on the Public Service Commission or its successor.

Referred to the Committee on Public Utilities.

By Mr. DYSON. HOUSE BILL No. 1830.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, association and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional route in the County of Perry.

Referred to the Committee on Highways.

By Messrs. HOLLAND and KANE. HOUSE BILL No. 1831.

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by limiting the hours of service of operators of commercial motor vehicles, motor omnibuses, motor buses and tractors, requiring such operators to keep certain records and imposing penalties.

Referred to the Committee on Motor Vehicles.

By Mr. HOLLAND. HOUSE BILL No. 1832.

An Act to amend section three of the act, approved the eighteenth day of April, one thousand nine hundred and nineteen (P. L. 70), entitled "An act declaring it a misdemeanor for any maker or drawer with intent to defraud to make or draw or utter or deliver any check, draft or order when such person has not sufficient funds in or credit with the depository upon which the same is drawn," by providing for the admission in evidence of the protest of non-payment of checks, drafts and orders.

Referred to the Committee on Judiciary General.

By Mr. RUSH. HOUSE BILL No. 1833.

A Joint Resolution constituting a commission to examine the tax laws of the Commonwealth and of other states and countries, and to prepare and submit bills to carry into effect its recommendations; prescribing the powers and duties of said commission; and making an appropriation.

Referred to the Committee on Ways and Means.

By Mr. CAPUTO. HOUSE BILL No. 1834.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes in the County of Beaver.

Referred to the Committee on Highways.

By Mr. CAPUTO. HOUSE BILL No. 1835.

An Act to authorize the acquisition, improvement, construction, operation and maintenance of electric light and gas systems by cities of the third class and boroughs; authorizing the issuance of revenue bonds of such cities and boroughs; payable solely from earnings, to pay the cost of such systems; providing for the fixing of rates and collection of charges for the payment of such bonds and for the cost of maintenance, operation, and repair of such systems; providing for condemnation; authorizing the issuance of revenue refunding bonds; and providing that no debt of such cities or boroughs shall be incurred in the exercise of any of the powers granted by this act.

Referred to the Committee on Municipal Corporations.

By Mr. MARINO. HOUSE BILL No. 1836.

A Supplement to the act, approved the second day of June, one thousand nine hundred fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions and procedure related to such diseases.

Referred to the Committee on Labor.

By Mr. MARINO. HOUSE BILL No. 1837.

A Joint Resolution proposing an amendment to Article thirteen of the Constitution of the Commonwealth of Pennsylvania, by adding section two.

Referred to the Committee on Constitutional Amendments.

By Mr. MARINO. HOUSE BILL No. 1838.

An Act to prohibit the operation of mines, mills and factories and the keeping open of public schools and State teachers colleges, during the hours when the polls are open on the day of any general or municipal election; and providing penalties.

Referred to the Committee on Elections.

By Mr. MARINO. HOUSE BILL No. 1839.

An Act to limit the power of the Supreme and Superior Courts in declaring laws enacted by the General Assembly to be unconstitutional.

Referred to the Committee on Judiciary General.

By Mr. HARKINS. HOUSE BILL No. 1840.

An Act to amend section one thousand one hundred two of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, providing that county, district, assistant and associate superintendents shall not be otherwise employed for remuneration.

Referred to the Committee on Education.

By Mr. HARKINS. HOUSE BILL No. 1841.

An Act to amend section three hundred eighteen of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class, within the provisions of this act; prescribing the terms and conditions upon which foreign the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments. boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations;" further regulating financial reports of corporations to shareholders.

Referred to the Committee on Corporations.

By Mr. HARKINS. HOUSE BILL No. 1842.

An Act to amend section sixty-eight of the act, approved the fourteenth day of April, one thousand eight hundred and thirty-four, (P. L. 333), entitled "An act relative to the organization of the courts of justice," providing that only regularly admitted attorneys-at-law shall be entitled to represent litigants or to render legal advice in this Commonwealth.

Referred to the Committee on Judiciary General.

By Mr. DECKER. HOUSE BILL No. 1843.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one

(Act No. 203), entitled "An act establishing certain townships roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establish additional routes in the County of Centre.

Referred to the Committee on Highways.

By Mr. JAMES W. PATTERSON.

HOUSE BILL No. 1844.

An Act empowering cities of the second class to levy, assess and collect or to provide for the leving, assessment and collection of an excise tax against electric light, heat and power companies, natural gas companies, artificial gas companies, water companies, telephone companies, steam heating companies and taxicab companies and certain individuals operating taxicabs.

Referred to the Committee on Constitutional Amendments.

By Mr. REESE. HOUSE BILL No. 1845.

An Act to prohibit discrimination against doctors of medicine in the use of the facilities of State-aided hospitals; and requiring the Department of Welfare to withhold the payment of State appropriations in certain cases;

Referred to the Committee on Welfare.

By Mr. JOHN A. SMITH HOUSE BILL No. 1846.

An Act limiting liability to a guest for injury, death or loss in motor vehicle accident to cases of heedlessness or recklessness.

Referred to the Committee on Judiciary General.

By Mr. JOHN A. SMITH. HOUSE BILL No. 1847.

An Act to amend the definitions of "common carrier" and "conveyance of passengers or property" contained in section one of article one of the act, approved the twenty-sixth day of July, one thousand nine hundred and thirteen (P. L. 1374), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, defining and limiting their powers, and regulating their incorporations, and to limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such commission and its officers, including the exclusive power to regulate the construction, alteration, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of of the orders of said Commission; making it the duty of the Public Service Commission to enforce the provisions of the act, approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth Article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anne Domini one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," by exempting the conveyance of perishable food products, milk and used household furniture from regulation by the Commission in certain cases.

Referred to the Committees on Public Utilities.

By Messrs. JOHN A. SMITH and MOUL.

HOUSE BILL No. 1848.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of York.

Referred to the Committee on Highways.

By Mr. JOHN A. SMITH. HOUSE BILL No. 1849.

An Act making an appropriation to the Board of Finance and Revenue for the payment of certain moral claims of the Commonwealth.

Referred to the Committee on Appropriations.

By Mr. JOHN A. SMITH. HOUSE BILL No. 1850.

An Act to further amend the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring

such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by changing the rate of tax on kerosene, fuel oil and gas oil used in internal combustion engines for the generation of power to propel vehicles which use the public highways.

Referred to the Committee on Ways and Means.

By Mr. JOHN A. SMITH. HOUSE BILL No. 1851.

An Act to further amend sections six hundred fourteen and six hundred twenty of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth: providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers: providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalities; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making and appropriation; and providing for refunds;" providing for the revocation of operator's licenses of paid operators of commercial motor vehicles, motor busses and motor omnibuses in certain cases; and imposing additional penalties onsuch persons in certain cases.

Referred to the Committee on Motor Vehicles.

By Mr. JOHN A. SMITH. HOUSE BILL No. 1852.

An Act making an appropriation to the Department of Military Affairs for the payment of a motor boat used during the March, one thousand nine hundred and thirty-six floods, which has not been returned.

Referred to the Committee on Appropriations.

By Messrs. JOHN A. SMITH and DYSON.
HOUSE BILL No. 1853.

An Act to amend section seven hundred three and subsection (a) of section nine hundred three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," as amended; changing the chassis weight authorized by the act for certain classes of commercial motor vehicles and truck tractors.

Referred to the Committee on Motor Vehicles.

By Messrs. JOHN A. SMITH and DYSON.
HOUSE BILL No. 1854.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes in the County of Cumberland.

Referred to the Committee on Highways.

By Messrs. JOHN A. SMITH and MOUL.
HOUSE BILL No. 1855.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of New Cumberland.

Referred to the Committee on Highways.

By Mr. ROTHENBERGER. HOUSE BILL No. 1856.

An Act to amend section one of the act, approved the twelfth day of July, one thousand nine hundred and thirty-five (P. L. 708), entitled "An act prohibiting others than members of the Bar to practice law and providing penalties," by excluding justices of the peace, aldermen and magistrates from being subject to the penalties of said act.

Referred to the Committee on Judiciary General.

By Mr. AUKERMAN. HOUSE BILL No. 1857.

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the costs of construction or tions of the cost of street improvements on abutting propmaintenance; providing for the assessment of certain porerty owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor Li-

cense Fund for the purpose of this act," as amended, by changing certain routes and adding certain new routes.

Referred to the Committee on Highways.

By Mr. AUKERMAN. HOUSE BILL No. 1858.

An Act to amend section two thousand five hundred fifty-three, as amended, of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto;" permitting city treasurers to give fidelity bonds as tax collectors of school districts of the second class, and regulating the premiums thereof.

Referred to the Committee on Cities.

By Mr. BROAD. HOUSE BILL No. 1859.

An Act requiring State-aided hospitals to make and publish an annual financial report.

Referred to the Committee on Welfare.

By Mr. BROAD. HOUSE BILL No. 1860.

An Act providing for the appointment of the Hannastown Historical Commission, for the purpose of acquiring and marking the site of the first Court held west of the Allegheny Mountains, by the erection of a replica of the first court house, and the establishing of a historical museum in connection therewith, and for the further purpose of marking the Forbes and Bouquet Roads, between Bedford and Fort Pitt; defining the membership and duties of said Commission, and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. McKINNEY. HOUSE BILL No. 1861.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Venango.

Referred to the Committee on Highways.

By Mr. McKINNEY. HOUSE BILL No. 1862.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three, (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of Pleasantville.

Referred to the Committee on Highways.

By Mr. BROWNFIELD. HOUSE BILL No. 1863.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways, conferring certain powers, upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. BROWNFIELD. HOUSE BILL No. 1864.

An Act to establish as a State highway a certain section of public road in the County of Fayette, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. SIMON. HOUSE BILL No. 1865.

An Act to establish as a State highway a certain section of public road in the County of Clinton, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. SIMON. HOUSE BILL No. 1866.

An Act to establish as a State highway a certain section of public road in the County of Clinton, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. TRONZO. HOUSE BILL No. 1867.

An Act for the protection of teachers and pupils of the public schools who conscientiously object to saluting the American Flag or to take the oath or pledge of allegiance to the United States.

Referred to the Committee on Education.

By Mr. CLIFF S. PATTERSON. HOUSE BILL No. 1868.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highway, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of Donora.

Referred to the Committee on Highways.

By Mr. CLIFF S. PATTERSON. HOUSE BILL No. 1869.

An Act to further amend sections eight, ten, and clause (a) of section fourteen of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons, and providing penalties," by providing additional grounds for refusing, suspending or revoking licenses; authorizing the State Board of Undertakers to impose penalties, and extending its power to make rules and regulations; and giving associations of funeral directors the right of appeal in certain cases.

Referred to the Committee on State Boards.

By Mr. BROAD. HOUSE BILL No. 1870.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain

streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of Oklahoma.

Referred to the Committee on Highways.

By Mr. BROAD. HOUSE BILL No. 1871.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of said act;" establishing additional routes in the County of Westmoreland.

Referred to the Committee on Highways.

By Mr. TRONZO. HOUSE BILL No. 1872.

An Act to amend section fifteen of the act, approved the twenty-third day of May, one thousand nine hundred and seven (P. L. 206), entitled "An act to regulate and improve the civil service of the cities of the second class in the Commonwealth of Pennsylvania; making violations of its provisions to be misdemeanors, and providing penalties for violations thereof," by further regulating provisional and temporary employment and technical employes.

Referred to the Committee on Cities.

By Messrs. ELPERN and BROAD.
HOUSE BILL No. 1873.

An Act requiring owners, operators and lessees of certain bituminous mines to secure permits; prescribing permit fees; defining the powers and duties of the Department of Mines; and prescribing penalties.

Referred to the Committee on Mines and Mining.

By Mr. ELPERN. HOUSE BILL No. 1874.

An Act making an appropriation to the Department of Property and Supplies to erect a monument or memorial to Major General Arthur St. Clair.

Referred to the Committee on Appropriations.

By Mr. ELPERN. HOUSE BILL No. 1875.

An Act to prevent racial and religious prejudice; and providing penalties.

Referred to the Committee on Judiciary General.

By Mr. ELPERN. HOUSE BILL No. 1876.

An Act to amend so much of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one, (P. L. 167), entitled "An act to designate the several judicial districts of the Commonwealth as required by the Constitution, and to provide for the election and commissioning of judges learned in the law for the said districts," as relates to the Tenth Judicial District by eliminating the judge of the orphans' court.

Referred to the Committee on Judiciary General.

By Mr. ELPERN. HOUSE BILL No. 1877.

An Act fixing the minimum compensation for labor employed by the Department of Highways on the State highways.

Referred to the Committee on State Government.

By Mr. TRONZO. HOUSE BILL No. 1878.

An Act for the protection of persons engaged in enlightening people on the word of God; prohibiting political subdivisions from enacting or enforcing certain ordinances, and avoiding existing ordinances.

Referred to the Committee on Judiciary Special.

By Messrs. HESS and READINGER.
HOUSE BILL No. 1879.

An Act to amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-five (P. L. 450), entitled "An act to promote public morals, abolishing civil causes of action for alienation of affections, except in certain cases, and breach of promise to marry; making it unlawful to file, cause to be filed, threaten to file, or threaten to cause to be filed any such action; fixing a time for the commencement of such causes of action heretofore accrued; declaring void all future contracts in settlement of such actions; making it unlawful to induce the execution of such a contract or payment thereunder or institution of suit thereon; and providing penalties," correcting an error in said section.

Referred to the Committee on Judiciary General.

By Mr. PERSHING. HOUSE BILL No. 1880.

An Act providing for the settlement and compromise of certain claims of the Commonwealth against boroughs for the Construction, reconstruction, maintenance and repair of highways.

Referred to the Committee on Boroughs.

By Mr. PERSHING. HOUSE BILL No. 1881.

An Act to provide for a third additional law judge of the Court of Common Pleas of the Tenth Judiciary District.

Referred to the Committee on Judiciary General.

By Mr. LONGAKER. HOUSE BILL No. 1882.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing additional routes in the County of Montgomery.

Referred to the Committee on Highways.

By Mr. LONGAKER. HOUSE BILL No. 1883.

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons,

associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing certain routes and adding certain new routes.

Referred to the Committee on Highways.

By Mr. LONGAKER. HOUSE BILL No. 1884.

An Act to amend section thirty-eight of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 568), entitled "An act relating to the commencement of actions," as amended; changing the requirements as to returns of writs of summons.

Referred to the Committee on Judiciary General.

By Mr. LONGAKER. HOUSE BILL No. 1885.

An act to amend sections six hundred three of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," as amended, further regulating the time for and the methods of taking fur-bearing animals.

Referred to the Committee on Game.

By Mr. LONGAKER. HOUSE BILL No. 1886.

An Act to amend section six hundred three of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concering game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," as amended, further regulating the methods of taking fur-bearing animals.

Referred to the Committee on Game.

By Mr. SOLLENBERGER. HOUSE BILL No. 1887.

An Act to further amend section one thousand two hundred seven of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrains, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by providing for payment of additional fines and forfeitures to townships.

Referred to the Committee on Motor Vehicles.

By Mr. DAVID H. WEISS. HOUSE BILL No. 1888.

An Act providing that the school directors of school districts of the third class shall be ex-officio members of the board of revision of taxes when appeals from assessments are being heard.

Referred to the Committee on Education.

By Mr. DAVID H. WEISS. HOUSE BILL No. 1889.

An Act to add section four and one-tenth to the act, approved the twenty-third day of June, one thousand eight hundred and eighty-five (P. L. 146), entitled "An act relating to marriage licenses, providing for officers herein indicated to issue licenses for parties to marry," by providing that hereafter only marriages entered into in this Commonwealth in accordance with said act and its amendements shall be valid; and abolishing common law marriages.

Referred to the Committee on Judiciary General.

By Mr. TRONZO. HOUSE BILL No. 1890.

An Act providing for the tenure of members of the faculty and teaching staffs of State and State-aided educational institutions as herein defined; authorizing the withholding of appropriations; and imposing duties on the Department of Public Instruction.

Referred to the Committee on Education.

By Mr. DICKINSON. HOUSE BILL No. 1891.

An Act to further amend the act, approved the eighth day of May, one thousand nine hundred and nine (P. L. 470), entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs; defining the word "drug"; prescribing penalties for violation of this act, and the method of enforcement," by further defining the standards for drugs and adulteration of drugs; and providing for the enforcement of said act by the Department of Agriculture.

Referred to the Committee on Public Health and Sanitation.

By Mr. TRONZO. HOUSE BILL No. 1892.

An Act to regulate and improve the administration of public assistance in the Commonwealth of Pennsylvania; establishing a personnel director for the Department of Assistance; providing; a merit system for the employment, promotion, and dismissal of employes of the State Department of Assistance; and providing for appeals in all matters pertaining to this act.

Referred to the Committee on State Government.

By Mr. TOOLE. (By Request). HOUSE BILL No. 1893.

An Act to amend section one of the act, approved the twenty-ninth day of March, one thousand eight hundred and sixty-nine (P. L. 22), entitled "An act for the punishment of cruelty to animals in this Commonwealth," as amended, by limiting the offenders liable under said act, and providing that the whole amount of fines collected thereunder shall be paid to the county.

Referred to the Committee on Judiciary General.

By Mr. GANSER. HOUSE BILL No. 1894.

An Act relating to soil conservation, and soil erosion and regulating land use practices contributing to soil wastage and soil erosion; providing for the organization of soil conservation districts as governmental subdivisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and conservation of soil resources prescribing the officers and employes thereof and defining their powers and duties; creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act; providing financial assistance to such soil conservation districts, prescribing penalties and making an appropriation.

Referred to the Committee on Agriculture.

By Mr. BLANK. HOUSE BILL No. 1895.

An Act providing that Firemen's Pension Funds of cities of the first class, receiving appropriations from the State, shall have the accounts of such funds audited by the controller of such cities, and in default thereof, no further appropriations shall be made.

Referred to the Committee on Cities.

By Messrs. JAMES A. SMITH and BLANK.
HOUSE BILL No. 1896.

An Act making an appropriation to the Trustees of the University of Pennsylvania, Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Mrs. HORTING and Mr. SIMON.
HOUSE BILL No. 1897.

An Act authorizing the Governor to enter into compacts with the Governors of certain other States and possessions of the United States relative to the producing of tobacco.

Referred to the Committee on Agriculture.

By Mrs. HORTING and Mr. SIMON.
HOUSE BILL No. 1898

An Act to provide for the supervision and regulation of the production of tobacco; to create a tobacco commission, and provide for local tobacco committeemen and other agencies and employes, and to define and to provide for their functions, duties and powers; to provide for the appointment, compensation, costs and expenses of said commission and of committeemen, agencies and employes thereof; to provide for the raising of funds for the administration of this act, and for the disposition of the revenue hereunder; to provide a fund to compensate tobacco producers for crop failures and losses from fire; to impose penalties for violation of this act; and to provide for the cooperation of the commission with commissions of certain other States and possessions of the United States for the purpose of uniformly regulating and controlling the production of tobacco in this State and each of such States and possessions.

Referred to the Committee on Agriculture.

By Mr. TUMELTY HOUSE BILL No. 1899

An Act to amend the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in care, preparation, and disposition of the bodies of deceased persons; and providing penalties", by adding thereto section seven A, providing for re-examination of all undertakers every five years, and fixing a minimum wage for apprentices.

Referred to the Committee on State Boards.

By Mr. MOOMAW. HOUSE BILL No. 1900.

An Act creating a legislative commission to be known as the Pennsylvania Public Assistance Commission composed of members of the Senate and House of Representatives and the Governor; regulating the nomination and election of the legislative members of said commission; and defining the powers and duties of the commission with respect to the laws relating to public assistance.

Referred to the Committee on Welfare.

By Mr. TUMELTY, HOUSE BILL No. 1901.

An Act to amend subsection (a) of section one of the act, approved the eleventh day of June, one thousand nine hundred and thiry-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaged in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," providing that persons engaged exclusively in the embalming business, are not within the provisions of the act.

Referred to the Committee on State Boards.

By Mr. GORSKI. HOUSE BILL No. 1902.

An Act providing for the conducting of and legalizing, lotteries by the State, and dedicating the revenue received therefrom to the payment of unemployment relief and relief in cases of public calamity; creating a State Lottery Commission; and making appropriations.

Referred to the Committee on Ways and Means.

By Mr. GORSKI. HOUSE BILL No. 1903.

An Act requiring public service companies to file statements of book values of its taxable property with the tax assessing authorities of counties and cities; and prescribing penalties.

Referred to the Committee on Municipal Corporations.

By Mr. WELSH. HOUSE BILL No. 1904.

An Act to amend section four hundred eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages in to the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of fees; and imposing penalties," as re-enacted and amended; further limiting the time during which licensees, including club licensees, may sell liquor and malt or brewed beverages.

Referred to the Committee on State Boards.

By Mr. WELSH. HOUSE BILL No. 1905.

An Act to amend clause (b) of section twenty-three of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled, as amended, "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," as re-enacted and amended, further limiting the time during which li-

censees, including club licensees may sell, trade or barter in beverages.

Referred to the Committee on State Boards.

By Mr. McCULLOUGH. HOUSE BILL No. 1906.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Armstrong.

Referred to the Committee on Highways.

By Mr. McCULLOUGH. HOUSE BILL No. 1907.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in Cowanshannock Township, Armstrong County.

Referred to the Committee on Highways.

By Mr. McCULLOUGH. HOUSE BILL No. 1908.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes in Wayne Township, Armstrong County.

Referred to the Committee on Highways.

By Mr. McCULLOUGH. HOUSE BILL No. 1909.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in Red Bank Township, Armstrong County.

Referred to the Committee on Highways.

By Mr. McCULLOUGH. HOUSE BILL No. 1910.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Armstrong.

Referred to the Committee on Highways.

By Mr. SHOEMAKER. HOUSE BILL No. 1911.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of Slatington.

Referred to the Committee on Highways.

By Mr. SHOEMAKER. HOUSE BILL No. 1912.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of Emaus.

Referred to the Committee on Highways.

By Mr. SHOEMAKER. HOUSE BILL No. 1913.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of Coopersburg.

Referred to the Committee on Highways.

By Mr. SHOEMAKER. HOUSE BILL No. 1914.

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing certain routes and adding certain new routes.

Referred to the Committee on Highways.

By Mr. DOUGHERTY. HOUSE BILL No. 1915.

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the

highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by limiting the hours of service of operators of commercial motor vehicles, motor omnibuses, motor buses and truck tractors; requiring such operators to keep certain records; and imposing penalties.

Referred to the Committee on Motor Vehicles.

By Mr. DOUGHERTY. HOUSE BILL No. 1916.

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon: authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act," as amended, by adding certain new routes, changing certain routes, and providing for the relocation of city streets which are State highway routes.

Referred to the Committee on Highways.

By Mr. SARRAF. HOUSE BILL No. 1917.

An Act relating to the art of healing; defining and regulating the practice of the healing art and any branch or system thereof; and providing for the regulating the licensing and registration of practitioners and the revocation, suspension and re-instatement of licenses; fixing the status of existing practioners; defining the powers and duties of the State Board of the Healing Arts and the Department of Public Instruction; providing penalties, and repealing existing laws.

Referred to the Committee on State Boards.

By Messrs. HARKINS and BOIS. HOUSE BILL No. 1918.

An Act making an appropriation to the Homestead Hospital, Homestead, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. MUNLEY. HOUSE BILL No. 1919.

An Act to establish as a State highway a certain section of public road in the County of Lackawanna, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Messrs. OMINSKY, FINNERTY and SHEPARD. HOUSE BILL No. 1920.

An Act making an appropriation to the Pennsylvania Working for Blind Men, Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. COLEMAN. HOUSE BILL No. 1921.

An Act to amend sections four and five of the act, approved the twenty-sixth day of April, one thousand nine hundred and thirty-five (P. L. 90), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A, by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county, and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," providing for uniform discount and uniform penalties, making mandatory the issuance of a single tax statement by the tax collector on or before a fixed date, giving the taxpayers option of payment of taxes in quarterly installments.

Referred to the Committee on Cities.

By Mr. O'NEILL. HOUSE BILL No. 1922.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of Winton.

Referred to the Committee on Highways.

By Mr. O'NEILL. HOUSE BILL No. 1923.

An Act to amend section two of the act, approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadalphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidence, controll, trial, placement and committment of delinquent, dependent, and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency of children; and amending, revising and consolidating the law relating thereto," to require one judge to sit in Juvenile Court for one year.

Referred to the Committee on Judiciary General.

By Mr. O'NEILL. HOUSE BILL No. 1924.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in borough and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of Dickson City and Throop.

Referred to the Committee on Highways.

By Mr. OMINSKY. HOUSE BILL No. 1925.

An Act to amend section four of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve and operate projects and to lease the same, and to fix and collect fees, rentals and charges for the use thereto, authorizing and regulating the issuance of bonds by the said authority; providing for the payment of such bonds and the rights of the holders thereof, and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant, assign, convey or lease to the authority, lands of the Commonwealth and interests therein, and to acquire lands therefor granting the right of eminent domain, and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," by conferring on The General State Authority the additional power to construct, improve, maintain and operate motor busses in cities of the first class, and excepting such projects from the limitations as to time of beginning and as to duplication of or competition with existing enterprises

Referred to the Committee on State Government.

By Mr. OMINSKY. HOUSE BILL No. 1926.

An Act to amend section four of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled "An act providing, for a limited period of time, for the incorporation, as bodies corporate and politic, of "Authorities" for municipalities; defining the same; prescribing the rights, powers and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," by conferring on such Authorities of municipalities the additional power to construct, improve, maintain and operate motor buses for public use and excepting such projects from the limitations as to time of beginning and as to duplication of or competition with existing enterprises.

Referred to the Committee on Municipal Corporations.

By Mr. DAVIES. HOUSE BILL No. 1927.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways· authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing additional routes in the County of Lackawanna.

Referred to the Committee on Highways.

By Messrs. ALEXANDER, HALL and WESTRICK.
HOUSE BILL No. 1928.

An Act making a deficiency appropriation to the Department of Agriculture for payment of premiums to incorporate agricultural associations.

Referred to the Committee on Appropriations.

By Mr. HAGERTY. HOUSE BILL No. 1929.

An Act to further amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law; providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund: providing penalties; and repealing existing laws," by authorizing certain additional investments for certain insurance companies.

Referred to the Committee on Insurance.

By Messrs. FINNERTY, SHEPARD and OMINSKY.
HOUSE BILL No. 1930.

An Act making unlawful certain discriminations in price, in services or facilities furnished, or in payment for services or facilities to be rendered, in connection with the sale of commodities in the course of trade or commerce, and providing certain remedies for violation.

Referred to the Committee on Judiciary General.

By Mr. WESTRICK. HOUSE BILL No. 1931.

An Act to further amend the act, approved the sixth day of May, one thousand nine hundred and twenty-five (P. L. 541), entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing, testing, buying, and selling of milk and cream: providing for the examination and appointment of certified testers and the issuing of licenses and making of tests; and providing penalties," by extending the provisions of said act; increasing the duties of licensed and certified testers; and changing penal provisions.

Referred to the Committee on Agriculture.

By Messrs. O'NEILL and MUNLEY.
HOUSE BILL No. 1932.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Boroughs of Olyphant, Blakely and Winton.

Referred to the Committee on Highways.

By Mr. TRONZO. HOUSE BILL No. 1933.

An Act relating to foods, drugs and cosmetics, regulating the manufacture, sale, transportation, possession, advertisement and labeling of such commodities; creating an administrative department to be known as the Department of Food, Drug and Cosmetic Control, designating the head of such department, prescribing his powers, duties and compensation; and imposing penalties.

Referred to the Committee on Public Health and Sanitation.

By Messrs. JOHN A. SMITH and KILROY.
HOUSE BILL No. 1934.

An Act for the public safety; requiring and regulating the installation of gas shut-off valves and accessory appliances in and in connection with certain buildings; and conferring powers and duties on the Department of Labor

and Industry and cities of the first, second and second A classes.

Referred to the Committee on Public Health and Sanitation.

By Mr. McELROY. HOUSE BILL No. 1935.

An Act to amend section eight hundred twenty by adding thereto a new subsection (e), and to amend the penal clause of said section, of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, and miscellaneous receipts; making an appropriation; and providing for refunds," by requiring vehicles equipped with double rear tires to be equipped with guards to prevent such tires from throwing stones.

Referred to the Committee on Motor Vehicles.

By Mr. WILSON. HOUSE BILL No. 1936.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing additional routes in the County of Jefferson.

Referred to the Committee on Highways.

By Mr. WOOD. HOUSE BILL No. 1937.

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing certain routes and adding certain new routes.

Referred to the Committee on Highways.

By Mr. WALSH. HOUSE BILL No. 1938.

An Act to further amend subsection (a) of section six hundred fourteen of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth, providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by providing that the power of the Secretary of Revenue to revoke operating privilege shall hereafter be discretionary.

Referred to the Committee on Motor Vehicles.

By Messrs. LEWIS and SARRAF. HOUSE BILL No. 1939.

An Act to amend the title and the act, approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine (P. L. 117), entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer, attorney-at-law, or counsellor-at-law in any county of the State of Pennsylvania, unless duly admitted to practice by a court of record of any county in this Commonwealth, and providing a penalty therefor," as amended, by extending the scope of the title defining and further prohibiting the practice of law, and providing additional penalties, including the forfeiture of corporate charters for violations of the act.

Referred to the Committee on Judiciary General.

By Messrs. MORAN and LOVETT. HOUSE BILL No. 1940.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Allegheny.

Referred to the Committee on Highways.

By Messrs. MORAN and LOVETT. HOUSE BILL No. 1941.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of Trafford.

Referred to the Committee on Highways.

By Messrs. LOVETT and MORAN.

HOUSE BILL No. 1942.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Westmoreland.

Referred to the Committee on Highways.

By Messrs. LOVETT and MORAN.

HOUSE BILL No. 1943.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of Trafford.

Referred to the Committee on Highways.

By Mr. ATKINS. HOUSE BILL No. 1944.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled, "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of said act;" establishing additional routes in the County of Armstrong.

Referred to the Committee on Highways.

By Mr. ATKINS. HOUSE BILL No. 1945.

An Act to amend section two of the act, approved the firts day of June, one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of Atwood.

Referred to the Committee on Highways.

By Mr. SCHROPE. HOUSE BILL No. 1946

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing additional routes in the County of Schuylkill.

Referred to the Committee on Highways.

By Mr. SCHROPE. HOUSE BILL No. 1947.

An Act to amend section one hundred and eight and section one hundred and seventeen as amended, of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," abolishing all independent school districts; and providing a procedure for the future creation of independent school districts.

Referred to the Committee on Education.

By Mr. SIMPSON. HOUSE BILL No. 1948.

An Act to amend clause sixteen of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns benefits, and rights from taxation and judicial process; and providing penalties," as amended, reducing the age at which employes may retire for superannuation.

Referred to the Committee on Pensions and Gratuities.

By Mr. SIMPSON. HOUSE BILL No. 1949.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes in the County of Huntingdon.

Referred to the Committee on Highways.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 37. (HOUSE BILL No. 1950.)

A Joint Resolution proposing an amendment to section eighteen Article three of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 38. (HOUSE BILL No. 1951.)

An Act to amend clause (a) of section five of the act, approved the twenty-fifth day of June one thousand nine hnudred and thirty-six (Pamphlet Laws twenty-eight),

entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received form the United States Government for assistance to such persons authorizing th eappointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts," providing for assistance to indigent persons sixty-five years of age and upwards.

Referred to the Committee on Pensions and Gratuities.

BILLS INTRODUCED AND REFERRED

By Miss BRANCATO. HOUSE BILL No. 1952.

An Act to amend section three of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," providing for the qualification of additional persons as undertakers.

Referred to the Committee on State Boards.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled, as follows:

SENATE BILL No. 216. (HOUSE BILL No. 1935.)

An Act to amend section two hundred four of the act, approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" further regulating the adoption and use of names by insurance companies.

Referred to the Committee on Insurance.

SENATE BILL No. 223. (HOUSE BILL No. 1954.)

An Act to amend the act, approved the ninth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws 621), entitled "An act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons providing for the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind and providing penalties" by making provisions for the burial of blind persons receiving pensions.

Referred to the Committee on Pensions and Gratuities.

SENATE BILL No. 479. (HOUSE BILL No. 1955.)

A Supplement to the act. approved the eighteenth day of March, one thousand eight hundred and seventy-five (Pamphlet Laws 30), entitled "An act to authorize changes of venue in criminal cases" forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor.

Referred to the Committee on Judiciary General.

SENATE BILL No. 546. (HOUSE BILL No. 1956.)

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding section one A.

Referred to the Committee on Constitutional Amendments.

BILLS INTRODUCED AND REFERRED

By Miss BRANCATO. (By request).
HOUSE BILL No. 1957.

An Act to prohibit the throwing of waste paper, sweepings, ashes, household waste, nails or rubbish of any kind into any street, in any borough, or township in this Commonwealth, or to scatter the contents of any receptacle placed upon the street or sidewalk for collection; empowering counties to issue scavenger licenses; imposing penalties for violation of the provisions hereof; and repealing inconsistent legislation.

Referred to the Committee on Municipal Corporations.

By Messrs. ALLEN and GERARD.
HOUSE BILL No. 1958.

An Act making an appropriation to the Pennsylvania Association for the Blind, Incorporated, at Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. WESTRICK. HOUSE BILL No. 1959.

An Act to provide for the conservation, protection, improvement and profitable use of agricultural land resources in the State of Pennsylvania and for corporation with the governments and agencies of other states and of the United State pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act; to assent to and accept the provisions of said act; to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee, and in conformity with the provisions of said act, to designate and authorize said committee as the State agency of this State, in conformity with such provisions, to formulate, submit to the Secretary of Agriculture of the United States, and administer state plans to carry out the provisions of this act; to define the powers and duties of said committee as such State agency; to provide for the selection of its members, and otherwise to provide for the administration of this act, and making an appropriation.

Referred to the Committee on Agriculture.

By Messrs. KANE and DOWNEY.
HOUSE BILL No. 1960.

An Act providing that the Commonwealth through the Department of Property and Supplies shall insure the lives of officers and members of the Pennsylvania State Police and of the State Highway Patrol and of their successors, and pay the premiums on such insurance; providing for the beneficiaries under such policies of insurance and defining the rights of the insured after leaving service.

Referred to the Committee on State Government.

By Messrs. KANE and ARNOLD.

HOUSE BILL No. 1961.

An Act to amend section eleven of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing state employes; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended; providing for the retirement of State employes after twenty-five years of service; and defining the rights of such employes.

Referred to the Committee on Pensions and Gratuities.

By Messrs. KANE, MURRIN, SHUGARTS, J. F. MATTHEWS and VAN SICKLE. HOUSE BILL No. 1962.

An Act making an appropriation to the Department of Internal Affairs for the completion of certain geologic and topographic survey and studies and the publication of the results thereof and also the re-publication of certain surveys and studies in order to make the same available to the citizens of the State.

Referred to the Committee on Geological Survey.

By Messrs. KANE, MURRIN and SHUGARTS.

HOUSE BILL No. 1963.

An Act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein, and to make copies of such records available upon payment of prescribed fees; and providing fees and penalties.

Referred to the Committee on Geological Survey.

By Mr. SNYDER. HOUSE BILL No. 1964.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Boroughs of Mansfield, Knoxville and Elkland.

Referred to the Committee on Boroughs.

By Mr. SNYDER. HOUSE BILL No. 1965.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act, establishing additional routes in the County of Tioga.

Referred to the Committee on Highways.

By Mr. SNYDER. HOUSE BILL No. 1966.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of Blossburg.

Referred to the Committee on Highways.

By Mr. JACOB F. MATTHEWS. HOUSE BILL No. 1967.

An Act empowering municipalities and townships to license persons engaged temporarily in the sale of trees and shrubs during any holiday season.

Referred to the Committee on Municipal Corporations.

By Mr. JACOB F. MATTHEWS. HOUSE BILL No. 1968.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes in the County of Lycoming.

Referred to the Committee on Highways.

By Mr. JACOB F. MATTHEWS. HOUSE BILL No. 1969.

An Act regulating the payment over of appropriations to State-aided hospitals; and requiring such hospitals to pay minimum salaries to graduate nurses and to limit the hours of labor of graduate nurses and student nurses in such hospitals in order to receive such appropriations.

Referred to the Committee on Welfare.

By Mr. BROAD. HOUSE BILL No. 1970.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Boroughs of Vandergrift and Oklahoma.

Referred to the Committee on Highways.

By Mr. BROAD. HOUSE BILL No. 1971.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act, establishing additional routes in the County of Westmoreland.

Referred to the Committee on Highways.

By Mr. DAVID H. WEISS. HOUSE BILL No. 1972.

An Act to amend section twenty of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate

and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of place where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," as re-enacted and amended, prohibiting manufacturers from selling malt and brewed beverages at retail.

Referred to the Committee on State Boards.

By Mr. DAVID H. WEISS. HOUSE BILL No. 1973.

An Act to amend clauses five, six and seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general special, or local, or any parts thereof, that are or may be inconsistent therewith," as amended; changing the salaries and increments of certain teachers in districts of the second, third and fourth classes.

Referred to the Committee on Education.

By Mr. COOLAHAN. HOUSE BILL No. 1974.

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by creating a National Shrines Commission in the Department of Military Affairs, and prescribing its powers and duties.

Referred to the Committee on State Government.

By Mr. COOLAHAN. HOUSE BILL No. 1975.

An Act to protect the obligors or guarantors of bonds and mortgages hereafter made, and owners of property affected thereby, and others indirectly liable for the payment thereof, and owners of mortgaged premises affected thereby, by restricting the liens thereof, and the right to proceed against certain property and persons; and providing for and limiting the amount of deficiency judgments.

Referred to the Committee on Judiciary General.

By Mr. BOIES. HOUSE BILL No. 1976.

An Act requiring registration of all aircraft and airmen using the civil airways and air navigation facilities within the Commonwealth; providing for the application and requirements for registration and the issue of certificates; naming the Secretary of Revenue as agent for service of process; authorizing the adoption of regulations by, and imposing duties upon, the Department of Revenue, and providing for fees, exemptions, penalties, and the jurisdiction of the courts over violators.

Referred to the Committee on Aeronautics.

By Mr. ALLEN. HOUSE BILL No. 1977.

An Act to amend sections three, seven, eight, fifteen, twenty-four and twenty-eight, sections fourteen, thirty-four and thirty-eight as amended, sections eighteen and sixty-one as amended, sections fifty-four and fifty-seven as amended and to repeal section nineteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws 869), entitled "An act providing for the organization, government, discipline maintenance and regulation of the armed land forces of this Commonwealth" by providing for the reorganization of the division, changing the designation Staff Corps and Departments to State Staff and Detachment, defining the powers of the division commander, providing for the vacation of commissions upon transfer to the Inactive National Guard, making the period of enlistment and qualifications conform to the National Guard Bureau requirements, defining the duties of the Adjutant General, providing for the elimination of officers or warrant officers by courts of inquiry, changing the basic annual allowance for mounted troops and increasing the minimum allowance, providing expenses of headquarters for more than one division and eliminating the allowance for headquarters of trains, providing a term of office for staff and warrant officers and eliminating an obsolete reference to five year terms, providing that any sheriff or constable may receive and confine military offenders, providing that any division commander may appoint a general court-martial, providing for the collection of court-martial fines and execution of sentence of court-martial and rescinding obsolete provisions referring to staff officers.

Referred to the Committee on Military Affairs.

By Mrs. HORTING. HOUSE BILL No. 1978.

A Supplement to the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith" providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts; and authorizing the suspension of this supplement in certain cases.

Referred to the Committee on Education.

By Mr. RUSH. HOUSE BILL No. 1979.

An Act supplementing the Act of July 28, 1936 (P. L. 79), and authorizing the Pennsylvania Historical Commission, of the Department of Public Instruction, to provide, plan, prepare, supervise, and carry out a suitable program within and without Pennsylvania for the Commemoration by the Commonwealth of Pennsylvania of the 300th Anniversary of the Earliest Settlement, the First Courts of Law, and the First Capitol within what is now Pennsylvania; and making an appropriation therefor out of the Motor License Fund.

Referred to the Committee on Appropriations.

By Mr. McGEE. HOUSE BILL No. 1980.

An Act supplementing the Act of July 22, 1936, (P. L. 70,) and authorizing the Pennsylvania Historical Commission of the Department of Public Instruction, to provide plan, prepare, supervise, and carry out a suitable program throughout the Commonwealth of Pennsylvania and elsewhere, for the Celebration of the 150th Anniversary of the Framing, the Signing, the Ratification by Pennsylvania, and the Final Adoption and Establishment of the Constitution of the United States during the years 1937-38-39, and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. McARDLE. HOUSE BILL No. 1981.

An Act to amend the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1116), entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet ice and fruit ice, including coated ice cream and the coating thereof; fixing standards for ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet ice and fruit ice, and to prevent the sale of imitation ice cream and defining said imitation ice cream; providing penalties for the violation thereof; and providing for the enforcement thereof;" further regulating the manufacture, importation and sale of such products; providing for injunctions; and changing the penalties prescribed.

Referred to the Committee on Agriculture.

By Mr. POWERS. HOUSE BILL No. 1982.

An Act providing for the care and maintenance of carriers of typhoid fever germs; and making an appropriation.

Referred to the Committee on Public Health and Sanitation.

By Mr. BROAD. HOUSE BILL No. 1983.

An Act making an appropriation to the Department of Public Health to carry on the work of sealing abandoned coal mine openings.

Referred to the Committee on Appropriations.

By Mr. JIROLANIO. HOUSE BILL No. 1984.

An Act to amend the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, nine hundred five), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, by adding new sections; further regulating the use of highways and the operation of, and the equipment used in connection with, vehicles, including trailers and semi-trailers, street cars, trackless trolley omnibuses and commercial motorcycles upon the highways of this Commonwealth; extending certain provisions of the act to trailers and semi-trailers; providing for the renewal and automatic satisfaction of encumbrances and liens, and further amending the procedure relating thereto; providing for the further registration of certain vehicles and the licensing of the operators thereof, including additional requirements, reciprocity agreements and additional reasons for suspension and revocation; conferring additional powers and imposing additional duties upon the Department of Revenue and the Department of Highways; further imposing upon municipalties within the Commonwealth liability for damages caused by the negligent operation of fire department equipment; changing the procedure, disposition of fines and penalties for certain violations of the act and making the fines thereunder mandatory; requiring additional certificates for certain types of vehicles and equipment and the payment of additional fees; and extending existing penalties and providing additional penalties.

Referred to the Committee on Motor Vehicles.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. HOLLAND. (Concurrent). RESOLUTION No. 55.

In the House of Representatives, March 22, 1937.

Whereas, A terrible tragedy occurred recently in the State of Texas where an explosion snuffed out the lives of hundreds of school children; and

Whereas, Such happenings should give us pause and impress upon us the necessity of checking hazardous conditions surrounding and in proximity of our public schools; and

Whereas, Many stations for the sale of petroleum products are located in close proximity to school buildings and may constitute a hazard to school children; therefore be it

Resolved, (if the Senate concur), That the Pennsylvania State Police be directed to make a survey of the school buildings of this Commonwealth, directly or through its assistants in the various governmental units, in order to ascertain what, if any, hazards to life exists, and to take such steps as may be required to see that such hazards are eliminated.

Resolved, That a copy of this resolution be transmitted to the Pennsylvania State Police by the Chief Clerk of the House.

Referred to the Committee on Public Health and Sanitation.

By Mr. ARNOLD. (Concurrent). RESOLUTION No. 56.

In the House of Representatives, March 22, 1937.

Whereas, Crime and lawlessness within the State and Nation has grown to such gigantic proportions that no citizen is exempt from contributing, through direct or indirect taxation, moneys for the suppression of crime and for the maintenance of criminals in institutions; and

Whereas, Statistics show that a very large proportion of criminals are below legal age; and

Whereas, It is the common purpose of religious creeds and sects, all of which are recognized and given unrestricted freedom under the Constitution, to discourage lawlessness, dishonesty and crime; and

Whereas, It is accepted as a truth that the future of most persons is shaped by the teachings imparted to, and the environment of, youths during their elementary school period; therefore be it

Resolved (if the Senate concur), That a joint legislative committee is hereby created which shall consist of three Senators appointed by the President Pro Tempore of the Senate and six Members of the House of Representatives to be appointed by the Speaker of the House, whose duty it shall be to study and survey the possibility of preparing and incorporating in the elementary curriculum of

our public schools an acceptable course of study having for its object the education of youth in the evil effects of crime and improper association and illustrating from the lives of others the successes which may be achieved by those who live honest lives and the failures which result from dishonesty and crime.

Resolved, That said committee shall make a report of its findings and recommendations to the next regular session of the General Assembly, accompanied by such drafts of legislation, if any, as it deems necessary to accomplish the purpose of this resolution.

Resolved, That an item of appropriation of one thousand dollars ($1,000) be inserted in the general appropriation bill to pay the expenses of said committee.

Referred to the Committee on Education.

By Mr. LaRUE. (Concurrent). RESOLUTION No. 57.

In the House of Representatives, March 22, 1937.

Whereas, The Water and Power Resources Board of the Department of Forests and Waters of the Commonwealth of Pennsylvania, has through a survey and study by its engineers become conversant with flood conditions in the Commonwealth of Pennsylvania, the necessities and requirements in connection therewith in relation to the waters and property in the Commonwealth and the effect on property values and natural resources; and

Whereas, The engineers of the War Department of the United States of America have in connection with flood control directed their attention, particularly to the matter of interstate control and regulation; and

Whereas, The Water and Power Resources Board of the Department of Forests and Waters of the Commonwealth of Pennsylvania has been authorized and empowered to proceed with the actual necessary plans and work for flood control in consequence of the enactment under date of the tenth day of March, 1937, of the act of the General Assembly of the Commonwealth of Pennsylvania, known as the Flood Control Bill; and

Whereas, The effectual carrying out of the authority now vested in the Water and Power Resources Board of the Commonwealth of Pennsylvania with relation to flood control will be effected by the cooperation of the engineers of the said board and the Army Engineers; therefore be it

Resolved, (if the Senate concur), That the General Assembly hereby petitions the Federal Government and especially its Army Engineers to cooperate with the Water and Power Resources Board of the Commonwealth of Pennsylvania and its engineers in the matter of flood control in the waters and lands in the Commonwealth of Pennsylvania;

Resolved, That a copy of this resolution be transmitted to the War Department by the Chif Clerk of this House.

Referred to the Committee on Federal Relations.

SENATE MESSAGE

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

FEDERAL FARM LOAN

A Joint Resolution from the Legislature of the State of Oregon memoralizing Congress to amend the Federal Farm Loan Act and Farm Credit Act of 1935.

Referred to the Committee on Federal Relations.

STAR ROUTE CARRIERS

A Joint Resolution from the Legislature of the State of Oregon memoralizing Congress to enact legislation providing for the extension of contracts of star route carriers.

Referred to the Committee on Federal Relations.

REPORT OF COMMISSION ON INTERSTATE COOPERATION

The SPEAKER laid before the House a communication from the Attorney General transmitting the Report of the Pennsylvania Commission on Interstate Cooperation which was read by the Clerk.

This report will be printed and copies distributed to the members.

(For report see Appendix)

REPORT ON THE DELAWARE RIVER JOINT COMMISSION

The SPEAKER laid before the House the report of the Delaware River Joint Commission of Pennsylvania and New Jersey which was read by the Clerk.

This report was printed and copies distributed to the members.

(For report s Appendix)

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, March 22, 1937.

Former Governor Edwin S. Stuart has passed away after a long and useful career during which he had the honor of being Mayor of the largest city of Pennsylvania and Governor of his State.

The most unique feature of his career was his association with one single business—Leary's Book Store in Philadelphia—for seventy years. Beginning as a boy at the age of thirteen at a compensation of three dollars per dollars per week, he became the owner of the store at the age of twenty-two and remained the owner at the time of his death.

He was elected Mayor of his city in 1891, at the age of thirty-eight, and Governor of his State in 1901. His choice for these offices by the Republican Party in large measure due to his integrity. In each instance charges of corruption in high office were present in the campaigns, but the voters of his city and State trusted him implicitly and in each instance he thoroughly cleaned up conditions after his election.

His most conspicuous service to the Commonwealth was his insistence that the charges growing out of the erection of the State Capitol Building be thoroughly investigated and as a result of this determined stand the guilt of men in high places was exposed and they were indicted, convicted and imprisoned, some of them refunding moneys to the State Treasury. Edwin S. Stuart kept his pledges.

Through his long life he was noted for his industry, and philosophical remarks on his seventy-first birth-day came from a wide experience. Said he: "Every industrious fellow does not get along, but no man gets along who is not industrious—you can bank on that."

Resolved, (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania mourns the passing of this sturdy son of Pennsylvania and extends to the family its sincere sympathy in the loss they have sustained.

Resolved, That a committee of four Members of the Senate appointed by the President Pro Tempore, and four Members of the House of Representatives appointed by the Speaker, be named to attend the funeral of the Honorable Edwin S. Stuart as representatives of the General Assembly.

Resolved, That a copy of this resolution be transmitted to the family by the Chief Clerk of this House.

COMMITTEE APPOINTED TO ATTEND FUNERAL OF EX-GOVERNOR EDWIN S. STUART

The SPEAKER. Pursuant to the House Resolution which was concurred in by the Senate and which has just been read, the Chair appoints as a committee on the part of the House, to attend the funeral of Ex-Governor Edwin S. Stuart:

Messrs. Ominsky, Flannery, Robert S. Hamilton and Stockham.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 735.

An Act to further amend section two of the act, approved the twenty-first day of April one thousand nine hundred fifteen (Pamphlet Laws one hundred forty), entitled "An act directing the county commissioners of the several counties to offer for sale to the Department of Forestry tracts of land which they may have purchased at county treasurers' sales for acceptance or refusal for forestry purposes and to convey to the Commonwealth of Pennsylvania the tracts so offered to be sold if accepted by the department" by limiting the consideration to be paid for lands acquired

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 603.

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureau police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 4, page 7, line 17, by striking out after the word "registration" the word "and"; Also in line 19, by inserting after the word "registered" the following: and to cancel the party enrollment of any registered elector whom it may find to be improperly enrolled as a member of a party'; Also in line 22, by inserting after the syllable "tion" the words "or enrollment"; Also in same line by striking out after the word "cancelled" the words "and a" and inserting in lieu thereof the word "A"; Also in same line by inserting after the word "notice" the following "as well as a copy of any notice served upon or left at the address of any elector with respect to his right to be registered or enrolled as a member of the political party designated by him as hereinafter provided shall be".

Amend Section 5, page 8, line 12, by inserting after the word "act" the following: "The Commission shall also have power to assign such of its employes or clerks to act as registrars at its offices as it may from time to time deem necessary and when so acting such employes or clerks shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with the law upon registrars" Also on page 9, line 10, by striking out after the word "district" the words "provided however that from" and inserting in lieu thereof the word "From." Also in line 12, by inserting after the word "Commission" the following: "not later than the fifteenth day of August in each year"; Also in line 13, by inserting after the word "the" the words "place or"; Also in same line by inserting after the word "places" the words "in each ward"; Also in line 14, by inserting after the word "appoint" the words "not less than"; Also in same line by inserting after the word "more" the words "than four"; Also in line 15, by striking out after the word "necessary" the words "Provided that" and inserting in lieu thereof the words "Not more than"; Also in line 18, by striking out after the word "in" the word "all" and inserting in lieu thereof the word "each"; Also in line 19, by striking out the syllable "quent" the word "years" and inserting in lieu thereof the word "year"; Also in same line by inserting after the word "the" the words "same political"; Also beginning in same line by striking out after the word "party" the following: "having polled the highest vote in the city at the last preceding November election and the remaining one half of the number of registrars appointed for each such election district or registration place shall be members of the party having polled the second highest vote at such election Provided however that in" and inserting in lieu thereof the word "In"; Also on page 10, line 3, by striking out after the word "character" the words "and who have not" and inserting in lieu thereof the words "shall not have"; Also in line 4, by inserting after the word "crime" the words "shall be"; Also in line 5, by inserting after the word "and" the word "shall"; Also in line 9, by inserting after the word "affirmations" the following: "and shall perform all other duties imposed on registrars by this act and by the registration commission"; Also in line 16, by striking out after the word "subsection" the letter "c" and inserting in lieu thereof the following: "(c) of this section"; Also in line 19, by inserting after the syllable "mission" the following: "of which time due public notice shall be given and five or more qualified electors of any election district of the same political party and in all subsequent years not later than the twentieth day of July of each year"; Also beginning with line 20, strike out the following: "chairman of the party having polled the highest vote in the city at the last preceding November election and the city chairman of the party having polled the second highest vote in the city at such election may file with the commission a written list of names of members of said party whom such chairman recommends for appointment as registrars Such lists shall contain the name address qualifications and occupation of each person so recommended

In the year 1938 and in all subsequent years such lists shall be open to public inspection in the office of the commission until the 26th day of July of each year before the appointments shall be made The commission shall appoint persons whose names appear on such lists as the registrars representing such parties If more can-

didates are recommended by any such than it is entitled to have appointed the commission shall appoint the candidate from the names appearing on such list whom they know fit and if there are not sufficient candidates qualified to serve as registrars under the provisions of this act and recommended by any such party the commissioner may appoint other persons of the same party of whom it has knowledge" and inserting in lieu thereof the following: "and five or more qualified electors of any ward of the same political party may file with the commissioners their petition for the appointment of not more than two qualified persons also members of said party as registrars The petition shall set forth the name address qualifications occupation and political affiliation of each person suggested for appointment as a registrar shall give the respective residences of the petitioners and shall declare that each of them belongs to the same party as that designated as the party of each candidate which petition shall be signed by each petitioner in his own handwriting and sworn to by one of them and by each candidate More than one petition may be filed on behalf of the same party for each ward or district provided that no elector shall be competent to sign petitions for more than two candidates but if any candidate dies withdraws or becomes disqualified before the last day for filing petitions aforesaid any elector who recommended him may sign a petition for another candidate All petitions shall be open to public inspection and in the year one thousand nine hundred and thirty-seven at such times as the commission may designate and not earlier than July twenty-sixth of each subsequent year the commissioners shall commence public hearings thereof considering them on consecutive week days in the numerical order of the wards and of the election districts within each ward to which they relate respectively unless reasonable cause be shown for postponing any hearing to a later time or date and reasonable notice of such postponement given to all concerned The commissioners shall publish one general notice of the place and times or days when they will examine the candidates from the election districts of the various wards at least three days prior to the first hearing in at least two daily newspapers each having a paid circulation of at least fifty thousand copies daily in the city and shall mail to each candidate a special notice of the time and place where he will be examined regarding his qualifications at least three days before the day fixed for same except that the commissioners need not notify any candidate who had previously been appointed a registrar to appear but may re-appoint him without such examination If more candidates are duly nominated as members of any party than it is entitled to have appointed the commissioners shall appoint the candidate or candidates whom they consider most fit and if there are not sufficient fit candidates nominated on behalf of any party the commissioners may appoint any other persons without regard to party of whom they have knowledge Any person appointed a registrar must perform his duties as prescribed by this act unless excused therefrom by the commissioners for cause shown"; Also in line 15, by striking out after the letter "(d)" the following:

"Should any vacancy in the office of registrar of any election district in the year 1937 and in any registration place in any subsequent year by reason of the death resignation removal of or for any other reason the commission shall immediately thereafter notify in writing the city chairman of the party in which such registrar was enrolled of that fact Thereupon the city chairman of such party may within three days thereafter, file with the commission a written list of names of members of said party whom such chairman recommended for appointment as registrar to fill such vacancy Such list shall likewise contain the name address and qualifications of each person so recommended to fill the vacancy and shall be on file and open to public inspection at least five days except in cases where a vacancy occurs within ten days of any registration day in which case the time for filing such list and a time during which such list shall remain on file and open to public inspection shall by order of the commission be reduced to a time or times as shall be reasonable under the circumstances The vacancy shall be filled by the commission in like manner as in making the annual appointments of registrar as provided by this act" and inserting in lieu thereof the following: "The appointment shall be made in like manner as the annual appointments of registrars as provided by this act"; Also on page 13, line 3, by inserting after the word "annum" the following: "such stenographers as they may deem necessary competent to take notes of testimony at a compensation not to exceed ten dollars ($10 00) per diem for the time actually employed at hearings before the Commission"; Also in line 10, by inserting after the word "it" the following: "but no registrar appointed by the Commission shall be removed except for cause".

Amend Section 6, page 14, line 7, by inserting after the word "Registrars" the letter "(a)"; Also in line 9, by inserting after the word "person" the word "nominated"; Also in line 15, by inserting after the word "shall" the words; "decline to appoint such person or"; Also in line 16, by striking out after the word "registrar" the words "inspector or other employe", and inserting in lieu thereof the following:

"(b) The commissioners shall provide at all times a board of registrars not more than one-half of whom shall be of the same political faith If therefore it appears at any time that by reason of a change in political affiliations or because of error in the appointment a board is not so divided any ten electors of any election district may file a petition with the commissioners setting forth the facts and praying that one or more of the appointments may be revoked and that other appointments may be made Upon presentation of such a petition one of the commissioners shall fix a time not less than five days thereafter and at least three days notice shall be given by mail to all the registrars of such board who are alleged to be of the same political faith when a public hearing shall be given all concerned and if the facts are then found to be as represented the commissioners shall give the relief asked for."

Amend Section 13, page 17, line 8, by striking out after the word "of" the word "each" and inserting in lieu thereof the word "the";

Amend Section 14, page 18, line 23, by striking out after the word "electors" the words "or citizens organization."

Amend Section 17, page 20, line 3, by striking out after the word "or" the words "a registrar" and inserting in lieu thereof the word "clerks"; Also in line 6, by striking out at the beginning of said line the word "Sunday" and inserting in lieu thereof the word "Sundays"; Also in same line by inserting after the word "holidays" the words "the days hereinafter provided for the registration of electors in the districts or wards"; Also in line 10, by striking out after the word "commission" the following: "and at such additional places in the city as the commission may from time to time designate in accordance with the provision of subsection (6) herein"; Also in line 16, by striking out after the word "thirty-seven" the word "each" and inserting in lieu thereof the word "the"; Also in same line by striking out after the word "have" the word "two" and inserting in lieu thereof the word "four"; Also in line 23, by striking out after the word "provide" the words "a place" and inserting in lieu thereof the words "one or more places"; Also in line 28, by inserting after the word "thereat" the words "between the hours of seven ante meridian and one post meridian and between the hours of four and ten post meridian on two days"; Also on page 21, line 1, by striking out at the beginning of said line the words "on the" and inserting in lieu thereof the word "one to be not earlier than the sixth Saturday nor later than the"; Also in line 2, by striking out after the word "and" the words "on the" and inserting in lieu thereof the words "the other to be not earlier than the sixth Saturday and not later than the"; Also in line 4, by inserting after the word "and" the words "on one day"; Also in same line by striking out after the words "on the" and inserting in lieu thereof the words "not earlier than the twelfth Saturday not later

than the"; Also in line 15, by inserting after the word "places" the words "and other places of registration"; Also on page 22, line 1, by striking out after the word "open" the words "and by such other newspaper publication as it"; Also in line 10, by inserting after the word "office" the words "at such place of registration"; Also in line 17, by striking out the words "deems desirable".

Amend Section 19, page 23, line 3, by striking out after the word "of" the word "such" and inserting in lieu thereof the word "the".

Amend Section 20, page 24, line 23, by inserting after the word "Commission" the word "a"; Also on page 26, line 4, by inserting after the word "registrar" the word "commissioner"; Also on page 27 line 1, by striking out after the word "registrar" the word "or"; Also in line 21, by striking out after the word "from" the word "any" and inserting in lieu thereof the word "the"; Also in line 2, by striking out at the beginning of said line the words "of the first class"; Also on page 28, line 25, by striking out after the word "whose" the word "employe" and inserting in lieu thereof the word "employ"; Also on page 29, line 3, by striking out the words "of the first class".

Amend Section 21, page 29, line 12, by striking out after the word"the" the word "twenty-first" and inserting in lieu thereof the word "twientieth"; Also in line 19, by inserting after the word "address" the words "or has removed his residence to another district in the city and has filed a removal notice as provided by this act".

Amend Section 25, page 33, line 15, by inserting after the word "registrations" the words "in the taking of testimony the commission shall not be bound by technical rules of evidence"; Also in line 21, by striking out after the word"registered" the word "the" and inserting in lieu thereof the word "The"; Also in line 23, by inserting after the word "commission" the words "The decision of the commission upon such petition shall be final and conclusive provided however that the commission shall grant a re-hearing in any case upon reasonable cause shown or where the interest of justice require it and provided further however that the said decision shall be subject to review by the Court of Common Pleas of the county as hereinafter provided".

Amend Section 27, page 34, line 16, by striking out after the word "REGISTER" the letter "B".

Amend Section 28, page 35, line 4, by striking out after the word "address" the word "and"; Also in line 5, by inserting after the word "name" the words "and (5) space wherein two registered electors of the district to which he has removed shall sign their names and addresses certifying to the truth of the statement on said notice as to his present place of residence"; Also in line 8, by inserting after the syllable "tice" the words "having it witnessed as foresaid"; Also in line 20, by striking out after the words "commission" the words "at least thirty days", and inserting in lieu thereof of words "not later than the thirtieth day"; Also in line 21, by inserting after the word "election" the word "of".

Amend Section 29, page 37, line 10, by striking out after the word "registrars" the word "of" and inserting in lieu thereof the word "in". Amend Section 30, page 37, line 28, by striking out after the word "of" the word "his" and inserting in lieu thereof the words "the elector's" Also on page 38, line 6, by striking out after the word "change" the word "the" and inserting in lieu thereof the words "his party"; Also in line 7, by striking out after the word "enrollment" the words "of his political designation"; Also in line 11, by striking out after the word "registrars" the word "of" and inserting in lieu thereof the word "in"; Also on page 41, by striking out at the beginning of line 6, the words "in such city"; Also on page 43, line 7, by striking out after the letter "(b)" the word "above" and inserting in lieu thereof the words "of this section"; Also in line 19, by striking out after the word "unless" the words "he personally appears and proves"; Also in line 20, by inserting after the word "elector" the words "are proved".

Amend Section 33, page 44, line 15, by striking out after the word "registered" the word "the" and inserting in lieu thereof the word "The".

Amend Section 34, page 45, line 12, by striking out after the letter "(b)" the words "At the end of" and inserting in lieu thereof the word "After"; Also in line 13, by striking out after the word "and" the words "at the end of" and inserting in lieu thereof the word "after"; Also in same line by inserting after the word "last" the word "registration"; Also in line 22, by striking at the beginning of said line the word "of".

Amend Section 35, page 46, line 29, by inserting after the word "upon" the words "the filing by such duly authorized employe of an affidavit that the copy so indorsed has been so served by him or that there is no adult person"; and striking out "evidence that there is none".

Amend Section 36, page 47, line 5, by striking out the entire line as follows: "If after hearing relevant evidence the commission is" and inserting in lieu thereof the following: "At the time so fixed the commission shall hear testimony not being bound by technical rules of evidence and if"; Also in line 6, by inserting after the word "satisified" the words "upon competent evidence"; Also in line 14, by striking out after the word "shall" the words "have the power to"; Also in line 15, by inserting after the word "upon" the word "reasonable"; Also by inserting after the word "shown" the words "or where the interests of justice require it".

Amend Section 37, page 47, line 28, by striking out after the word "such" the words "election officers" and inserting in lieu thereof the word "commissioners"; Also on page 48, by striking out after the word "the" word "officers" and inserting in lieu thereof the word "commissioners".

Amend Section 38, page 48, line 24, by striking out at the beginning of said line the word "Certificated" and inserting in lieu thereof the word "Certificates".

Amend Section 39, page 54, line 11, by inserting after the word "therewith" the words "and the provisions of this act".

Amend Section 40, page 56, line 12, by inserting after the word "him" the words "A copy of said notice shall be sent promptly to the city chairman of the political party of which such elector was registered as a member".

Amend Section 42, page 57, line 27, by inserting after the word "relief" the words "Provided That if the order of the Commission appealed from was entered within ten days of any election or primary such appeal shall be filed within two days thereafter"; Also on page 58, line 19, by striking out after the word "and" the word "to"; Also in line 20, by inserting after the word "the" the word "competent".

Amend Section 43, line 10, by inserting after the syllable "peals" the letter "(a)"; Also in line 14, by inserting after the word "involved" the folowing new paragraphs:

"(b) The commission shall be a party appellee to all such appeals but the Commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise ot appear at any such hearing unless it shall deem it expedient to do so

(c) The stenographic record of any proceeding required by this act to be stenographically recorded shall when certified by any commissioner present at such proceeding be prima facie evidence of the events therein recorded"

Amend Section 45, page 61, line 21, by striking out after the word "any" the word "material"; Also on page 63, line 4, by striking out at the beginning of said line the word "and"' and inserting in lieu thereof the word "or"; Also in same line by striking out after the word "not" the words "less than three (3) months nor".

Amend Section 47, page 67, line 17, by striking out after the word "said" the word "commission" and inserting in lieu thereof the word "commissions"; Also on page 68, line 27, by inserting after the word "required" the word "hereby"; Also in line 28, by striking out after the word "legal" the word "holidays" and inserting in lieu thereof the word "holiday"; Also on page 71, line 14, by striking out after the word "violations" the word "thereof" and inserting in lieu thereof the word "hereof"; Also on page 72, line 20, by striking out after the word "by" the word

"an" and inserting in lieu thereof the word "any"; Also on page 73, line 5, by inserting after the word "upon" the word "any"; Also on page 74, line 13, by striking out after the word "counsel" the word "for"; Also in line 17 by striking out after the word "their" the word "presences" and inserting in lieu thereof the word "presence"; Also on page 76, line 7, by striking out at the beginning of said line the letter "(c)"; Also in line 18, by striking out at the beginning of said line the letter "(d)"; Also in 22, by striking out at the beginning of said line the letter "(e)".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simpson,
Alexander,	Flinchbaugh,	McShane,	Skale,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, James A.,
Arnold,	Gillette,	Merrell,	Smith, John A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boles,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	Ostroff,	Tronzo,
Brancato,	Holland,	Patterson, J. W.,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Peale,	Turner,
Brownfield,	Hontz,	Pearson,	Valibus,
Burrows,	Horting,	Perry,	VanAllsburg,
Cadwalader,	Huntley,	Pershing,	VanSickle,
Caesar,	Imbrie,	Piole,	Vogt,
Caputo,	Jirolanio,	Powers,	Wagner,
Chervenak,	Kane,	Preston,	Wall,
Coakley,	Keenan,	Readinger,	Walsh,
Cohen, H. B.,	Kelso,	Reese,	Wampole,
Cohen, R. E.,	Kilroy,	Reising,	Watkins,
Coleman,	Kline,	Richter,	Webster,
Coolahan,	Kroll,	Robinson,	Weidemann,
Corrigan,	LaRue,	Rothenberger,	Weiss, D. H.,
Costanzo,	Leisey,	Royer,	Weiss, S. A.,
Davies,	Levy,	Ruffennach,	Welliver,
Decker,	Lewis,	Rush,	Welsh,
DeNote,	Long,	Sarraf,	Westrick,
Dickinson,	Longaker,	Scanlon,	Whalen,
Donohoe,	Lopresti,	Schor,	Whitenight,
Dougherty,	Lovett,	Schrock,	Wilson,
Downey,	Mallen,	Schrope,	Winner,
Dubbs,	Marino,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Elpern,	McCullough,	Shea,	Yanoshat,
Falkenstein,	McDermott,	Shepard,	Yeakel,
Finnerty,	McDevitt,	Shoemaker,	Yourishin,
Fiss,	McElroy,	Siegel,	Zappala,
Fitch,	McFall,	Simon,	Furman,
Flanagan,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 440.

An Act to amend the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure and registration of persons, firms or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools, in cities of the second class, and imposing fines, penalties, and forfeitures for violation thereof;" as amended, extending the provisions of said act to boroughs incorporated towns and townships of the first class extending the same to include building drainage imposing certain powers and duties on the Department of Health making further provisions for the administration of said act extending the specifications increasing certain fees and payments and providing increased penalties including imprisonment and repealing section fifty-four fifty-five fifty-seven and fifty-eight of said act

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 11, by inserting after the word "to" the word "certain."

Amend Section 1, page 3, by inserting after the syllable "vided" in line 19, the following new paragraph "The words "borough" as used in this section and in this act shall be construed to mean only such boroughs as have a population of three thousand five hundred (3,500) or more"; also on page 5, line 15, by striking out at the beginning of said line the word "thereof" and inserting in lieu thereof the word "therefor"; Also in line 23, by inserting after the word "pay" the word "to"; also page 7, by inserting after the syllable "gaged" the word "or"; also in line 14, by striking out after the word "or" the word "boroughs" and inserting in lieu thereof the word "borough"; Also on page 8, line 5, by underscoring the word "as"; Also on page 9, by striking out after the word "or" the word "officers" and inserting in lieu thereof the word "officer's"; Also in line 21, by striking out after the word "by" the word "the"; Also in line 22, by striking out after the word "by" the word 'the"; Also in line 26, by striking out after the word "or" the word "certificate" the word "certificates"; Also in same line by striking out after the word "in" the word "said"; Also on page 10, line 4, by striking out after the word "business" the word "or" and inserting in lieu thereof the word "of"; Also in line 16, by striking out after the word "and" the word "addresses" and inserting in lieu thereof the word "address"; Also in line 28, by striking out after the word "for" the word "changes" and inserting in lieu thereof the word "change"; Also on page 11, line 6, by striking out after the word "are" the word "herein" and inserting in lieu thereof the word "here"; Also in line 9, by inserting after the word "admit" the word "of"; Also in line 15, by striking out after the word "by" the word "the"; Also on page 12, by striking out at the beginning of said line the word "rule" and inserting in lieu thereof the word "section"; Also in line 15, by striking out after the word "outside" the word "of"; Also by inserting after the word "pipe" in line 27, the following new paragraphs:

"The size of the main house drain shall be determined by the total area of buildings and paved surfaces to be drained according to the following table if iron pipe is used If the pipe is terra cotta the diameter shall be one size larger for the same amount of area drainage

Diameter	Fall ¼ Inch Per Foot		Fall ½ Inch Per Foot	
4 inches ..	1,800	square feet drainage area	2,500	square feet drainage area .....
5 inches ..	3,000	square feet drainage area	4,500	square feet drainage area .....
6 inches ..	5,000	square feet drainage area	7,500	square feet drainage area .....
8 inches ..	9,100	square feet drainage area	13,600	square feet drainage area .....
10 inches ..	14,000	square feet drainage area	20,000	square feet drainage area .....

The main house drains may be decreased in diameter beyond a rain-water conductor or surface inlet by permission of the department or board or bureau of health when the plans show that conditions are such as to warrant such decrease but in no case shall the main house drain be less than four (4) inches in diameter"

Also on page 13, line 10, by inserting after the word "inside" the word "of"; Also in line 12, by striking out after the word "lead" the word "into" and inserting in lieu thereof the word "to"; Also in line 15, by striking out after the word "of"; the word "the"; Also in line 26, by striking out after the figure "12" the word "Where" and inserting in lieu thereof the word "When"; Also on page 14, by inserting after the word "on" the word "a"; Also in line 17, by striking out after the word "all" the word "the"; Also in line 21, by striking out after the word "to" the words "an exterior wall of any buliding or be" and inserting in lieu thereof the words "any exterior wall of a building or"; Also on page 15, line 2, by inserting after the word "water" the word "valves"; Also in line 8, by striking out at the beginning of said line the word "pipe" and inserting in lieu thereof the word "Pipes"; Also on page 17, line 15, by striking out after the word "must" the words "not be" and inserting in lieu thereof the words "be not"; Also on page 18, line 2, by striking out after the word "shall" the words "not be" and inserting in lieu thereof the words 'be not"; Also in inserting after the word "floor" in line 17, by following new paragraph:

"Fixtures with
One and one-quarter inch traps count as one fixture
One and one-half inch traps count as one fixture
Two-inch traps count as two fixtures
Two and one-half inch traps count as three fixtures
Three-inch traps (water-closets) count as four fixtures
Four-inch traps count as five fixtures"

Also in line 26, by striking out after the word "of" the following: "T's ("Y's) or sanitary T's" and inserting in lieu thereof the following: (T-"Y's (sanitary T's) T's or sanitary T's"; Also in page 19, line 10, by striking out after the word "wiped" the word "joints" and inserting in lieu thereof the word "joint"; Also in line 20, by striking out after the word "the" the word "fixtures" and inserting in lieu thereof the word "fixture"; Also in line 21, by striking out after the word "shall" the word "it" and inserting in lieu thereof the word "they"; Also in line 23, by striking out after the word "with" the word "the" and inserting in lieu thereof the word "a"; Also on page 21, line 15, by striking out after the word "Wash" the word "basin" and inserting in lieu thereof the word "basin"; Also in line 18, by inserting after the word "trap" the figure "1¼"; Also in line 27, by inserting after the word "levels" the following:

[The size for traps must not be less than those given in the following

Traps for water closets four inches in diameter
Traps for slop sinks one and one-half inches to three inches in diameter
Traps for kitchen sinks one and one-half inches in diameter
Traps for wash traps two inches in diameter
Traps for (bowl) urinals one and one-half inches in diameter
Traps for wash stands one and one-fourth inches in diameter]"

Also in line 28, by inserting after the word "drum" the words: "(-trap not less than three inches in diameter with three-inch trap-screw on floor line)"; Also on page 22, line 2, by striking out after the word "pipe" the word "from" and inserting in lieu thereof the word "for"; Also in line 5, by striking out after the word "out" the word "revent" and inserting in lieu thereof the word "revents"; Also in line 12, by striking out after the word "placed" the word "ordinary" and inserting in lieu thereof the word "ordinarily"; Also in line 22, by striking out after the word "made" the word "with" and inserting in lieu thereof the word "by"; Also in line 28, by striking out at the beginning of said line the word "pipe" and inserting in lieu thereof the word "pipes"; Also on page 23, by striking out lines 18 to 23 inclusive as follows:

Size of Pipe	Maximum Developed Length in Feet	Number of 1½ in. Traps Vented or Equivalent	
	Mains	Branch	Main Vertical

Also on page 24, line 6, by striking out after the word "inch" the word "or" and inserting in lieu thereof the word "to"; Also on page 25, line 16, by strking out after the word "under" the word "bell-trap" and inserting in lieu thereof the word "bell-traps"; Also in line 19, by striking out after the word "Any" the word "buildings" and inserting in lieu thereof the word "building"; Also in line 22, by striking out after the word "of" the word "the"; Also by striking out after the word "from" the word "the"; Also by striking out after the word "of" the word "the"; Also in line 27, by striking out after the word "of" the word "those" and inserting in lieu thereof the word "these"; Also on page 26, line 6, by striking out after the word "with" the word "the"; Also in line 21, by striking out after the word "vent" the word "pipe" and inserting in lieu thereof the word "pipes"; Also on page 27, by striking out after the word "all" the word "enclosed" and inserting in lieu thereof the word "enclosing"; Also in line 12, by striking out after the word "any" the word "enclosed" and inserting in lieu thereof the word "enclosing"; Also on page 29, line 9, by striking out at the end of said line the word "houses" and inserting in lieu thereof the word "house"; Also in line 10, by striking out at the end of said line the word "windows" and inserting in lieu thereof the word "window"; Also in line 14, by striking out after the word "outer" the word "partitions" and inserting in lieu thereof the word "partition"; Also in line 17, by striking out after the word "to" the word "the"; Also in line 22, by striking out after the word "be" the word "made"; Also on page 32, line 1, by inserting after the word "board" the words "or bureaus"; Also in line 7, by striking out after the word "district" and insreting in lieu thereof the word "issuing"; Also in line 8, by striking out after the word "peppermint" the words "or smoke" and aslo after the word "in" by striking out the word "the"; Also on page 33, line 18, by striking out the underscoring under the words "drainage or cesspools" and inserting the underscoring under the word "or equipment" in line 19; Also on page 34, line 12, by inserting after the word "thereof" the word "all".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Simpson,
Allmond,	Gerard,	Melchiorre,	Skale,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Baker, F. T.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stank,
Bierly,	Hamilton, R. S.,	Muir,	Stewart,
Blank,	Harkins,	Munley,	Stockham,
Bohn,	Harmuth,	Murrin,	Strode,
Boles,	Hays,	Nagel,	Terry,
Boltz,	Hering,	O'Brien,	Thomas,
Boose,	Hess,	O'Connor,	Thompson,
Boyer,	Hetrick,	O'Keefe,	Toole,

Bradley,	Hindman,	Ominsky,	Tronzo,
Brancato,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.	Turner,
Brownfield,	Holstrom,	Patterson, J. W.	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Huntley,	Pearson,	VanSickle,
Caesar,	Horting,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNcte,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Dougherty	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, J F	Schumacher,	Wright,
Elpern,	McArdle,	Serrill,	Yanoshat,
Falkenstein	McCullough,	Shaw,	Yeakel,
Finnerty,	McDermott,	Shea,	Yourishin,
Fiss,	McDevitt,	Shepard,	Zappala,
Fitch,	McElroy,	Shoemaker,	Furman,
Flanagan,	McFall,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 235.

An Act authorizing the adjournment and re-adjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight; validating any action in adjourning or re-adjourning tax sales taken prior to the effective date of this act; and preserving the lien of all taxes on lands to be sold at such sales.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 1, page 2, line 13, by striking out after the word "the" the word "concent" and inserting in lieu thereof the word "consent"

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simpson,
Alexander,	Flinchbaugh,	Meshane,	Skale,
Allen,	Ganser,	Melchiorre,	Sloan,
Almond,	Gerard,	Mellow,	Smith, James A.,
Arnold,	Gillette,	Merrell,	Smith, John A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moonaw	Sollenberger
Baine	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boles,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Mallen,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,	McGee,	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, that the Clerk inform the Senate accordingly.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 345.

An Act to further amend section one of the act, approved the twenty-sixth day of April, one thousand eight hundred and fifty-five (P. L. 309), entitled "An act relating to damages for injuries producing death," by giving personal representatives the right to recover damages for hospital, nursing, medical, funeral expenses, and expenses of administration.

HOUSE BILL No. 928.

An Act requiring persons employing others in or about motion picture theatres to allow them at least one calendar day of rest in each calendar week.

HOUSE BILL No. 852.

An Act to re-enact and amend the act, approved the second day of July one thousand nine hundred and thirty-five (P. L. 519) entitled "An act authorizing and regulating the re-organization of banks and bank and trust companies" by extending its effective period.

HOUSE BILL No. 617.

An Act to amend section nine of the act approved the thirtyfirst day of May one thousand nine hundred and thirty-three (P. L. 1108) entitled "An act providing for appointment promotion reduction removal and re-instatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" regulating physical examination of applincants

HOUSE BILL No. 616.

An Act to amend sections one and six of the act, approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 437) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" including dining cars under the provisions of this act and making it unlawful to sleep or to permit persons to sleep in a room where food is prepared or served.

HOUSE BILL No. 553.

An Act to amend the act, approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 565) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" as amended by providing for the creation of the Building and Loan Board the appointment of its members the payment of its expenses and defining its powers and duties and by modifying the powers and duties of the Department of Banking and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision and by making inapplicable said act to certain corporations.

Whereupon,

The SPEAKER, in the presence of the House signed the same.

LEAVES OF ABSENCE

Mr. Welsh asked and obtained leave of absence for Mr. HARRY T. MATTHEWS for the remainder of the week on account of illness.

Mr. Frank P. Hamilton asked and obtained leave of absence for Mr. SHUGARTS for today's session on account of illness.

REPORTS FROM COMMITTEES

Mr. VAN SICKLE, from the Committee on State Boards, reported as amended, House Bill No. 859, entitled:

An Act to further amend section four of the act, approved the third day of June, one thousand nine hundred and eleven (P. L. 639), entitled, as amended, "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction; and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act; and providing for revocation and suspension of licenses by said bureau; and providing penalties for violation thereof; and repealing all acts or parts of acts inconsistent therewith," by changing the requirements of medical educational institutiones.

Mr. PERSHING, from the Committee on Military Affairs, reported as committed, House Bill No. 1674, entitled:

An Act directing the Department of Military Affairs to select, procure, award and provide for the furnishing of certain service medals.

Mr. COLEMAN, from the Committee on Mines and Mining, reported as amended, House Bill No. 8, entitled:

An Act to prevent fraud and deception in the shipping marketing and sale of anthracite coal; providing standards for anthracite coal; and providing penalties for the violation of this act.

Mr. HERING, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 1637, entitled:

An Act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," as amended, by making further provision for the imposition of liability upon, and the payment by, individuals, counties and poor districts of the cost of admission, care and maintenance of mental patients and inebriates; and by requiring the furnishing of bonds conditioned upon the payment of the cost of care and maintenance of mental patients and inebriates, or, in lieu thereof, the furnishing of endorsements of the poor authorities of counties or poor districts in certain cases.

Mr. SHEPARD, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 1560, entitled:

An Act for the protection of the public health, and the prevention of fraud and deception; requiring clean, sanitary establishments for the manufacture, preparation or bottling of non-alcoholic drinks and liquid foods, including clean, sanitary ingredients and containers; regulating the maintenance and operation of such establishments and the use of containers; prescribing penalties; and providing for injunctions in certain cases.

Mr. TUMELTY, from the Committee on Military Affairs, reported as committed, House Bill No. 1564, entitled:

An Act to amend section four hundred thirty-nine of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended; providing that certain forms, used by the county commissioners relative to the compilation of war records of de-

ceased service men, shall be prescribed but not furnished by the Department of Military Affairs.

Mr. WELSH, from the Committee on Mines and Mining, reported as committed, House Bill No. 111, entitled:

An Act to promote the safety and general welfare of miners in the bituminous coal industry, by prohibiting the employment of miners in the bituminous coal mines unless certificated after examination by a miners' examining board, and the payment of certain fees, providing for the appointment of such boards, and defining their powers and duties; and providing penalties.

Mr. BRADLEY, from the Committee on Mines and Mining, reported as committed, House Bill No. 132, entitled:

An Act to prohibit the continuous operation of the underground workings of anthracite coal mines.

Mr. SCHOR, from the Committee on Judiciary General, reported as committed, House Bill No. 1087, entitled:

An Act providing for the exclusion from the court room and the segregation of certain witnesses in criminal cases; imposing restrictions on such witnesses; providing for their maintenance at the expense of the county; and prescribing penalties.

Mr. FLANNERY, from the Committee on Public Health and Sanitation, re-reported as amended, House Bill No. 1053, entitled:

An Act to amend section one as re-enacted, sections two and three as amended, sections four and five, and section six as amended, of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies," by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania; providing further for the distribution and use of unclaimed human bodies; fixing the time for the claiming and distribution of bodies, and the duties of carriers of bodies; requiring those receiving bodies to give bond; and providing penalties.

BILL RE-REFERRED

Mr. KROLL returned from the Committee on Military Affairs with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 1520, entitled:

An Act providing for the organization, under certain conditions, of two colored battalions of infantry, and making an appropriation therefor.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

Mr. KLINE, returned from the Committee on Mines and Mining with the recommendation that it be re-referred to the Committee on State Government, House Bill No. 67, entitled:

An Act to amend sections two hundred and two hundred two of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth;" providing additional penalties for killing fish by pollution or explosions.

The SPEAKER. The bill is now re-referred to the Committee on State Government.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1558, entitled:

An Act to repeal the act approved the second day of April one thousand eight hundred sixty-eight (P. L. 55) entitled "A supplement to an act entitled "An Act to increase the revenues of the Commonwealth by taxation of the shares of stock of the national banks' approved April twelfth one thousand eight hundred and sixty-seven".

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1635, entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 284) entitled as amended "An act imposing a State tax payable by those herein defined as manufactures and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" as amended and re-enacted by imposing an additional reciprocal tax by providing for the assessment and revision of and appeal from additional taxes and by making further provision with regard to refunds evidence of payment of the tax and penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for the second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1016, entitled:

An Act to amend section twelve of the act approved the twenty-second day of June one thousand nine hundred and thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended providing that the Commonwealth shall pay to the recorders of deeds prothonotaries and clerks of courts the fees provided by the act for filing with the Department of Revenue certain records.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 95, entitled:

An Act requiring certain officers to be paid by the Commonwealth or its political subdivisions prohibiting cer-

tain contracts and agreements for the payment of their compensation or for the repayment or reimbursement thereof by any person copartnership association or corporation and fixing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the compensation of all sheriffs deputy sheriffs constables deputy constable detectives police and other peace officers of this Commonwealth or of any political subdivision thereof shall be paid only by the Commonwealth or such political subdivision or by fees in the amount and in the manner now or hereafter fixed by law

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. CAPUTO. Mr. Speaker, I move that this bill be recommitted to the Committee on Corporations for further study and amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1192, entitled:

An Act to amend section one of the act approved the fifteenth day of May one thousnad nine hundred and thirty-three (Pamphlet Laws seven hundred ninety-six) entitled "An act providing for the preservation of the records of banks bank and trust companies trust companies savings banks and private banks and imposing penalties for violations" to permit the preservation of photographs or the means of making or reproducing photographs of such records in lieu thereof

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws seven hundred ninety-six) entitled "An act providing for the preservation of the records of banks bank and trust companies trust companies savings banks and private banks and imposing penalties for violations" is hereby amended to read as follows

Section1 Be it enacted etc That every bank bank and trust company trust company and savings bank incorporated under the laws of this Commonwealth and every private bank transacting business within this Commonwealth shall preserve in such form and manner that they may be readily produced upon proper demand all its records of original or final entry including cards used under the card system and deposit slips or tickets or photographs or the means of making or reproducing photographs thereof for a period of seven years from the date of making the last entry on the same

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. CAPUTO. Mr. Speaker, I move that this bill be recommitted to the Committee on Banking.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1130, entitled:

An Act to amend sections fifty and seventy-two as amended subsection (b) of section one hundred ninety-one section two hundred two sections two hundred twenty and two hundred twenty-six as amended sections two hundred twenty-eight and two hundred fifty-six and section two hundred eighty-five as amended of and to add section two hundred eighty-two and two hundred eighty-three to the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the taking of fish eliminating the right to use eel chutes changing certain penalties and providing new penalties requiring certain persons to possess fishing licenses providing for and regulating the revocation of fishing licenses providing for the payment over of fines collected and the return of fines erroneously collected vesting certain additional powers in the Board of Fish Commissioners eliminating certain restrictions on the use of license fees regulating closed seasons on boundary lakes and conferring additional police powers on fish wardens

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section fifty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as last amended by the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1145) is hereby further amended to read as follows

Section 50 Devices to Catch Game-fish Bait-fish and Fish-bait No person shall use any device means or method whatsoever except as in this article otherwise provided for taking fish from the waters within this Commonwealth except the following that is to say for

(a) Game-fish two rods and two lines and one hand line with not more than three hooks attached to either line

(b) Bait-fish and fish-bait two rods and two lines with not more than three hooks attached to each line a dip-net or minnow seine not over four feet square or four feet in diameter a minnow trap with not more than one opening which shall not exceed one inch in diameter The rods hooks and lines must be under the immediate control of the person using the same

(c) It shall be unlawful to take or attempt to take fish of any kind by the methods known as snatch-fishing foul hooking or snag-fishing or the taking or fishing for fish with hook or hooks baited or otherwise attached to rod or line or other device for the taking of or fishing with any device whatsoever which may be used to capture any fish by engaging such device in to or with any part of the body of a fish

(d) Eels in rivers of this Commonwealth in addition to such rods and lines eel chutes from the first day of August to the last day of November in each year Sundays excepted but only from four o'clock in the afternoon to eight o'clock in the morning on such days when a special license therefor in addition to the regular fishing license has been first secured Eel chutes to be lawful shall not have any wings of netting of any kind or any cloth or wire netting but shall be constructed of wooden slats

or lath which shall not be closer than one-half inch in the bottom Eel chutes shall not be more than five feet long and the width of entrance of an eel chute shall not be more than ten feet A metal tag issued at the time the special license is secured shall be securely fastened to the eel chute in a conspicuous place

No wing walls of stone or other material shall be constructed for more than three-fourth of the distance across any river The heads of no two wing walls when constructed side by side shall be closer together than a distance of twenty feet

All eel chutes must be kept free of rubbish and all game fish found therein must be immediately returned to the water of the river uninjured

During the hours of each day and on Sunday when the operation and use of eel chutes is not legal under this section a portion of the bottoms of such chutes shall be removed to facilitate the unobstructed passage of fishes]

(d) It shall be unlawful to take or attempt to take fish of any kind by trolling from a moving boat electrically propelled or propelled by an internal combustion motor

On the question,

Will the House agree to the section?

Mr. SEIGEL. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1 (sec. 50), page 3, line 14, by striking out the bracket before the letter "(d)"

Amend sec. 1 (sec. 50), page 3, line 20, by striking out the bracket after the word "place"

Amend sec. 1 (sec. 50), page 4, line 1, by striking out the bracket before the word "No"

Amend sec. 1 (sec. 50), page 4, line 13, by striking out the bracket after the word "fishes"

Amend sec. 1 (sec. 50), page 4, line 14, by striking out the letter "d" and insert in lieu thereof (e)

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

Mr. VOGT. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1 (sec. 50), page 3, by inserting after line 5, the following paragraph: (c) Pickerel, not more than five tip-ups when fishing only through a hole in the ice.

Amend sec. 1 (sec. 50), page 3, line 6, by striking out with light-faced brackets the letter "(c)" and insert in lieu thereof: "(d)"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 That section seventy-two of said act as amended by the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1145) is hereby further amended to read as follows

Section 72 Closed Season No person shall catch take or have in possession the same being killed any game-fish from the first day of [November] December to the [twenty-ninth day of May] fourteenth day of June next ensuing both dates inclusive

Any person violating the provisions of sections seventy-one or seventy-two of this act shall on conviction in the manner provided in chapter fourteen of this act be subject to a penalty of five dollars for each and every fish caught killed or had in possession

In addition to such penalty the license of such person may be revoked for one year for the first offense and two or more years for the second offense at the discretion of the Board

On the question,

Will the House agree to the section?

Mr. VOGT. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 2 (sec. 72), page 4, line 26, by inserting after the word "inclusive" the following: "Provided, however that pickerel may be caught and taken not exceeding the daily creel limits fixed by this act, during the months of December and January, but only when tip-ups are employed while fishing through a hole in the ice."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third and fourth sections wree separately read and agreed to as follows:

Section 3 That subsection (b) of section one hundred ninety-one of said act which was added by the act approved the twenty-ninth day of May one thousand nine hundred and thirty-five (Pamphlet Laws 263) is hereby amended to read as follows

(b) Interference with Dams Deflectors and Retards Et Cetera Dams Deflectors retards or similar devices placed across or in any [stream] waters inhabited by fish with permission of the owner or owners of the land adjacent thereto or through which such [stream] water flows shall not be destroyed removed breached or disturbed except by written permission first obtained from the board Any person or persons violating the provisions of this subsection shall on conviction as provided in chapter fourteen of this act be sentenced to pay a fine of ten dollars for each dam deflector retard or similar device destroyed or removed or breached or disturbed

Section 4 That section two hundred two of said act is hereby amended to read as follows

Section 202 Penalty Any person violating the preceding provisions of this article shall be guilty of a misdemeanor and on conviction [as provided in chapter fourteen of this act] shall be sentenced to pay a fine of not less than one hundred dollars and if more than ten fish are killed as the result of such violation then the penalty shall be ten dollars for each fish killed and in the discretion of the court such person or the member of any partnership or association or the officer of the corporation responsible for such violation may be imprisoned for a term not exceeding six months Provided That if it be shown to the satisfaction of the Board of Fish Commissioners that the escape of the substances deleterious destructive or poisonous to fish was due to circumstances unavoidable or beyond control and without negligence then the Board of Fish Commissioners is authorized to accept settlement of the value of the fish destroyed in a sum equal to the cost of restocking the waters to the extent deemed necessary by the Board of Fish Commissioners and upon payment of said sum there shall be no prosecution hereunder

The fifth section was read as follows:

Section 5 That section two hundred twenty of said act as last amended by the acts approved the nineteenth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 349) and the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1145) is hereby further amended to read as follows

Section 220 Resident Fishing License Fees For the purposes of this article every person sixteen years of age and upward upon application to any county treasurer within the Commonwealth or to the Department of Revenue and the presentation of proof that he has been a bona fide resident of this Commonwealth for a period of thirty days preceding his application and was born in the United States and in the case of naturalized foreign-born residents the production of such applicants naturalization papers shall upon the payment to the county treasurer or the Department of Revenue of a license fee of one dollar and fifty cents for the use of the Commonwealth and in the event that the license is issued by a county treasurer a fee of ten cents for the use of the county treasurer be entitled to the license herein referred to as "a resident fishing license"

In case the license certificate is lost or destroyed duplicate can be secured from the county treasurer or the department by making affidavit to that effect In case the button is lost or destroyed the licensee can make a duplicate but in case both the license certificate and the button are lost or destroyed a new license and button must be purchased

[Upon the making of an application by any person to the department or county treasurer for a special license to catch eels by the use and operation of eel chutes and the payment of a fee of one dollar for the use of the Commonwealth and ten cents for the use of the county treasurer where application is made to him such person shall be entitled to a special eel chute license and a special metal tag which shall give him the right to use and operate an eel chute in the Susquehanna River below the boundary line of the city of Pittston and the Duryea Borough Line on the north branch below the bridge at the Northumberland-Lycoming County line on the west branch in the Juniata River below Mount Union and in the Delaware River below Easton in accordance with the provisions of this act]

On the question,

Will the House agree to the section?

Mr. SIEGEL. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 5 (Sec. 220), page 7, line 19, by striking out the bracket before the word "Upon"

Amend Sec. 5 (Sec. 220), page 7, line 29, by striking out the bracket after the word "north"

Amend Sec. 5 (Sec. 220), page 8, line 1, by striking out the bracket before the word "branch"

Amend Sec. 5 (Sec. 220), page 8, line 4, by striking out the bracket after the word "act"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth to the twelfth sections inclusive were separately read and agreed to as follows:

Section 6 That section two hundred twenty-six of said act as amended by the act approved the tenth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 296) is hereby further amended to read as follows

Section 226 Unlawful to Fish Without License No person shall angle or fish in any of the waters within or bounding on or adjacent to this Commonwealth unless the license hereinbefore provided be at such time continually kept about the person of the licensee and exhibited upon the request of any fish warden sheriff constable or other officer of the Commonwealth No person shall angle or fish in any of the waters within or bounding on or adjacent to this Commonwealth unless the license button be at such time continually displayed on the outer garment in such manner that the license figures are plainly visible

The provisions of this section shall not apply to a person holding a fishing license issued pursuant to the laws of the State of New York when fishing by angling in that portion of the waters of the Delaware River lying between New York and Pennsylvania within the jurisdiction of this State if the persons holding angling licenses issued pursuant to the provisions of this act when fishing by angling in the waters of the Delaware River lying between New York and Pennsylvania within the jurisdiction of the State of New York are not required to have New York licenses nor shall the provisions of this section apply to a person holding a fishing license issued pursuant to the laws of the State of Ohio when fishing by angling in the waters of the Pymatuning Lake or reservoir within the jurisdiction of this State if the person holding licenses issued pursuant to the provisions of this act when fishing by angling in the waters of said lake within the jurisdiction of the State of Ohio are not required to have Ohio licenses Provided however That where the persons doing such fishing shall fish from the bank on lands in Pennsylvania then a Pennsylvania license shall be required And provided further That where such fishing is done by persons residing in Pennsylvania whether permanently or only temporarily a Pennsylvania license shall be required

Section 7 That section two hundred twenty-eight of said act is hereby amended to read as follows

Section 228 Penalty Revocation of Licenses Period of Revocation Any person violating any provisions of this article shall on conviction in the manner provided in chapter fourteen of this act be sentenced for each offense to pay a fine of twenty-five dollars It shall be unlawful for any person to obtain or use a fishing license during the period for which his license was revoked and any person violating this provision shall be subject to the penalty provided in this section In addition to [such] and penalty provided for any violation of this act the fishing license of any person convicted or signing an acknowledgment as hereinafter provided shall be void and the license and license button shall be surrendered by such person and immediately sent by the court making the conviction on the officer taking the acknowledgment to the (commissioner] board at Harrisburg In such cases and in cases where a person has been convicted of a violation of this act who does not possess a fishing license the board shall notify him of the time during which he shall not be eligible to possess a fishing license and during which period he may not apply for such a license but no such period shall exceed three years

Section 8 That section two hundred fifty-one of said act is hereby amended to read as follows

Section 251 Power of Commissioner and His Agent to Fish Rules and Regulations The Commissioner or his agent may catch fish in any of the waters of this Commonwealth at any season of the year and with any kind of nets or devices The Commissioner with the approval of the Board may promulgate such rules and regulations for the angling catching or removal of fish in or from any of the inland waters artificial or otherwise [wholly within] and the boundary lakes and boundary rivers of this Commonwealth as he may deem necessary to aid in the better protection of fish in any of the inland waters and boundary lakes and boundary rivers of this Commonwealth the Board may also reduce or increase open seasons and creel possession size and season limits or may close or open seasons as in its judgement may be necessary to conserve the future fish supply in any portion of the inland waters and boundary lakes and boundary rivers of this Commonwealth

To reduce or increase open seasons or creel limits or to open or close seasons for fishing in any portion of

the inland waters or boundary lakes or boundary rivers of the Commonwealth the Board shall prepare and distribute such posters or notices as in its judgement may be necessary to give due notice of its regulations adopted hereunder

Any person violating any of said rules and regulations shall upon conviction as provided in chapter fourteen of this act be sentenced to pay a fine of twenty dollars

Section 9 That section two hundred fifty-six of said act is hereby amended to read as folows

Section 256 Powers of Fish Wardens A fish warden shal have power
shall have power

(a) To enforce all laws of the Commonwealth relating to fish (b) to execute all warrants and search-warrants for the violation of the fish laws (c) to serve subpoenas issued for the examination investigation and trial of all offenses against the laws relating to fish (d) to carry firearms or other weapons in the performance of his duties (e) to search without warrant any boat conveyance vehicle fishbox bag coat basket or other receptacle for fish when he has reason to believe that any provision of any law of this Commonwealth relating to fish has been violated (f) to seize and take possesion of any and all fish which may have been caught taken or killed at any time in any manner or for any purpose or had in possession or under control or have been shipped or about to be shipped contrary to the laws of this Commonwealth fish so seized shall be disposed of in any manner as the Commissioner may direct (g) to enter upon any land or water in the performance of his duty (h) to demand and secure proper assistance in case of emergency (i) to purchase fish for the purpose of securing evidence (j) to stop and inspect or search at any time without warrant any vehicle or conveyace and its occupants or contents being operated or standing upon or along a public highway within this Commonwealth provided however such officer shall be in uniform and display his badge or other insignia of identity and shall state to the person in charge of said vehicle or conveyance the purpose of the inspection or search (k) to inspect or search at any time without warrant and examine any clothing worn by any person or any boat conveyance or vehicle of any type or kind whether attached or detached to another conveyance or vehicle or any creel or other receptacle for fish when such officer has made known his official identity and the cause for such inspection or search (1) to inspect or search at any time without warrant any camp tent cabin or detached automobile trailer or truck being used in whole or in part as a permanent or temporary abode for the purpose of fishing or a dwelling house tavern boarding house or hotel or the dwelling house or outbuildings of a caretaker of a camp or boarding house being used in whole or in part either temporarily or permanenently for the purpose of fishing or harboring fishermen when such officer has made known his official identity and the cause for such inspection or search to the person or persons in charge of such property

Section 10 That said act is hereby further amended by adding thereto after section two hundred eighty-one two new sections to read as follows

Section 282 Fines to be Forwarded to Commissioner All fines recovered in cases where the prosecutor is a salaried officer of the Commonwealth shall be immediately surrendered by the court receiving the same to the prosecutor who in turn as soon as may be shall forward or deliver such fines and penalties to the commissioner Where any officer of the Commonwealth other than a salaried officer is the prosecutor the fines and penalties shall as soon as the case is fully determined before him be forwarder by such magistrate alderman or justice of the peace to the commissioner at Harrisburg together with a statement of the cause for which such fines were collected the cost of which statement is hereby fixed at fifty cents and made a part of the costs of prosecution All fines received by the commissioner shall be paid into the State Treasury monthly by and through the Department of Revenue for the use of fish fund

Sworn statements of all fines and penalties so collected and all bail forfeited shall also be made by the magistrate alderman or justice of the peace imposing or receiving the same to the commissioner upon form furnished by the Department of Revenue such reports shall be made monthly not later than the tenth day of the following month

Any magistrate alderman or justice of the peace who shall fail to make such monthly reports and returns or either of them shall be guilty of a misdemeanor in office and upon conviction thereof in a court of quarter sessions shall be sentenced to pay a fine of one hundred dollars and costs of prosecution or undergo imprisonment for not more than sixty days or suffer both such fine and imprisonment

Section 283 Return of Fine Erroneously Paid Whenever the board is satisfied that any fine paid into the State Treasury under the provisions of this act was erroneously collected and deposited the board within six months after such deposit may by resolution direct the commissioner to draw a requisition upon the fund into which fund such fine was deposited for the amount involved Upon the receipt of such requisition and an extract of the minutes of the board the Auditor shall draw his warrant upon the State Treasurer in favor of the person from whom such fine was erroneously collected

Section 11 That section two hundred eighty-five of said act as last amended by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-five (Pamphlet Laws 205) is hereby amended to read as follows

Section 285 Fish License Fund Established All fees fines penalties and other moneys paid received recovered and collected (a) under the provisions of any law repealed and replaced by this act now held in the State Treasury as a fund or any part of a fund separate and apart from the various purposes designated by law or (b) that may be hereafter paid recovered received and collected under the provisions of any act repealed and replaced by this act or (c) that may be paid received recovered and collected under the provisions of this act shall be placed in a separate fund by the State Treasurer to be known as "The Fish Fund" and shall be used solely for the payment of all expenses incurred by the Department of Revenue in procuring issuing or supervising the issuance of resident and non-resident fishing licenses and license buttons and under the direction of the board for the following purposes

(a) The payment of the salaries wages or other compensation of the Commissioner of Fisheries such deputies directors superintendents bureau or division chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticans clerks stenographers bookkeepers messengers fish wardens laborers and other assistants and employes as may be required for the work of the board and such special deputy attorneys general assistant deputy attorneys general as may be assigned by the Attorney General to the board or for handling any legal business pertaining to its work

(b) The payment of the traveling and other expenses of the members officers and employes of the Board of Fish Commissioners

(c) The purchase through the Department of Property and Supplies as purchasing agency of such furniture furnishings stationery supplies materials equipment fuel motor vehicles and printing and binding as may be necessary in the conduct of the work of the board and the payment of premiums on surety bonds for such officers or employes of the board as may be required to furnish them policies of Workmen's Compensation Insurance and policies of liability insurance covering the aforesaid motor vehicles and persons operating same which bonds or insurance policies shall have been contracted for by the Department of Property and Supplies as agent of the board

(d) The payment of postage telegrams telephone rentals telephone toll charges and rentals for patented leased office devices or machines

(e) Rentals for any offices outside of the Capitol Buildings or any other grounds buildings or quarters necessary for the work of the board

(f) The propagation protection and distribution of fish and the stocking of waters within this Commonwealth as provided by law

(a) Necessary repairs and improvements to fish hatcheries or other buildings offices or quarters used in the work of the board

(h) Field work gathering spawn and transferring fish

(i) The maintenance and operation of a boat on Lake Erie and the cruiser "Anna" at Torresdale on the Delaware River and

(j) Any contingent incidental or other expenses of any kind or description reasonably necessary in carrying on the work of the board

(k) With the consent of the Governor for the purchase of lands and waters and for the impounding of waters and to make the same available for use by the citizens of the Commonwealth for fishing hunting and forest purposes and said lands and waters so purchased shall be under the supervision direction and control of the board and

(l) The purchase and acquisition of additional lands for State fish hatcheries the purchase acquisition and erection of buildings ponds and other extensions incidental to fish hatcheries and for the propagation and protection of fish and hatcheries hereafter established and for the distribution of fish from hatcheries and the stocking of waters within this Commonwealth [All moneys received from license fees in any fiscal year in excess of three hundred and fifty thousand ($350,000) dollars shall be expended solely and exclusively for the purposes set forth in this clause]

All moneys in such separate fund from time to time are hereby specifically appropriated to the Department of Revenue and the board and may be expended for the purposes hereinbefore enumerated All printing buttons and other supplies or materials purchased by the Department of Revenue for the purpose of performing its duties under the provisions of this act shall be purchased through the Department of Property and Supplies as purchasing agency

Estimates of the amounts to be expended under this act from time to time by the Department of Revenue and the Board of Fish Commissioners respectively shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be lawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Department of Revenue or by the Board of Fish Commissioners in excess of the estimates approved by the Governor Subject to the foregoing provisions the Auditor General shall from time to time upon requisition of the Secretary of Revenue or of the Commissioner draw his warrant on the State Treasurer for the amount specified in such requisition not exceeding however the amount in such fund at the time of making such requisition

Section 12 This act shall become effective immediately upon its final enactment

The title was read as follows:

An Act to amend sections fifty and seventy-two as amended, sub-section (b) of section one hundred ninety-one, section two hundred two, sections two hundred twenty and two hundred twenty-six as amended, sections two hundred twenty-eight and two hundred fifty-six, and section two hundred eighty-five as amended, of, and to add sections two hundred eighty-two and two hundred eighty-three to the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," further regulating the taking of fish; eliminating the right to use eel chutes, changing certain penalties and providing new penalties; requiring certain persons to possess fishing licenses; providing for the regulating the revocation of fishing licenses; providing for the payment over of fines collected, and the return of fines erroneously collected; vesting certain additional powers in the Board of Fish Commissioners; eliminating certain restrictions on the use of license fees; regulating closed seasons on boundary lakes; and conferring additional police powers on fish wardens.

On the question,

Will the House agree to the title?

Mr. SIEGEL. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the

The amendment was read by the Clerk as follows:

Amend title, page 1, lines 14 and 15 of title, by striking out the words "eliminating the right to use eel chutes"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question.

Will the House agree to to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1393, entitled:

An Act to protect the public health and welfare by regulating the employment of persons in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Department of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof

Section 1 Definitions Establishment Person Week Day

Section 2 Inclusion of Plural and All Genders

Section 3 Hours of Labor

Section 4 Night Work Prohibition Persons under Twenty-one

Section 5 Mid-Day Meal Periods

Section 6 Intervals Between Work Periods

Section 7 Seats

Section 8 Wash and Dressing-Rooms Water-Closets

Section 9 Lunch Rooms in Certain Establishments

Section 10 Exhaust-Fans in Certain Establishments

Section 11 Drinking-Water

Section 12 Enforcement Posting Abstract of This Act and Schedule of Hours of Labor Preparation and Distribution of Abstracts and Forms of Schedule

Section 13 Enforcement Proof of Age of Certain Persons

Section 14 Enforcement Hindering or Delaying Factory Inspectors

Section 15 Enforcement By the Factory Inspectors

Section 16 Prosecution Procedure Appeals

Section 17 Penalties First and Second Offenses Continued Violations Exemptions of Persons from Punishment under Certain Circumstances

Section 18 Disposition of Fines

Section 19 Construction of the Act not to Affect Industrial Training or Other Education Unconstitutionality of a Part of the Act

Section 20 Acts Repealed

Section 21 Date of Operation

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "establishment" when used in this act shall mean any place within this Commonwealth where work is done for compensation of any sort to whomever payable Provided That this act shall not apply to work in private homes and farming

The term "person" when used in this act shall be construed to include any individual partnership or other unincorporated association corporation and municipality

The term "week" when used in this act shall mean any seven consecutive days and the term "day" shall mean any twenty-four consecutive hours

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for possible amendment and further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 1246, as follows:

An Act to prohibit the recruiting of the securing or offering to secure employment for and the transportation to places of employment of persons to take the places of employes involved in industrial disputes

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person for himself or as agent or servant of any firm or corporation to recruit any person or persons for employment or to secure or offer to secure for any person or persons any employment or to transport any person or persons to any place of employment when the purpose of such recruiting securing or offering to secure employment or transportation is to have such persons take the place of employment of employes in an industry where an industrial dispute is then pending

Any person violating the provisoins of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1.000) or to suffer imprisonment for a term not exceeding one year or both at the discretion of the court

On the question,

Will the House agree to the section?

PILL RECOMMITTED

Mr MORAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 1267, as follows:

An Act to prohibit the refusal to employ and the discharge of persons and employes because of industrial disputes

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any employer or his or its agent servant or employe to refuse to employ any person or to discharge from employment any employe for the reason that such person or employe has engaged or taken part in any industrial dispute whether or not resulting in a strike or lock-out Any person violating the provisions of this act shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding one hundred dollars ($100) and in default of the payment of such fine and costs shall be sentenced to imprisonment for ten days

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. McDERMOTT. The Speaker, I move that this bill be recommitted to the Committee on Labor for further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 662, as follows:

An Act to amend sections four hundred thirteen and seven hundred ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal clains registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing the registration year and adjusting registration fees

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred thirteen and seven hundred ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public saftey regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicylces pedestrains and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators

thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" are hereby amended to read as follows

Section 413 Expiration of Registration

All registrations for the year one thousand nine hundred and thirty-seven shall expire December thirty-first of that year [of the year for which they are] All registrations for the year one thousand nine hundred and thirty-eight shall expire April thirtieth one thousand nine hundred and thirty-nine Thereafter registrations shall be issued for the registration year from May first of one year to and including April thirtieth of the year following All registrations shall be valid for the registration year for which issued unless sooner suspended for cause by the secretary and immediately upon the transfer of ownership or the destruction of the vehicle but registration cards for the succeeding year may at the option of their holders be used [on and after December fifteenth] during the last fifteen days of the current year

Section 710 Reduction of Registration Fees in Certain Cases The fees for registration of a motor vehicle trailer and semi-trailer when registration is issued on or after [August first] the beginning of the sixth month of the registration year but prior to [November first] the beginning of the ninth month of the registration year shall be one-half (½) of the fee for annual registration [Provided That the] The fee for registration of any such vehicles when registration is issued on or after [November first] the beginning of the ninth month of the registration year shall be one-fourth (¼) of the fee herein specified

Section 2 The purpose of this act is to change the registration year from the calendar year to a registration year commencing May first of one year and ending April thirty-first of the year following. In order to carry this act into effect the fees for registrations issued for the year one thousand nine hundred and thirty-eight which registrations expire April thirtieth one thousand nine hundred and thirty-nine shall be increased over the amount payable at the time of issue thirty-three and one-third (33 1/3%) of a full years' registration fee

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 77, as follows:

An Act to amend section two thousand eight hundred and nineteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providng revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any part thereof that are or may be inconsistent therewith" extending the provisions of said section relating to clauses and stipulations in and proposals for certain contracts to the preparation of cut stone for use in buildings to all school districts and eliminating the requirements therein as to preparation and cutting of stone for school buildings

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand eight hundred and nineteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 2819 All contracts hereafter awarded and entered into by any school district [of the first class] shall contain a clause or stipulation requiring that no person shall be employed to do work under such contract except competent and first-class workmen and mechanis and no workmen shall be regarded as competent and first-class within the meaning of this act except those who are duly skilled in their respective branches of labor and who shall be paid such rates of wages and for such hours work as shall be the established and current rates of wages paid for such hours by employers of organized labor in doing of similar work in the district where work is being done

On the question,

Will the House agree to the section?

Mr. MOOMAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend House Bill No. 77, Printer's No. 332 section 1, page 2, line 24, by inserting after the word "Paid" the following: "Not less than".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section two thousand eight hundred and nineteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereo providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any part thereof that are or may be inconsistent therewith" extending the provisions of said section relating to clauses and stipulations in and proposals for certain contracts to all school districts and eliminating the requirements therein as to preparation and cutting of stone for school buildings

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1415, (Senate Bill No. 77), entitled:

An Act to amend the act, approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes; and revising amending and consolidating the laws relating thereto," empowering counties of the second class to employ police officers at the expense of such counties; and defining their powers.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1571, as follows:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five million six hundred fifty-nine thousand dollars ($5,659,000) is hereby specifically appropriated from the General Fund to the State Emegency Relief Board to provide direct relief work relief and for administrative expenses as hereinafter provided and for the payment of bills contracted by or with the authority of the State Emergency Relief Board for direct relief work relief or administrative expenses contracted prior to the effective date of this act

Section 2 The State Emergency Relief Board shall make allocations from time to time out of the moneys appropriated to it among the several counties of this Commonwealth for direct relief or work relief on the basis of need and payments shall be made under such system of requisitioning and accounting as the Governor Auditor General and State Treasurer shall determine

Section 3 The allocations so made to a county by the State Emergency Relief Board shall be available for expenditure in that county for direct relief or work relief for the unemployed who are without means of support through such agencies as shall be designated by the State Emergency Relief Board and under such rules and regulations as the board shall adopt

Section 4 Out of the appropriation made by this act the State Emergency Relief Board shall from time to time allocate to the State Veterans' Commission an aggregate of thirty-two thousand five hundred dollars ($32,500) for the payment of traveling expenses and for other authorized disbursements of the State Veterans' Commission and to furnish funds to provide the necessities of life for and to assist otherwise such Pennsylvania veterans of any war or the widows and infant children or dependents of such veterans as are sick disabled or indigent and who are without means

Section 5 The State Emergency Relief Board may from time to time expend or authorize the expenditure of such sums as may be necessary out of the appropriation made by this act for the payment of salaries wages or other compensation of the director and other employes or assistants for the payment of postage traveling expenses mileage charges to the Department of Property and Supplies for the use of automobiles telephone rentals telephone toll charges telegrams expenses of operating and maintaining automobiles and other motor equipment newspaper advertising and notices freight express cartage for the purchase of automobiles furniture furnishings and equipment for the purchase of supplies printing binding patent indices for the payment of premiums on surety bonds for such officers and employes as may be required by statute or otherwise to furnish them for the faithful performance of their official duties or to account for funds in their possession for the payment of a premium or premiums on a policy or policies of liability insurance covering all motor vehicles owned and operated by the board which policy or policies shall protect both the Commonwealth and State officers or employes operating such motor vehicles against claims for damages for injury to person or property for the payment of a premium or premiums on a policy or policies of insurance insuring the Commonwealth against workmen's compensation liability to employes for injuries and to dependents of deceased employes of the board for payment to the State Work Relief Compensation Fund of such moneys as may be necessary under the provisions of the act approved the third day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand five hundred fifteen) for the payment of rents for such buildings offices rooms storage space and lands as may be required for the accommodation or performance of the work of the board and for such other uses as the State Emergency Relief Board may in its discretion deem necessary to carry out the purposes for which the appropriation is made under this act

Section 6 No investigator clerk or other employe of the State Emergency Relief Board shall be a member of or delegate or alternate delegate to any political convention nor be present at any such convention as an employe or in any official capacity nor serve as a member of or attend meetings of any committee of any political party or take any active part in political management or in political campaigns or use his position to influence political movements or use his position to influence the political action of any other person nor in any way or manner interfere with the conduct of any election or the preparation therefor at the polling place or with the election officers while the vote is being counted or the vote or ballot box is being returned save only for the purpose of marking and depositing his ballot nor be within fifty feet of any polling place during voting hours and the counting of the ballots except for the purpose of residence or travel Any person who shall violate any of the foregoing provisions shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine not exceeding five hundred dollars ($500) and forfeit his position

Section 7 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1264, as follows:

An Act regulating the motor vehicle junk business requiring a certificate of approval from the local authorities and a license from the Secretary of Revenue to conduct such business and authorizing the governmental subdivisions of the Commonwealth to restrict such business from certain districts

The first section was read as follows:

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Definition "Motor vehicle junk business" or "motor vehicle junk yard" shall include any business and any place of storage or deposit whether in connection with

another business or not which displays or in or upon which there are displayed to view from a public highway two or more unregistered motor vehicles which are unfit for reconditioning for use on the public highways or used parts of motor vehicles or old iron metal glass paper cordage or other waste or discarded or second-hand material which has been a part or intended to be a part of any motor vehicles the sum of which parts or material shall be equal in bulk to two or more motor vehicles

On the question,

Will the House agree to the question?

BILL RECOMMITTED

Mr. TRONZO. Mr. Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles for further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1344, as follows:

An Act to amend sections five hundred and fifty-one six hundred and seventy-five and six hundred and seventy-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet laws One thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by extending authority therein granted to include leasing of real property

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and fifty-one of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) and cited as "The General County Law" be amended to read as follows

Section 551 Title to Real Estate Vested in County The title to all court houses jails prisons and workhouses together with the lots of land thereunto belonging or appertaining and all other real property acquired or that may hereafter be acquired by or for the use of the county shall be and they are hereby vested in the county for the use of the people thereof and for no other use except such as may be authorized in accordance with the provisions of section six hundred and seventy-five and six hundred and seventy-six hereof

Section 2 That section six hundred and seventy-five of said act be amended to read as follows

Section 675 Authority to Sell and Lease Real Property The board of Commissioners may sell or lease either as lessor or lessee any real property belonging to the county on petition to the court of common pleas setting forth a description of the property to be sold and the reason therefor the court shall thereupon fix a day for hearing and notice of which shall be given in at least two newspapers in said county of general circulation onec a week for three consecutive weeks After hearing the court shall make such order and decree as shall seem right and proper Such sale shall be returned to the following term of court as orphans' court sales are now returned and said court shall confirm or refuse to confirm said sales as it may deem best for the interest of the county"

Section 3 That section six hundred and seventy-six of the said act be amended to read as follows

Section 676 Conveyance and Lease of Real Estate The board of commissioners shall make a deed or lease of any real estate belonging to the county which they are authorized to sell or lease under their hands and seals as commissioners with the seal of the county attached and the same shall be a good and lawful conveyance in fee simple or lease

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1289, as follows:

An Act to amend sections seventy-two seventy-eight eighty-two ninety-two and ninety-six and repeal section eighty-seven of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" relieving counties of the liability to pay expenses of county officers and employes attending certain State conventions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections seventy-two seventy-eight eighty-two ninety-two and ninety-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" are hereby amended to read as follows

Section 72 Expenses to Be Paid by County [Time Limit on Meetings] the [actual expenses of the county commissioners county solicitor and chief clerk attending such meeting of said State association including traveling expenses and hotel bills actually paid by them expenses of committees together with the] necessary expenses of the convention including printing and the employment of stenographers shall be paid by the various counties by orders drawn on the county treasurer [The time spent in attending said meetings shall not be more than four days exclusive of the time employed in travelling thereto and therefrom] The expenses herein mentioned as the necessary expenses of the convention shall not be more than fifty dollars to any county per annum

Section 73 [Expenses of Members Length of Meetings] Expenses [Each controller or deputy controller and the solicitor to the controller shall be allowed his expenses actually and necessarily incurred in going to attending and returning from the annual meeting of the association The time spent in attending the meeting exclusive of the time employed in traveling shall not exceed four days These expenses shall be paid by the respective counties] The expenses of the annual meeting of the association including printing committee expenses and stenographers shall be paid by the counties having controllers but shall not exceed twenty-five dollars per annum for each county [in addition to the traveling expenses hereinbefore provided for]

Section 82 [Expenses of Members Length of Meetings] Expenses [Except in counties of the sixth seventh and eighth classes each sheriff or deputy sheriff or solicitor representing any sheriff shall be allowed all reasonable expenses including hotel bills and traveling expenses actually incurred in going to attending and returning from any annual meeting of the association which shall be paid by the county of which he is an officer by orders drawn on the treasurer thereof The time spent in attending such meeting shall not be more than three days exclusive of the time employed in travelling thereto and therefrom]

The expense of the annual meetings of the association including any necessary amount for printing committee meetings and stenographic service shall except in counties of the sixth seventh and eighth classes be paid by the proper counties but shall not exceed twenty-five dollars for each county the sheriff of which is a member of said association In any county of the sixth seventh or eighth class the sheriff of which may be a member of said association the county commissioners [may allow like expenses to such sheriff or his representatives for attending any such annual meeting and] may join with the other counties aforesaid in sharing the expenses of such meeting to the extent aforesaid

Section 92 [Expenses] Membership Subscription [The actual expenses of the said probation officers in attending the said annual meeting including traveling and hotel expenses actually paid by them together with a] A membership subscription in said association or conference [said subscription] not exceeding five dollars per annum shall be paid by the county treasurer upon warrant of the county commissioners [in the same manner as is provided for the payment of the compensation and expenses of such officers]

Section 96 Expenses [Time Limit Each register of wills or deputy register of wills or person representing any register of wills shall be allowed all reasonable expenses including hotel bills and traveling expenses actually incurred going to attending and returning from any annual meeting of the association but not in excess of fifty dollars in any one year which shall be paid by the county of which he or she is an officer by orders drawn on the treasurer thereof The time spent in attending such meetings shall not be more than three days exclusive of the time employed in traveling thereto and therefrom] The expenses of the annual meeting of the association including any necessary amount for printing committee meetings and stenographic services shall be paid by the proper counties but shall not exceed twenty-five dollars for each county the register of wills of which is a member of said association

Section 2 That section eighty-seven of said act is hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No 1322, as follows:

An Act to repeal sections two thousand ninety two thousand ninety-one two thousand ninety-two two thousand ninety-three two thousand ninety-four two thousand ninety-five and two thousand ninety-six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by abolishing the right of taxpayers to furnish all the materials and labor necessary for opening making amending and repairing the public highways and bridges of townships by petition and contract

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two thousand ninety two thousand ninety-one two thousand ninety-two two thousand ninety-three two thousand ninety-four two thousand ninety-five and two thousand ninety-six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" which read as follows

(q) Opening Making Amending and Repairing Highways and Bridges by Contracts with Taxpayers

Section 2090 Taxpayers' Rights Any one or more taxpayers of any township may acquire the right to furnish all the materials and labor necessary for opening making amending and repairing the public highways and bridges of such township in the manner and under the conditions set forth in this subdivision of this act

Section 2091 Petition to Court To acquire such right such taxpayer shall before the beginning of the township fiscal year present to the court of quarter sessions a petition setting forth that he she it or they are the owners of property assessed and taxed for road purposes in such township the approximate number of miles of public road in such township and the ability of the petitioner or petitioners to lay out open make amend and repair the public highways and bridges of such township wholly at his her its or their own expense for the ensuing township fiscal year and to pay the other expenses of such township as hereinafter provided without any right against or claim upon such township for or by reason of the materials labor or moneys so furnished

Section 2092 Bond of Petitioners The petitioners shall with the petition present a bond to the township in a sum equal to five hundred dollars for each mile of public road in the township with one or more sufficient sureties to be approved by the court conditioned for the faithful performance by said petitioner or petitioners of his her its or their duty and to save the township harmless from any loss or claim by reason of failure so to perform said duty

Section 2093 Notice to Commissioners and Auditors Notice of the intention of presenting the petition and bond and of the time when said petition and bond will be presented to the court shall be given to the commissioners and auditor or controller of the township at least ten days before the same are presented

Section 2094 Contracts Stipulations When the petition bond and proof of the notice required in the preceding section are presented to the court the same shall be ordered filed and the court being satisfied of the good faith of the petitioners and the sufficiency of the petition bond and notice shall order and direct the commissioners on behalf of the township to enter into a contract with the petitioner or petitioners In such contract the petitioner or petitioners shall bind him her or itself or themselves

First To open make amend and repair the public highways and bridges of the township for the ensuing fiscal year in a lawful and workmen-like manner wholly at the expense of the petitioner or petitioners and without creating thereby any claim upon or right against the township for or by reason of the materials labor or money for persons employed

Second To indemnify and save harmless the township from all claim damage cost or expense of whatever kind for or by reason of any act or omission of said petitioner of petitioners whereby any claim suit or other demand may be set up or recovered against the township

Third To pay within sixty days from the beginning of the fiscal year to the following officers of such township the following sums to be received by said officers in full for all demands against such township for their respective services as such officers of the township for the fiscal years for which the said contract is made which shall be in lieu of the compensation otherwise in this act provided for such officers namely To each township secretary the sum of fifty dollars to the auditor or controller of such township the sum of twenty-five dollars to an attorney to be elected by such commissioner as counsel for the township the sum of fifty dollars to each commissioner the sum of one hundred dollars

Section 2095 No Road Tax to be Levied In consideration of the obligations set out in the preceding section to be assumed and performed by the petitioner or petitioners the commissioners on behalf of such township shall stipulate that the township will not assess levy or collect any tax for road purposes during the fiscal year for which such contract is made

Section 2096 Inspection The commissioners shall view and inspect the making and repairing of the roads in such townships at least once during every month and

satisfy themselves that the petitioners have fully complied with their contract before final settlement and expiration of contract If at any time the commissioners shall see that any portion of the roads need repair they shall notify the petitioners to repair the same In case said petitioners fail to repair said road within five days after notice the commissioners are empowered to purchase such materials and employ such men as may be necessary to repair such road and charge the same to the petitioners be and the same are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No 1320, as follows:

An Act to amend section five hundred twenty section five hundred thirty as amended and sections seven hundred three and two thousand twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for the election of auditors for vacancies in office of commissioners for compensation to township commissioners and fixing the width of public roads streets lanes and alleys

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred twenty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 520 Election of Auditors At each municipal election one auditor shall be elected for a term of six years from the first Monday of January succeeding such election No auditor shall at the same time hold any other elective or appointive office

Any township may instead of electing three auditors as above provided or one controller as hereinafter provided provide by ordinance for the audit of its accounts by an auditor appointed by the court of common pleas of the county who shall be either a person or firm licensed as a certified public accountant or a person skilled in auditing work and where such an ordinance is so adopted such auditor shall be appointed by the court on or before the first Monday of January each year to audit the accounts of the township for the fiscal year then closing Any such appointed auditor shall have and possess all the powers and perform all the duties provided in this act for elected auditors The compensation of any such appointed auditor shall be fixed by the court In townships so providing by ordinance for an appointed auditor the office of elected auditor is hereby abolished

Whenever any township has heretofore provided by ordinance for the audit of its accounts by an auditor appointed by the court of common pleas of the county said township shall have the right at any time to repeal said ordinance and thereupon the office of auditor appointed by the court of common pleas of the county shall be abolished and said township shall have the further right at the next municipal election following the repeal of said ordinance to elect three auditors one for a term of two years one for a term of four years and one for a term of six years from the first Monday of January succeeding such election which auditors so elected shall succeed the auditor appointed by the court of common pleas of the county and shall have and possess all the powers and perform all the duties provided in this act for elected auditors

Section 2 That section five hundred thirty of said act as amended by the act approved the thirty-first day of May one thousand nine hundred thirty-three (Pamphlet Laws 1096) is hereby further amended to read as follows

Section 530 Township Commissioners [When a vacancy occurs in the office of township commissioners in any township by reason of death resignation removal from the township or ward or otherwise the court of quarter sessions upon the petition of twenty qualified voters of the ward or township as the case may be in which the vacancy occurs may appoint a qualified voter of the township to fill such vacancy If such petition is not presented to the court within thirty days after such vacancy occurs the board of township commissioners of the township may appoint a qualified voter of the township to fill the vacancy In either event the person so appointed shall hold office until the next municipal election at which election a township commissioner shall be elected for the unexpired term of the person whose place he is elected to fill]

When a vacancy occurs in the office of township commissioner in any township by reason of death resignation removal from the township or ward or otherwise the board of township commissioners shall fill such vacancy by appointing by resolution a qualified resident of the township or ward to such office for the unexpired term of the office

If the Board of Township Commissioners of any township shall refuse fail or neglect or be unable for any reason whatsoever to fill any vacancy in the office of township commissioner within thirty days after the vacancy happens as provided by the preceding paragraph then the court of quarter sessions upon the petition of twenty qualified voters of the ward or township as the case may be in which the vacancy occurs may appoint a qualified voter of the township to fill such vacancy

Section 3 That sections seven hundred and three and two thousand and twelve of said act are hereby amended to read as follows

Section 703 Compensation [Each township commissioner shall receive a salary of one hundred dollars per year in townships having a population of less than five thousand two hundred dollars per day in townships having a population of five thousand and more but less than twenty-five thousand and three hundred dollars per year in townships having a population of twenty-five thousand and more payable quarterly as full compensation for the duties imposed by the provisions of this act]

Each township commissioner shall receive a salary of one hundred dollars per year in townships having a population of less than five thousand three hundred dollars per year in townships having a population of five thousand and more but less than fifteen thousand and six hundred dollars per year in townships having a population of fifteen thousand and more payable quarterly as full compensation for the duties imposed by the provisions of this act

Section 2012 Width of Public Roads Streets Lanes and Alleys The width of a public road street or lane in townships of the first class shall not be less than [thirty-three feet] twenty feet and the width of any alley shall not be less than six feet or more than one hundred and twenty feet Provided That the limits of width shall not be construed to include the width required for necessary slopes in cuts or fills when the limits of the road and the extra width required for such slopes exceed the limits of width herein specified

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1321, as follows:

An Act to amend section one thousand eight hundred and two of the act approved the twenty-fourth day of June one thousnad nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended by abolishing the right of taxpayers to prevent the letting of certain contracts and eliminating certain general regulations in the making of insurance contracts by townships

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand eight hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1176) is hereby further amended to read as follows

Section 1802 General Regulations Concerning Contracts All contracts or purchases made by any township involving the expenditure of over five hundred dollars shall be in writing and shall be made only after notice by the secretary published once a week for two weeks in one or more newspapers of general circulation in the township All plans and specifications shall be on file at least fifteen days in advance of opening bids This section shall not apply in the case of any township repairing its public highways except as to any purchases of materials or equipment for the purpose of such repairs nor in the case of any township entering into any contract of insurance authorized to be entered into by such township under the provisions of clause twenty-three of section one thousand five hundred and two of this act

In every instance in which any contract for any public work construction materials supplies or other matters or things for any township shall be awarded upon competitive bids it shall be the duty of the authorities authorizing the same to award said contract to the lowest responsible bidder Any published notice for bids shall contain full plans and specifications or refer to the places where copies thereof can be obtained and give the time and place of meeting of the township commissioners at which meeting bids shall be publicly opened and read If through lack of a quorum or other reason no meeting shall be held at such time and place notice of the same kind shall be repeated once at least six days before the meeting of the subsequent time and place fixed and the foregoing provisions as to bids shall apply The same course shall be pursued until a meeting shall actually be held for receiving and opening bids Any contract made in violation of the provisions hereof shall be void But nothing herein contained shall prevent the making of contracts for governmental services for a period exceeding one year but any contract so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years [provided That if prior to the letting of any contract taxpayers of the township whose property valuation as assessed for taxable purposes within the township shall amount to sixty per centum or over of the total property valuation as assessed for taxable purposes within the township shall sign and file with the township secretary of the board of township commissioners of the township a written protest against such contemplated contract then such contract shall not be let]

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1302, as follows:

An Act to amend sections two and three paragraph (c) of section seven and section eight of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1041) entitled "An act to safeguard human health and life in counties of the second class by providing for the licensing and regulation of persons municipalities and entities engaged in the transportation of garbage and in the disposal of garbage through the construction keeping maintenance or conduct of garbage disposal plants conferring powers and imposing duties on the county commissioners of such counties and otherwise providing for the administration of the act and imposing penalties" by excepting from its provisions in certain cases the need for securing a license

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two and three paragraph (c) of section seven and section eight of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1041) entitled "An act to safeguard human health and life in counties of the second class by providing for the licensing and regulation of persons municipalities and entities engaged in the transportation of garbage and in the disposal of garbage through the construction keeping maintenance or conduct of garbage disposal plants conferring powers and imposing duties on the county commissioners of such counties and otherwise providing for the administration of the act and imposing penalties" are hereby amended to read as follows

Section 2 It shall be unlawful for any municipality or person to keep maintain or conduct a garbage disposal plant in counties of the second class within this Commonwealth without a plant license from the county commissioners as in this act provided It shall also be unlawful for any municipality or person to construct a garbage disposal plant within such counties until the plans and specifications therefor have been submitted to and approved by the county commissioners and a plant license has been issued by the county commissioners authorizing such municipality or persons to keep maintain or conduct such garbage disposal plant upon its construction Provided however That the provisions of this section shall not apply to a garbage disposal plant constructed by or for the use of a municipality within its boundaries

Section 3 Every municipality or person desiring to construct keep maintain or conduct a garbage disposal plant within such counties shall file as application for such plant license with the county commissioners Provided however That none of the provisions of this section shall apply to a garbage disposal plant now or hereafter constructed by or for the use of a municipality within its boundaries The application shall be on a form prescribed prepared and furnished by the county commissioners and together with such other information as the county commissioners shall require shall state

(a) The name and address of the applicant

(b) The name and address of the owner or owners of the property upon which applicant desires to construct keep maintain or conduct such garbage disposal plant

(c) The location and locality of the property

(d) The method to be employed in disposing of garbage

(e) The approximate amount of garbage to be disposed of daily

(f) The municipalities with whom the applicant has

a contract for the disposal of garbage and the duration thereof

If the application is for the construction of a garbage disposal plant the applicant shall submit with such application the plans and specifications pertaining to such construction

Section 7

(c) If the applicant for a transportation license is a municipality the transportation license shall be issued without the payment of a fee No license however shall be required for a municipality to transport garbage solely within its own boundaries

Section 8 No municipality in such counties shall enter into a contract for the collection transportation or disposal of its garbage with any person or municipality who or which has not secured proper licenses from the county commissioners under the provisions of this act The provisions of this section shall not apply where the collection transportation or disposal or garbage is carried on wholly within the boundaries of a municipality so contracting

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1771 (Senate Bill No. 231), entitled:

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors where there is no evidence of fraud or conspiracy and to authorize ratify confirm and validate payments on such contracts by the school district.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECESS

The SPEAKER. If there are no objections the Chair will declare a recess for thirty minutes for the purpose of holding a caucus of the Democratic members.

Mr. TURNER. Mr. Speaker, I would ask for a caucus of the Republican members to be held in the Senate Caucus Room.

The SPEAKER. The Chair hears no objection and declares a recess for thirty minutes.

AFTER RECESS

The SPEAKER (Roy E. Furman) in the Chair.

The time of recess having expired the House was called to order

HOUSE BILL No. 64 AND AMENDMENTS TAKEN FROM TABLE

Mr. COHEN. Mr. Speaker, I move that House Bill No. 64, Printers No. 169, together with the amendments which were placed upon the table on Monday, March 22 be taken from the table.

On the question,

Will the House agree to the motion?

Mr. YOURISHIN. Mr. Speaker, I wish to withdraw my amendments.

The SPEAKER. Will the gentleman yield until we act on the motion?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, do I understand the Speaker's ruling to be that the withdrawal of the amendments will have to await action on the motion of the gentleman from York to take the bill, together with the amendments, from the table?

The SPEAKER. That is the ruling of the Chair.

Mr. TURNER. Then, Mr. Speaker, may I ask if the motion of the gentleman from York is debateable.

The SPEAKER. The motion is not debateable under Rule 53 of the House.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from York.

The SPEAKER. An interrogation is not in order at this time. An interrogation is a form of debate.

Mr. TURNER. I understand, Mr. Speaker, that I am restricted in debate on this question. However, it seems to me that I am within my rights when I say that I am opposed to the motion to take the bill, together with the amendments from the table.

On the guestion recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. TURNER and Mr. LONGAKER, and were as follows:

YEAS—139

Achterman,	Fitch,	McFall,	Schor,
Alexander,	Flanagan,	McGee,	Schrope,
Allmond,	Flannery,	Melchiorre,	Shaw,
Arnold,	Flinchbaugh,	Mellott,	Shea,
Baine,	Gerard,	Mihm,	Shepard,
Baker, J. J.,	Gorski,	Moomaw,	Shoemaker,
Balthaser,	Haberlen,	Mooney,	Siegel,
Bierly,	Hagerty,	Moran,	Simon,
Blank,	Hamilton, F. P.,	Moul,	Smith, James A.,
Bohn,	Harkins,	Munley,	Smith, John A.,
Boies,	Harmuth,	Murrin,	Spengler,
Boltz,	Hering,	Nagel,	Stank,
Brancato,	Hess,	O'Brien,	Thomas,
Broad,	Hindman,	O'Connor,	Thompson,
Brown,	Hirsch,	O'Keefe,	Toole,
Brownfield,	Holland,	Ominsky,	Tronzo,
Burrows,	Holmes,	O'Neill,	Tumelty,
Caesar,	Holstrom,	Ostroff,	Valibus,
Chervenak,	Hontz,	Patterson, S.,	VanSickle,
Coakley,	Jirolanio,	Patterson, W.,	Vogt,
Cohen, H. B.,	Keenan,	Pearson,	Wagner,
Cohen, R. E.,	Kelso,	Pershing,	Walsh,
Coleman,	Kilroy,	Piole,	Weiss, D. H.,
Coolahan,	Kroll,	Powers,	Weiss, S. A.,
Corrigan,	LaRue,	Preston,	Welliver,
Costanzo,	Levy,	Readinger,	Welsh,
DeNote,	Lewis,	Reese,	Westrick,
Dickinson,	Long,	Reising,	Whalen,
Donohoe,	Lopresti,	Richter,	Whitenight,
Dougherty,	Lovett,	Robinson,	Wright,
Dubbs,	Marino,	Rothenberger,	Yanoshat,
Dyson,	McArdle,	Ruffennach,	Yourishin,
Elpern,	McCullough	Rush,	Zappala,
Falkenstein,	McDermott,	Sarraf,	Furman,
Finnerty,	McElroy,	Scanlon,	

NAYS—44

Atkins,	Imbrie,	Schrock,	Trout,
Baker, F. T.,	Kane,	Serrill,	Turner,
Boose,	Kline,	Simpson,	Wall,
Boyer,	Leisey,	Sloan,	Watkins,
Cadwalader,	Longaker,	Snyder,	Webster,
Davies,	Mallen,	Sollenberger,	Weidemann,

Eckels,	Matthews, J. F.,	Sproul,	Wilson,
Gillette,	McKinney,	Stackpole,	Winner,
Habbyshaw,	Merrell,	Stewart,	Wood,
Hall,	Muir,	Stockham,	Woodside,
Hamilton, R. S.,	Peale,	Strode,	Yeakel,
Huntley,	Perry,		

So the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the amendments?

Mr. YOURISHIN. Mr. Speaker, I wish at this time to withdraw the amendments which I submitted to House Bill No. 64.

On the question recurring,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Luzerne, Mr. Yourishin.

The SPEAKER. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. YOURISHIN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Luzerne whether the amendments which he has just withdrawn, were not the amendments which would have taken out of the act or would have exempted generating stations?

Mr. YOURISHIN. That is right, Mr. Speaker.

Mr. TURNER. And water plants, Mr. Speaker?

Mr. YOURISHIN. That is right, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I desire to offer the amendments just withdrawn by the gentleman from Luzerne.

The SPEAKER. The gentleman will have to submit four copies of the amendments to the desk.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, there are now upon or were upon the desk and have been passed over the desk four copies of the amendments submitted by the gentleman from Luzerne?

The SPEAKER. That is correct.

Mr. TURNER. Mr. Speaker, I therefore said that I would submit the amendments which were offered by the gentleman from Luzerne.

Mr. Speaker, I now withdraw my request and offer the amendments.

The SPEAKER. The gentleman from Delaware withdraws his prior request and submits the following amendments.

The amendments were read by the Clerk as follows:

Amend section 1, page 2, line 25, by inserting after the word "except" the following: "the production and distribution collection and treatment plans and facilities"

Amend section 1, page 2, line 26 by inserting after the word "transmission" the words "and distribution"

Amend section 1, page 2, line 26, by inserting after the word "water" the word "steam"

Amend section 1, page 2, line 28, by inserting before the word "rights" the words "lands and"

On the question?

Will the House agree to the amendments?

Mr. TURNER. Mr. Speaker and members of the House, this is the question which developed here last night but what was very ably sidetracked by my friend from York Mr. Cohen. He saw the danger signals hanging out and his astuteness is now rewarded by the fact that he was able to get the Democratic members of the House up in the Caucus Room and, in some way, he has been able to iron it out and get these amendments withdrawn. However, it seems to me that the situation has not changed a bit. I have always been opposed to this piece of legislation, because I thought that the legislation was not founded on sound logic. I believe, and I have to support me, wonderful to say, the editorial columns of a certain Philadelphia newspaper which has leanings on the other side from my own. I have that to support me, at least, but I think I have behind it a long history in the State of Pennsylvania.

It has been the custom of the Commonwealth of Pennsylvania to tax the utilities of this Commonwealth for State purposes and in the 1936 Special Session we added to the amounts which they should pay. The thing that seems to me rather peculiar, and we never seem to be able to get it clearly before some of the members of the House, is the fact that whatever is paid in the way of taxes by the utility has to be paid by the rate payer. We do not take it out of the pocket of some John Q. Utility or out of the pocket of some—I can't think of his name for the moment, but the man out in Chicago or some other man of that kind, but you are taking it out of the pocket of every rate payer in the community.

Now in spite of the fact that you are trying to tear out the present Public Service Commission, and in spite of the fact that you are writing a new public utility bill for the State of Pennsylvania, you have to realize that the present commission has hammered down the rates in Pennsylvania. When you add these taxes you are just placing your new commission in the position—I would like to hand this out so, later, I can have one of those "I-told-you-so's."—you are just putting your new commission in the position that when they go out and ask for a rate reduction they are going to be banged in the nose with the fact that these taxes have been added and, therefore, there will be no rate reduction and the ordinary user is going to pay these taxes. It seems to me you think you are going to relieve the real estate back home but the people who occupy that real estate are the people who use electricity, and water, and gas, and other things, and what is the use of putting up a smoke screen before the people of Pennsylvania, that you are relieving the little homeowner by taking it out of this pocket and putting it around in that pocket. That is the first thing you are trying to do, but the second thing will fool them further. Every community in the State is not going to benefit by this legislation, because in every community there does not exist utility real estate or utility property that can be taxed. True, maybe out in Allegheny County, where they are so hot for this thing, they may get some reductions on real estate and they may fool the people because they cannot see it in their electric bill or their gas bill. They may be able to fool them and make them believe they are getting it off their real estate tax bill, but down in many places of the State of Pennsylvania they are not going to get one penny off their real estate tax bill and they won't get one cent off their utility bills.

So, I say in all fairness as you approach this thing, forget all this hullabaloo about the utilities not paying their fair share. If they are not paying their fair share

let us put it where it belongs, in the State tax of the Commonwealth of Pennsylvania, and the Lord knows we need the money to run the State of Pennsylvania, but to try and build up this great hullabaloo about the taxes being relieved on the small home owner and relieving real estate taxes in the community, I predict right now that if I am in this House and you fellows are in this House two years from now that the gentleman from Allegheny County, Mr. Holland, will be just as zealous in investigating conditions at the end of the two years as he has been in building it up now; you will find at the end of the two years that there will not be any appreciable reduction in any community in the State of Pennsylvania. If it does come it will come but in a very small number of municipalities where the amount of money that they will receive will be far beyond anything that they expected to get out of it. On the other hand, all the people in the surrounding communities will be paying the freight. Therefore, I feel that these amendments should go into this bill.

I can conceive that there is a sound argument in some places for the taxation of real estate that is used for office buildings or stores or something of that kind; I can conceive that there is a proper place to tax them, but when you come to the generating station and you come to the water power dam in some place and take that and assess that tax in some small community, in many cases a township or a small borough, and you give it to the people there and you go out into the surrounding communities and you tax the people in those surrounding communities, I submit that you are not approaching this problem on a logical basis.

Therefore, I ask you to vote for the amendments.

AMENDMENTS LAID ON TABLE

Mr. HERBERT B. COHEN, Mr. Speaker, I move that the amendments submitted by the gentleman from Delaware, Mr. Turner, be laid upon the table.

On the question?

Will the House agree to the motion?

MOTION TO AMEND

Mr. TURNER. Mr. Speaker, I move to amend the motion made by the gentleman from York, Mr. Cohen, so as to provide that the bill, together with the amendments, be laid upon the tbale.

On the question?

Will the House agree to the motion to amend?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. HERBERT B COHEN. Mr. Speaker, am I correct in assuming that a vote of "no" means that the amendments offered by the gentleman from Delaware will be defeated and, therefore, the question on my motion will be put and, if carried, the amendments submitted by the gentleman from Delaware will be laid upon the table?

The SPEAKER. That is correct. A "no" vote would defeat the motion to amend by the gentleman from Delaware and then the question will be put on the motion of the gentleman from York.

On the question recurring,

Will the House agree to the motion to amend?

The yeas and nays were required by Mr. TURNER and Mr. WOODSIDE, and were as follows:

YEAS—50

Atkins,	Imbrie,	Schumacher,	Turner,
Baker, F. T.,	Kline,	Serrill,	VanAllsburg,
Boose,	Leisey,	Simpson,	Wall,
Boyer,	Longaker,	Sloan,	Watkins,
Cadwalader,	Mallen,	Snyder,	Webster,
Davies,	Matthews, J. F.	Sollenberger	Weidemann,
Eckels,	McKinney,	Sproul,	Wilson,
Fiss,	Merrell,	Stackpole,	Winner,
Gillette,	Muir,	Stewart,	Wood,
Habbyshaw,	Peale,	Stockham,	Woodside,
Hall,	Perry,	Strode,	Yeakel,
Hamilton, R. S.,	Royer,	Trout,	Yourishin,
Huntley,	Schrock,		

NAYS—143

Achterman,	Falkenstein,	McCullough,	Rush,
Alexander,	Finnerty,	McDermott,	Sarraf,
Allen,	Fitch,	McElroy,	Scanlon,
Allmond,	Flanagan,	McFall,	Schor,
Arnold,	Flannery,	McGee,	Schrope,
Aukerman,	Gerard,	McShane,	Shaw,
Baine,	Gorski,	Melchiorre	Shea,
Baker, J. J.	Haberlen,	Mellott,	Shepard,
Balthaser	Hagerty,	Mihm,	Shoemaker,
Bierly,	Hamilton, F. P.,	Moomaw	Siegel,
Blank,	Harkins,	Mooney,	Simon,
Bohn,	Harmuth,	Moran,	Smith, James A.,
Boles,	Hays,	Moul,	Smith, John A.,
Boltz,	Hering,	Munley,	Spengler,
Brancato,	Hess,	Murrin,	Stank,
Broad,	Hindman,	Nagel,	Thomas,
Brown,	Hirsch,	O'Brien,	Thompson,
Brownfield,	Holland,	O'Connor,	Toole,
Burrows,	Holmes,	O'Keefe,	Tronzo,
Caesar,	Holstrom,	Ominsky,	Tumelty,
Caputo,	Hontz,	O'Neill,	Valibus,
Chervenak,	Horting,	Ostroff,	VanSickle,
Coakley,	Jirolanio,	Patterson, C. S.,	Vogt,
Cohen, H. B.,	Kane,	Patterson, J. W.,	Wagner,
Cohen, R. E.,	Keenan,	Pearson,	Walsh,
Coleman,	Kelso,	Pershing,	Weiss, D. H.,
Coolahan,	Kilroy,	Piole,	Weiss, S. A.,
Corrigan,	Kroll,	Powers,	Welliver,
Costanzo,	LaRue,	Preston,	Welsh,
Decker,	Levy,	Readinger,	Westrick,
DeNote,	Lewis,	Reese,	Whalen,
Dickinson,	Long,	Reising,	Whitenight,
Donohoe,	Lopresti,	Richter,	Wright,
Dougherty,	Lovett,	Robinson,	Yanoshat,
Dubbs,	Marino,	Rothenberger,	Zappala,
Eipern,	McArdle,	Ruffennach,	Furman,

So the question was determined in the negative and the motion to amend was not agreed to.

On the question recurring,

Will the House agree to the motion to lay the amendments on the table?

The motion was agreed to.

On the question recurring,

Will the House agree to section 1?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

An Act to amend section two hundred and one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subject of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending re-

vising and consolidating the law relating thereto and repealing existing laws" making the real estate of public service companies subject to taxation and providing certain exceptions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1159, as follows:

An Act to amend section one thousand six of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four) entitled "An act relating to the business of banking and to exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engaged in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholder attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by providing further with regard to limitations upon loans to one corporation or person

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 That section one thousand six of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four, entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversions of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engaged in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended is hereby amended to read as follows

Section 1006 Limitations upon Loans to One Corporation or person A A bank or a bank and trust company shall not directly or indirectly lend to any corporation or person an amount which including any extension of credit to such corporation or person by means of letters of credit or by acceptance of drafts for or the discount or purchase of the notes bills of exchange or other commercial paper of such corporation or person shall exceed ten per centum of the unimpaired capital and ten per centum of the unimpaired surplus of the bank or bank and trust company However this restriction shall have no application whatsoever to the following

(1) Loans to the United State or loans secured by not less than the face amount of bonds or other interest bearing obligations of the United States or bonds or other interest bearing obligations for the payment of the principal and interest on which the faith and credit of the United States is pledged

(2) Loans to the Commonwealth of Pennsylvania or any county or city thereof or an Authority which has as a body corporate and politic under any law of this Commonwealth or loans secured by bonds or other interest bearing obligations of the Commonwealth or of any county or city thereof or of any Authority which has been created as a body corporate and politic under any law of the Commonwealth or bonds or other interest-bearing obligations for the payment of the principal and interest on which the faith and credit of the Commonwealth or any county or city thereof or to any Authority which has been created as a body corporate and politic under any law of this Commonwealth is pledged

(3) The discount of drafts or bills of exchange drawn in good faith against existing values

(4) The discount of trade acceptances or other commercial paper actually owned by the corporation or person negotiating it to the bank or bank and trust company and indorsed without restrictions by such corporation or persons

(5) The discount of notes secured by shipping documents warehouse receipts or other similiar documents conveying or securing title to readily marketable nonperishable staple goods including livestock when the actual market value of the property securing the obligations is not at any time less than one hundred fifteen per centum of the face amount of the notes secured by such documents and when such property is fully covered by insurance

B However a bank or a bank and trust company may in addition to the ten per centum authorized by this section lend to any corporation or person an additional fifteen per centum of the unimpaired capital and fifteen per centum of the unimpaired surplus of the bank or the bank and trust company if such additional fifteen per centum is secured by collateral having an ascertained market value of at least twenty per centum more than the amount of the liability so secured

C In computing the totals liabilities of any individual to a bank and trust company there shall be included all liabilities to the bank or bank and trust company of any partnership or any unincorporated association of which he is a member any loans made for his benefit or for the benefit of such partnership or unincorporated association and any loans made to or for the benefit of a corporation of which he owns fifty per centum or more of the capital

In computing the total liabilities of any partnership or unincorporated association to a bank or a bank and trust company there shall be included all liabilities of its individual members to such bank or bank and trust company loans made for the benefit of such partnership or unincorporated association or any member thereof and loans made to or for the benefit of any corporation of which the partnership or unincorporated association or any member thereof own fifty per centum or more of the capital

In computing the total liabilities of any corporation to a bank or a bank and trust company there shall be included all loans made for the benefit of the corporation and all loans to or for the benefit of any individual (to) or any partnership or unincorporated association or any member thereof who owns fifty per centum or more of the capital of such corporation

A loan shall be deemed to be made for the benefit of a corporation or person to the extent that the proceeds of such loan are transferred to such corporation or person

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	Fitch,	McCullough,	Schor,
Alexander,	Flanagan,	McDermott,	Schrock,
Allen,	Flannery,	McDevitt,	Schrope,
Allmond,	Flinchbaugh,	McElroy,	Schumacher,
Arnold,	Ganser,	McFall,	Shaw,
Aukerman,	Gerard,	McGee,	Shea,
Baine,	Gillette,	McKinney,	Shepard,
Baker, J. J.,	Gorski,	McShane,	Shoemaker,
Balthaser	Habbyshaw,	Melchiorre,	Siegel,
Bierly,	Haberlen,	Mellott,	Simon,
Blank,	Hagerty,	Merrell,	Skale,
Bohn,	Hall,	Mihm,	Sloan,
Boies,	Hamilton, F. P.,	Moomaw,	Smith, James A.,
Boltz,	Hamilton, R. S.,	Mooney,	Smith, John A.,
Boose,	Harkins,	Moran,	Snyder,
Boyer,	Harmuth,	Moul,	Sollenberger,
Bradley,	Hays,	Muir,	Spengler,
Brancato,	Hering,	Munley,	Stank,
Broad,	Hess,	Murrin,	Strode,
Brown,	Hindman,	Nagel,	Terry,
Brownfield,	Hirsch,	O'Brien,	Thomas,
Burrows,	Holland,	O'Connor,	Thompson,
Cadwalader,	Holmes,	O'Keefe,	Toole,
Caesar,	Holstrom,	Ominsky,	Tronzo,
Caputo,	Hontz,	O'Neill,	Tumelty,
Chervenak,	Horting,	Ostroff,	Turner,
Coakley,	Huntley,	Patterson, C. S.,	Vallbus,
Cohen, H. B.,	Imbrie,	Patterson, J. W.,	VanAllsburg,
Cohen, R. E.,	Jirolanio,	Peale,	VanSickle,
Coleman,	Kane,	Pearson,	Vogt,
Coolahan,	Keenan,	Perry,	Wagner,
Corrigan,	Kelso,	Pershing,	Walsh,
Costanzo,	Kilroy,	Piole,	Weiss, D. H.,
Davies,	Kline,	Powers,	Weiss, S. A.,
Decker,	Kroll,	Preston,	Welliver,
DeNote,	LaRue,	Readinger,	Welsh,
Dickinson,	Leisey,	Reese,	Westrick,
Donohoe,	Levy,	Reising,	Whalen,
Dougherty,	Lewis,	Richter,	Whitenight,
Downey,	Long,	Robinson,	Woodside,
Dubbs,	Longaker,	Rothenberger,	Wright,
Dyson,	Lopresti,	Royer,	Yanoshat,
Eckels,	Lovett,	Ruffennach,	Yeakel,
Elpern,	Mallen,	Rush,	Yourishin,
Falkenstein,	Marino,	Sarraf,	Zappala,
Finnerty,	Matthews, J. F.,	Scanlon,	Furman,
Fiss,	McArdle,		

NAYS—17

Atkins,	Stackpole,	Wall,	Weidemann,
Baker, F. T.,	Stewart,	Wampole,	Wilson,
Serrill,	Stockham,	Watkins,	Winner,
Simpson,	Trout,	Webster,	Wood,
Sproul,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. ACHTERMAN. Mr. Speaker, I desire to call up at this time House Bill No. 1157, Printer's No. 310, on page 19 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. ACHTERMAN.

The House resumed the consideration on third reading of House Bill No. 1157, entitled:

An Act to amend section one section three as amended and sections four five and nine as added of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (P. L. 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commisioners including the enforcement of certain existing laws and prescribing penalties" extending said act to motor boats on boundary waters increasing license fees providing for new license plates each license year and fix ing license years and regulating the installation and use of mufflers.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. ACHTERMAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 13 of title, by striking out the words: "increasing license fees" and inserting in lieu thereof: "and regulating license fees for such motor boats"

Amend sec. 2 (sec. 3), page 4, line 3, by inserting after the word "boat" the following: "in the case of motor boats operated on inland waters, and of a license fee of the same amount as required to be paid by residents of any other State abutting the boundary waters in case of motor boats operated on boundary waters"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

Mr. LaRUE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 13 of title, by striking out the words: "increasing license fees" and inserting in lieu thereof: "exempting out-board motor boats from licenseure"

Amend sec. 1 (sec. 1), page 2, lines 23 and 24, by striking out with light-face brackets the words: "including any type of water craft propelled by" and inserting in lieu thereof: "other than"

Amend sec. 2 (sec. 3), page 4, line 3, by striking out with light-faced brackets the words: "or attached to the boat"

Amend sec. 3 (sec. 9), page 6, line 2, by inserting after the word "including" the following: "boats propelled by"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS PASSED OVER

There being no objection House Bill No. 678 Printer's No. 304 was passed over at the request of Mr. SPROUL.

There being no objection House Bill No. 1156 Printer's No. 398 was passed over at the request of Mr. LOVETT.

There being no objection House Bill No. 391 Printer's No. 375 was passed over at the request of Mr. OSTROFF.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 794, as follows:

An Act to amend sections one and two as amended and sections four and six of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" enlarging the powers of the Secretary of Banking authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof requiring licensees to file annual reports increasing the license fee reducing the rate of interest on loans increasing the penalty for operation without a license and bringing certain transactions within the scope of the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and two of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" as amended by the act approved the fourth day of June one thousand nine hundred and nineteen (Pamphlet Laws three hundred seventy-five) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That on and after the passage of this act it shall be [lawful] unlawful for any person persons partnership association or corporation within this Commonwealth [who shall comply with the requirements of this act] to make a loan of money credit goods or things in action in the amount or of the value of [in sums of] three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities and charge [and collect for the] contract for or receive on any such loan [thereof] a rate of interest [as hereinafter provided under the following conditions] discount fines charges or consideration greater than six per centum (6%) per annum except as authorized by this act without first obtaining a license from the Secretary of Banking in accordance with the provisions of this act

(a) Any person or persons firm corporation or association applying for the same under oath and in the form prescribed by the Secretary of Banking [Commissioner] and paying the sum of [fifty ($50)] one hundred ($100) dollars may in the discretion of the Secretary of Banking [Commissioner] except as hereinafter provided obtain a license for carrying on the said business The said license shall be issued by the Secretary of Banking [Commissioner] and shall expire the first day of June next following the date of its issuance but no abatement of said charge shall be made if licenses are issued for less than one year Every such license shall be renewed annually on the first day of June in each year No license shall be granted to any corporation unless and until such corporation shall in writing and in due form to be first approved by and filed by the Secretary of Banking [Commissioner] appoint an agent resident in the Commonwealth of Pennsylvania upon whom all judicial and other process or legal notice directed to such corporation may be served and in the case of the death removal from the Commonwealth or any legal disability or disqualification of any such agent service of such process or notice may be made upon the Secretary of Banking [Commissioner] The said [Commissioner] Secretary of Banking shall have the power to reject any application for license if he is satisfied that the financial responsibility experience character and general fitness of the applicant or applicants is not such as to command the confidence of the community and to warrant the conclusion that the business will be honestly transacted in accordance with the intent and purpose of this act or if he is not satisfied that allowing such applicant to engage in business will promote the convenience and advantage of the community in which the business of the applicant is to be conducted or if it shall appear to the Secretary of Banking that the business of the applicant is or is to be substantially that generally conducted by pawnbrokers The said [Commissioner] Secretary of Banking may upon thirty (30) days' written notice to the licensee forwarded by registered mail to the address of the place of business of such licensee as shown in the application for license stating the contemplated action and in general the grounds therefor revoke any license if the licensee shall violate any of the provisions of this act or if the licensee shall violate any rule or regulation made by the Secretary of Banking under and within the authority of this act or if the licensee shall fail to comply with any demand rule or regulation lawfully made by the Secretary of Banking under and within the authority of this act or if the licensee shall fail to pay the cost of an examination by the Secretary of Banking or his authorized representative or if the licensee has failed to maintain in effect the bond required under the provisions of this act or if the licensee shall fail to file the annual report to the Secretary of Banking within the time stipulated in this act or if any fact or condition exists which if it had existed at the time of original application for such license clearly would have warranted the Secretary of Banking originally in refusing to issue such license Whenever the Secretary of Banking shall issue a notice of intention to revoke a license issued pursuant to this act the licensee may within ten (10) days of the date of such notice file with the Secretary of Banking an application for a hearing before the Department of Banking Upon receipt of such application the Secretary of Banking shall fix the time and place for such hearing After such hearing the Secretary of Banking may recall the notice of intention to revoke the license or he may after the expiration of thirty (30) days of the date of the hearing and by furnishing the licensee with a written notice of his intentions proceed with the revocation of the license Whenever the Secretary of Banking issues a notice of intention to revoke a license and the licensee does not file an application for a hearing before the Department of Banking as in this act provided or whenever the Secretary of Banking issues a notice of intention to proceed with the revocation of a license after a hearing before the Department of Banking the licensee may within the period of thirty days provided in the notice appeal from such action to the Court of Common Pleas of Dauphin County Whenever such license is revoked the [Commissioner] Secretary of Banking shall not issue another to said licensee until the expiration of at least one year from the date of revocation of such license and not at all if such licensee shall have been convicted of a violation of this act for a second offense under the provision of section six (6) thereof When a license has expired and is not renewed on the first day of June or when a license is surrendered or when a license has been revoked by the Secretary of Banking the licensee shall forfeit the privilege of granting new loans at interest permitted under this act and shall also forfeit the right to collect interest in excess of 6% per annum on outstanding loans In addition to said license fee said licensee shall pay for the examination by said Secretary of Banking [Commissioner]

as hereinafter provided Every such applicant shall execute and file a bond to the Commonwealth of Pennsylvania in the penal sum of five thousand ($5,000) dollars with the Secretary of Banking [Commissioner] to be approved by him for the faithful observance of all laws relating to such business Said bond shall be executed by a surety company authorized by the laws of Pennsylvania to transact business within the Commonwealth and such bond shall be renewed and refiled annually not later than the first day of June in each year

(b) The license shall state fully the name or names of the person persons partnership association or croporation [and of every member of the firm or association] authorized to do business thereunder and the location of the office or place of business in which the business is to be conducted [and in the case of a corporation shall also state the date and place of its incorporation the names of its directors for the period for which the license is issued and the name and address of the agent as provided in section one (1) of this act] Such license shall be kept posted in a conspicuous place in the office where the business is transacted No person persons firm corporation or association so licensed shall transact or solicit business under any other name or at any other office or place of business than that named in the license Not more than one office or place of business shall be maintained under the same license and no loans or advancements shall be made applications received notes or contracts signed or payments received at any other place of business than that designated in the license But in case of a removal the Secretary of Banking [Commissioner] may on application indorse thereon a transfer to the new place of business with the date of transfer and from the time of such indorsement the new place so designated shall be deemed the place designated in the license A licensee shall not conduct the business of making loans under this act within any office room or place of business in which any other business is solicited or engaged in or in association or conjunction therewith except as may be authorized in writing by the Secretary of Banking

(c) The Secretary of Banking [Commissioner] shall either personally or by such person or persons as he may appoint for the purpose at least once a year and oftener if he deems it advisable investigate the business and affairs of every such licensee and for that purpose shall have free access to the vaults books and papers thereof and other sources of information with regard to the business of such licensee and shall ascertain the condition of the business and whether it has been transacted in accordance with the law and the rules and regulations lawfully made by the Secretary of Banking Said [Commissioner] Secretary of Banking and every examiner appointed by him shall have authority to examine under oath or affirmation any person whose testimony relative to the business of any such licensee may be required on any such examination The cost of every such examination shall be paid by the licensee so examined and said [Commissioner] Secretary of Banking may maintain an action for the recovery of such costs in any court of competent jurisdiction

(d) The Secretary of Banking is hereby authorized and empowered to make general rules and regulations governing advertising of licensees contracts with borrowers computation of interest charges books records and accounts of licensees and treatment of collateral and he is further authorized and empowered to make specific demands rulings and requirements for the proper conduct of the business contemplated by this act and for the enforcement of this act which rules and regulations shall have the force and effect of law

(e) For the purpose of discovering violations of this act or securing information required by him hereunder the Secretary of Banking or the examiners appointed by him may at any time investigate the business and examine the books accounts records and files used therein of every person persons partnership association or corporation who or which shall be engaged in the business of making loans or who or which shall advertise or offer to make loans whether such person shal act or claim to act as principal agent or broker or under or without the authority of this act For this purpose the Secretary of Banking shall have free access to the office and places of business books accounts papers records files safes and vaults of all such persons

(f) The Secretary of Banking shall be authorized to require the attendance and testimony of witnesses and the production of any books accounts records papers and correspondence relating to such business which the Secretary of Banking has authority by this act to consider or investigate and for this purpose the Secretary of Banking may sign subpoenas administer oaths and affirmations examine witnesses and receive evidence In case of disobedience of any subpoena or the contumacy of any witness appearing before the Secretary of Banking the Secretary of Banking may invoke the aid of the Court of Common Pleas of Dauphin County or any Court of Common Pleas of the Commonwealth and such Court shall thereupon issue an order requiring the person subpoened to obey the subpoena or to give evidence or to produce books accounts records papers and correspondence relative to the matter in question Any failure to obey such order of the Court may be punished by such Court as a contempt thereof

(g) Every person persons partnership association or corporation licensed under this act shall annually on or before the first day of March file a report with the Secretary of Banking giving such relevant information as the Secretary of Banking may require concerning the business and operations during the previous calendar year of such licensed place of business conducted by such licensee within this Commonwealth Such report shall be made under oath and shall be in the form prescribed by the Secretary of Banking

Section 2 Any person persons copartnership association or corporation who shall obtain a license in accordance with the provisions of section one of this act shall be entitled to loan money in sums of three hundred ($300) dolars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities at his their or its place of business for which said license is issued and to charge the borrowers thereof for its use or loan interest at a rate not to exceed [three] two and one-half (2½) [and one-half (3½)] [(3)] (2½) per centum per month on that part of the unpaid principal balance of any loan not in excess of one hundred fifty ($150) dollars and one and one-half (1½) per centum per month on any remainder of such unpaid principal balance No licensee shall induce or permit any borrower to split up or divide any loan No licensee shall induce or permit any person nor any husband and wife jointly or severally to become obligated directly or contingently or both under more than one contract of loan at the same time for the purpose or with the result of obtaining a higher rate of interest than would otherwise be permitted by this section No fees fines or other charges either in addition to or as a part of the above specified interest shall be charged or collected under any pretext whatsoever

A contract for a loan under the provision of this act shall not be made for a period in excess of twenty-four (24) eighteen (18) months Interest on the unpaid balance thereafter shall be payable at the rate of six (6%) per annum Interest shall not be payable in advance or compounded and shall be computed only on unpaid balances for the time that has elapsed at date of payment Interest on judgments which have been entered of record may be computed at the rates prescribed in this section until the date of the issuance of a writ of execution thereafter the interest shall be computed at the rate of six (6%) per centum per annum If interest in excess of that hereinbefore prescribed shall be received by any licensee the said licensee shall thereupon lose all his right to collect or receive the interest allowed under this act and shall be entitled to recover from the borrower only the amount actually loaned together with interest at the rate of six per centum per annum upon unpaid balances less any and all amounts already paid by the borrower on account of said loan either as principal or interest Any person borrowing money from any licensee under this act who shall be charged and pay any interest in excess of that prescribed and allowed by the provisions of this act shall be en-

titled to recover back from the lender by action at law begun at any time within two years from the date of the last payment any and all sums of money so charged and paid in excess of the amount of the original loan together with interest at the rate of six per centum per annum upon unpaid balances up to the date of final payment of said loan and in addition fifty ($50) dollars as a penalty to be paid to the the borrower

Section 2 That sections four and six of said act are hereby amended to read as follows

Section 4 Whenever payment is made on account of a loan to which the provisions of this act shall apply the person receiving such payment shall when payment is made give to the person paying a receipt setting forth the amount then paid [the total amount previously paid] on account of interest if any the amount then paid on account of principal if any and the amount remaining due on principal identifying the instrument accompanying the loan to which the payment is to be applied

Section 6 A Every person persons copartnership association or corporation licensed under this act or any partner director officer agent or member thereof who shall violate any prevision of this act or shall direct or consent to such violation [or who shall lend money in sums of three hundred ($300) dollars or less and charge or receive for the loan or use thereof interest in excess of six per centum (6%) per annum without first having complied with the provisions of section one of this act] shall be guilty of a misdemeaner and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred ($500) dollars for the first offense and for each subsequent offense a like fine and to suffer imprisonment not to exceed six months or both in the discretion of the Court

B Every person persons copartnership association or corporation or any partner director officer agent or member thereof who shall directly or indirectly as principal agent or broker by any device subterfuge or pretense whatsoever charge contract for or receive any interest discount fees fines charges or consideration greater than six per centum (6%) per annum upon the loan use or forbearance of money goods or things in action or upon the loan use or sale of credit of the amount or value of three hundred ($300) dollars or less without having obtained a license under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred ($500) dollars or more than five thousand ($5,000) dollars or to suffer imprisonment of not less than six (6) months or more than three (3) years or both at the discretion of the Court

C No loan of the amount or value of three hundred ($300) dollars or less except as authorized by this act for which interest discount fees charges or consideration greater than six per centum (6%) per annum has been charged contracted for or received wherever made shall be enforced in this Commonwealth and the borrower shall not be required to pay any principal interest or charges whatsoever This provision shall not apply to loans legally made in any State which then has in effect a regulatory small loan law similar in principal to this act

D The payment of three hundred ($300) dollars or less in money credit goods or things in action as consideration for any sale or assignment of or order for the payment of wages salary commissions or other compensation for services whether earned or to be earned shall for the purposes of regulation under this act be deemed a loan secured by such assignment and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall for the purpose of regulation under this act be deemed interest or charges upon such loan from the date of such payment to the date such compensation is payable Such transactions shall be governed by and subject to the provisions of this act

E The payment of three hundred ($300) dollars or less in money credit gods or things in action as consideration for any sale of real or personal property which is made on condition or agreement expressed or implied that such property be sold back at a greater price shall for the purpose of this act be deemed to be a loan secured by such property and the amount by which the repurchase price exceeds such original purpose price actually paid shall be deemed interest or charges upon such loan from the date such original payment is made until the date such original payment is made until the date such repurchase price is paid Such transaction shall be governed by and subject to the provisions of this act

F When real or personal property is pledged as security on a loan of three hundred ($300) dollars or less and the lender requires the borrower to pay for insurance thereon or when the lender requires life insurance as a security to a loan of three hundred ($300) dollars or less such charge for insurance shall be construed as interest under this act when the lender has failed to have such insurence written by an insurance company legally authorized to conduct business in Pennsylvania When the amount charged for such insurance is in excess of the standard cost of similar insurance in other insurance companies legally authorized to conduct business in Pennsylvania the excess shall be construed as interest under this Act

On the question,

Will the House agree to the bill on third reading?

Mr. TURNER. Mr. Speaker, I asked this morning that this bill be passed oved. There is a patent error in the amendments to the bill.

Mr. FLINCHBAUGH. Mr. Speaker, in view of the fact that there is a flagrant error in the bill, a typographical error, I ask that the bill be passed over in its order.

The SPEAKER. Due to a typographical error in the printing of the bill, the bill at the request of the sponsor, and if there are no objections, will be passed over. The Chair hears no objection and the bill is passed over.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1142, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to the State employes receiving compensation from the Game Fund.

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I just wish to make a short statement relative to the bill now before the House, which is No. 5 on the calendar, and this statement will also apply to Nos. 6, 7, 13, 26 and 27 on the calendar. These bills appropriate moneys from the various funds that are designated in the bill to the State Employes' Retirement Fund in order to take care of the Commonwealth's contribution for the State Employes to effectuate their retirement proceedings. The bills are the regular bills that are made out each session to expedite the transfer of funds to the Employes' Retirement Fund.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simpson,
Alexander,	Flinchbaugh,	McShane,	Skale,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, James A.,
Arnold,	Gillette,	Merrell,	Smith, John A.,

Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boies,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Mallen,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,	McGee,	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1134, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simpson,
Alexander,	Flinchbaugh,	McShane,	Skale,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, James A.,
Arnold,	Gillette,	Merrell,	Smith, John A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boies,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, S.,	Tumelty,
Brown,	Holstrom,	Patterson, W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Mallen,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,	McGee,	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1139, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simpson,
Alexander,	Flinchbaugh,	McShane,	Skale,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, James A.,
Arnold,	Gillette,	Merrell,	Smith, John A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boies,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,

Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, S.,	Tumelty,
Brown,	Holstrom,	Patterson, W.	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Mallen,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,	McGee,	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1140, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flinchbaugh,	McKinney,	Simpson,
Alexander,	Flannery,	McShane,	Skale,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, James A.,
Arnold,	Gillette,	Merrell,	Smith, John A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger
Baine	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boles,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, S.,	Tumelty,
Brown	Holstrom,	Patterson, W.,	Turner,
Brownfield	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Mallen,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,	McGee,	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1292, as follows:

An Act authorizing council in cities of the second class to make appropriations for the use of the Director of the Department of Supplies and his assistant providing for the deposit of such moneys from time to time in a special fund which may be drawn upon for certain purchases without prior approval

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the council in cities of the second class may appropriate a sum of money for the direct use of the Department of Supplies as hereafter provided Upon the passage of an ordinance making such appropriation the treasurer shall draw by warrant countersigned by the controller and the mayor a sum not exceeding five hundred dollars ($500) from such appropriation and deposit it in a fund to be known as the Department of Supplies Special Fund in the same city depository from which it was drawn Said fund may be drawn upon by the Director of the Department of Supplies or his assistant in payment of items purchased by him provided that no item so purchased shall cost more than the sum of five dollars ($5)

Section 2 When any item costing not more than five dollars ($5) is purchased by the Department of Supplies the director of the department or his assistant may at once draw upon such special fund so deposited without prior approval of his purchase by any other official of the city All items so purchased by him shall be reported at monthly intervals to the city controller and the finance committee of council Whenever said purchases shall thereafter have been approved by the city controller he shall so certify to the city treasurer who shall then draw from the money appropriated for that purpose a sum equal to the amount of such approved purchases and deposit the same in said special fund limited however to the amount of money at any time remaining of the appropriation made by council

In addition to the reports required herein the Director of the Department of Supplies shall at the request of the city controller or the finance committee of council render additional reports and the books and accounts shall be subject at any time to inspection by the city controller or the finance committee of council

Section 3 All acts or parts of acts inconsistent herewith are hereby repealed

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flannery,	McFall,	Simon.
Alexander,	Flinchbaugh,	McGee.	Simpson,
Allen,	Ganser,	McShane,	Skale,
Allmond,	Gerard.	Melchiorre.	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker. J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stackpole,
Blank,	Hamilton, R. S.,	Munley,	Stank,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Broad,	Holland,	Ostroff,	Trout,
Brown,	Holmes.	Patterson, S.,	Tumelty,
Brownfield,	Holstrom,	Patterson, W.,	Turner,
Burrows,	Hontz,	Pearson,	Valibus.
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Jirolanio,	Powers,	Wagner,
Coakley.	Kane,	Preston,	Wall,
Cohen, H. B.,	Keenan,	Readinger,	Walsh,
Cohen, R. E.,	Kelso,	Reese,	Wampole,
Coleman,	Kilroy,	Reising,	Watkins,
Coolahan,	Kline,	Richter.	Webster,
Corrigan,	Kroll.	Robinson.	Weidemann,
Costanzo,	LaRue.	Rothenberger,	Weiss, D. H.,
Davies,	Leisey.	Royer,	Weiss, S. A.,
Decker,	Levy,	Ruffennach,	Welliver,
DeNote,	Lewis,	Rush,	Welsh,
Dickinson,	Long,	Sarraf.	Westrick,
Donohoe,	Longaker,	Scanlon,	Whalen,
Dougherty,	Lopresti,	Schor,	Whitenight,
Downey,	Lovett,	Schrock,	Wilson,
Dubbs,	Mallen,	Schrope,	Winner,
Dyson,	Marino,	Schumacher,	Woodside,
Eckels,	Matthews, J F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker	Zappala,
Fitch,	McElroy,	Siegel,	Furman,
Flanagan,			

NAYS—6

Atkins,	Muir,	Stewart,	Wood,
McKinney,	Peale,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1309, entitled:

A Supplement to the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class;" creating the position of solicitor for the department of city controller.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simpson,
Alexander,	Flinchbaugh,	McShane,	Skale,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, James A.,
Arnold,	Gillette,	Merrell,	Smith, John A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker. J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boies,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, S.,	Tumelty,
Brown,	Holstrom,	Patterson, W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Mallen,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,	McGee.	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1335 as follows:

An Act regulating the employment and hours of employment of the Officers and members of the uniformed Fire protection forces of the Cities of the first class and repealing existing laws

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Platoon System Hours of service The Director or other officers of the department having charge of the Fire Bureau in each City of the first class Shall divide

the Officers and members of the companies of the uniformed Fire protection forces in the employ of such Cities Excepting the Chief Engineer and assistant Chiefs and those employed subject to call into two bodies or platoons One to perform day services and the other to perform night service The hours of day service shall not exceed ten commencing at eight o'clock in the morning and the hours of night service shall not exceed fourteen Commencing at six o'clock in the afternoon The hours of day service shall not exceed thirty hours and the hours of night service shall not exceed forty-two hours in the same calendar week The employes of such Fire forces shall be allowed to have at least twenty-four consecutives hours of rest in every calendar week Exclusive of the change day And to have an annual vacation of not less than fourteen days without diminution of in either case of the salary or compensation fixed by ordinance or resolution But no vacation or suspension period shall be incheased or reduced by reason of the fact that During such period such member If working would have been entitled to one or more rest days under the provisions of this act In case of Public celebrations Riots serious conflagration Floods Times of War Pestilence or such emergencies the Chief Engineer in charge of the Bureau of Fire or the assistant Chief Deputy or Chief Officer in charge at any Fire shall have the power to assign all members of the Fire protection forces to continuous duty or to continue any members thereof On duty if necessary No member of either said shifts bodies or platoons shall be required to perform any longer day duty than thirty hours of day service or forty-two hours of night service in the same calendar week Excepting as may be necessary to equalize the hours of duty and service and also excepting in case of emergencies as above provided

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simpson,
Alexander,	Flinchbaugh,	McShane,	Skale,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, James A.
Arnold,	Gillette,	Merrell,	Smith, John A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boles,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Mallen,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,	McGee,	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1071, as follows:

A Joint Resolution authorizing the appointment of a Commission to make a survey of the topography of the Commonwealth to make recommendations concerning landing fields and aviation facilities and making an appropriation

Whereas the Commonwealth of Pennsylvania holds a recognized position as leader in Aeronautical Law and in the establishment or supervision of airports and terminal and intermediary landing fields and

Whereas it is the desire of the Commonwealth to keep abreast of the progress in commercial aviation to encourage the use of its airways and airports for interstate and intra-state aeronautical commerce and to promote safety in aviation therefore

Section 1 Be it resolved by the Senate and House of Representatives in General Assembly met That there is hereby created a Commission which shall be composed of two members of the Aeronautics Committee of the House of Representatives to be designated by the Speaker of the House and one member of the Aeronautics Committee or the Senate to be designated by the President Pro Tempore of the Senate and the Chief of Aeronautics of the Commonwealth whose duty it shall be to make a thorough survey of the topography of the Commonwealth and make recommendations based on such survey with regard to acquiring setting up and maintaining

(1) Emergency and intermediary landing fields

(2) Radio and air wave facilities and

(3) A program designed to eliminate obstructions adjacent to or in the vicinity of existing or proposed landing fields.

Section 2 The Commission shall make and file its final report and recommendations to the Executive Board of the Commonwealth not later than April 15 1937

Section 3 The sum of twenty-five hundred dollars or so much thereof as may be necessary is hereby specifically appropriated to the Commission for the payment of expenses of the members of the Commission and for such clerical stenographic and engineering services and for such other expenses deemed proper and necessary by the Commission

Section 4 This Resolution shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simpson,
Alexander,	Flinchbaugh,	McShane,	Skale,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, James A.,
Arnold,	Gillette,	Merrell,	Smith, John A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boies,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, S.,	Tumelty,
Brown,	Holstrom,	Patterson, W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Mallen,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,	McGee,	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1137, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simpson,
Alexander,	Flinchbaugh,	McShane,	Skale,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, John A.,
Arnold,	Gillette,	Merrell,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boies,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Mallen,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,	McGee,	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1295, entitled:

An Act to amend sections one and two of the act, approved the seventh day of June, one thousand nine hundred and eleven (P. L. 667), entitled "A supplement to an act, entitled 'An act for the government of cities of the second class,' approved the seventh day of March, one thousand nine hundred and one; regulating the certification, recording, advertising, and proof of passage of legislative acts of councils; and prescribing the effect of the production thereof when required as evidence," by allowing council to shorten the publications provided for.

And the bill having been read at length the third time, considered and agreed to.

On the question.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and neys were taken and were as follows, viz:

Yeas—203

Achterman,	Flannery,	McKinney,	Simpson,
Alexander,	Flinchbaugh,	McShane,	Skale,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, John A.,
Arnold,	Gillette,	Merrell,	Smith, James A.,

Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boles,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Mallen,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,	McGee,	Simon,	

Nays—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1311, entitled:

An Act to authorize cities of the second class to sue out writs of scire facias on certain tax leins, to revive writs of scire facias on such liens, or to revive judgments on such liens, where more than five years have elapsed since said liens were filed or such judgments were entered or revived, and to reduce such liens to judgment, or to revive such judgments, and providing for the revival and collection of such judgments.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

Yeas—203

Achterman,	Flannery,	McKinney,	Simpson,
Alexander,	Flinchbaugh,	McShane,	Skale,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, James A.,
Arnold,	Gillette,	Merrell,	Smith, John A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boles,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, S.,	Tumelty,
Brown,	Holstrom,	Patterson, W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Mallen,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,	McGee,	Simon,	

Nays—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1154, entitled:

An Act making an appropriation to the General State Authority.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

Yeas—203

Achterman,	Flannery,	McKinney,	Simpson,
Alexander,	Flinchbaugh,	McShane,	Skale,
Allmond,	Ganser,	Melchiorre,	Sloan,
Arnold,	Gerard,	Mellott,	Smith, James A.,
Atkins,	Gillette,	Merrell,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,

Brancato,	Hirsch,	O'Neill,	Tronzo,
Broad,	Holland,	Ostroff,	Trout,
Brown,	Holmes,	Patterson, S.,	Tumelty,
Brownfield,	Holstrom,	Patterson, W.,	Turner,
Burrows,	Horting,	Peale,	Valibus,
Cadwalader,	Huntley,	Pearson,	VanAllsburg,
Caesar,	Imbrie,	Perry,	VanSickle,
Caputo,	Jirolanio,	Pershing,	Vogt,
Chervenak,	Kane,	Piole,	Wagner,
Coakley,	Keenan,	Powers,	Wall,
Cohen, H. B.,	Kelso,	Preston,	Walsh,
Cohen, R. E.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
		Simon,	

Nays—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1078, entitled:

An Act to amend clause thirty-four of section two thousand four hundred and three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," by extending the provisions for appropriations to posts of veterans.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

Yeas—202

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Skale,
Allmond,	Gerard,	Mellott,	Sloan,
Arnold,	Gillette,	Merrell,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boies,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boose,	Hess,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, S.,	Tumelty,
Brown,	Holstrom,	Patterson, W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Corrigan,	Leisey,	Robinson,	Weiss, D. H.,
Costanzo,	Levy,	Rothenberger,	Weiss, S. A.,
Davies,	Lewis,	Royer,	Welliver,
Decker,	Long,	Ruffennach,	Welsh,
DeNote,	Longaker,	Rush,	Westrick,
Dickinson,	Lopresti,	Sarraf,	Whalen,
Donohoe,	Lovett,	Scanlon,	Whitenight,
Dougherty,	Mallen,	Schor,	Wilson,
Downey,	Marino,	Schrock,	Winner,
Dubbs,	Matthews, J. F.,	Schrope,	Wood,
Dyson,	McArdle,	Schumacher,	Woodside,
Eckels,	McCullough,	Serrill,	Wright,
Elpern,	McDermott,	Shaw,	Yanoshat,
Falkenstein,	McDevitt,	Shea,	Yeakel,
Finnerty,	McElroy,	Shepard,	Yourishin,
Fiss,	McFall,	Shoemaker,	Zappala,
Fitch,	McGee,	Siegel,	Furman,
Flanagan,			

Nays—1

Tronzo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1296, entitled:

An Act to amend section one of article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," as amended; further regulating the giving of contracts relating to city affairs.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

Yeas—203

Achterman,	Flannery,	McKinney,	Simpson,
Alexander,	Flinchbaugh,	McShane,	Skale,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, James A.,
Arnold,	Gillette,	Merrell,	Smith, John A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boies,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, S.,	Tumelty,
Brown,	Holstrom,	Patterson, W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,

Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Mallen,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,	McGee,	Simon,	

Nays—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1150, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

Yeas—203

Achterman,	Flannery,	McKinney,	Simpson,
Alexander,	Flinchbaugh,	McShane,	Skale,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, James A.,
Arnold,	Gillette,	Merrell,	Smith, John A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boies,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, S.,	Tumelty,
Brown,	Holstrom,	Patterson, W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Mallen,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,	McGee,	Simon,	

Nays—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1297, entitled:

An Act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale for the non-payment of taxes and the reconveyance or private sale of such property.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

Yeas—201

Achterman,	Flinchbaugh,	McShane,	Simpson,
Alexander,	Ganser,	Melchiorre,	Skale,
Allen,	Gerard,	Mellott,	Sloan,
Allmond,	Gillette,	Merrell,	Smith, James A.,
Arnold,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boies,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boose,	Hess,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Broad,	Holmes,	Patterson, C. S.,	Trout,
Brown,	Holstrom,	Patterson, J. W.,	Tumelty,
Brownfield,	Hontz,	Peale,	Turner,
Burrows,	Horting,	Pearson,	Valibus,
Cadwalader,	Huntley,	Perry,	VanAllsburg,
Caesar,	Imbrie,	Pershing,	VanSickle,
Caputo,	Jirolanio,	Piole,	Vogt,
Chervenak,	Kane,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Walsh,
Cohen, R. E.,	Kilroy,	Reese,	Wampole,
Coleman,	Kline,	Reising,	Watkins,
Coolahan,	Kroll,	Richter,	Webster,
Corrigan,	LaRue,	Robinson,	Weidemann,
Costanzo,	Leisey,	Rothenberger,	Weiss, D. H.,
Davies,	Levy,	Royer,	Weiss, S. A.,
Decker,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,

Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Mallen,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, J. F.,	Schumacher,	Wood,
Eckels,	McArdle,	Serrill,	Woodside,
Elpern,	McCullough,	Shaw,	Wright,
Falkenstein,	McDermott,	Shea,	Yanoshat,
Finnerty,	McDevitt,	Shepard,	Yeakel,
Fiss,	McElroy,	Shoemaker,	Yourishin,
Fitch,	McFall,	Siegel,	Zappala,
Flanagan,	McGee,	Simon,	Furman,
Flannery,	McKinney,		

Nays—1

Atkins,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1366, entitled:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section four A.

On the question,

Will the House agree to the bill on third reading?

Mr. STOCKHAM. Mr. Speaker and members of the House, this is a very improtant bill, and I wish to bring to the attention of this body United States Senate Bill 1440, a bill that has been presented by Senator Barkley and Buckley as of February 10, 1937.

I understand that this bill has the endorsement of the President of the United States, and that it provides for the control of the flood waters of the rivers of the United States, for the improvement of the navigability of such rivers, for reforestation and conservation of natural resources and for other purposes. Now, this bill sets up seven flood control authorities. The second one is a corporation to be known as the Atlantic Seaboard Authority, which shall have jurisdiction over the areas containing the navigable rivers and their tributaries along the Atlantic Seaboard from Maine to Florida. This bill further more under the powers of the corporation sets forth that it may purchase or lease and hold or dispose of such real and personal property as it deems necessary or convenient in the transaction of its business.

It further sets forth under the powers of the corporation that it shall have the power in the name of the United States of America to exercise the right of eminent domain for all purposes of this Act, and in the acquisition of real estate by condemnation proceedings or otherwise. The title of such real estate shall be taken in the name of the United States of America, and, thereafter, all such real estate shall be entrusted to the corporation as agent of the United States to accomplish the purposes of this Act.

Mr. SAMUEL A. WEISS. Mr. Speaker, with the consent of the gentleman from Bucks, I would ask that this bill go over in its order.

Mr. STOCKHAM. Mr. Speaker, I am perfectly agreeably to that, sir.

BILL PASSED OVER

There being no objection House Bill No. 1038, Printer's No. 226 was passed over at the request of Mr. BROWN.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented a communication in writing from His Excellency, the Governor, which read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 742

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 23, 1937

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 742, Printer's No. 177, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE

RECONSIDERATION OF VOTE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. HOLMES. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from York, Mr. Cohen, vote on the final passage of this bill?

Mr. HERBERT B. COHEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Phliadelphia, Mr. Holmes, vote on the final passage of this bill?

Mr. HOLMES. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 14 of the title, by inserting at the end of the line, after the word "thirty-seven," the following: "and making appropriations to the Legislative Department for the legislative session of one thousand nine hundred thirty-seven"

Amend section 1, page 2, line 6 by inserting after the word "to" and before the word "the" the following: "certain agencies in"

Amend section 1, page 2, line 6 by striking out after the word "Executive" and before the word "by" the word: "[Department]" and inserting in lieu thereof the following: "Legislative and Judicial Departments"

Amend section 1, page 2, line 9 by inserting after "ments" and before the word "hereinafter" the following: "or agencies"

Amend section 1, page 3, line 6 by striking out at the end of the line the word: "[ten]" and inserting in lieu thereof the word: "twenty"

Amend section 1, page 3, line 7 by striking out at the end of the line the following "[($10,000)]" and inserting in lieu thereof the following "($20,000)"

Amend section 1, page 11, by inserting between lines 25 and 26, and centering it, the following:

LEGISLATIVE DEPARTMENT

Amend section 1, page 14, by inserting the following between lines 4 and 5: JUDICIAL DEPARTMENT

SUPREME AND SUPERIOR COURT

For the deficiency in the appropriation for the payment of the expenses of the Supreme Court in the middle district, and the Superior Court of Harrisburg, the sum of four hundred dollars ($400).

COMMON PLEAS COURTS

"To supplement the appropriation for the payment of salaries of the judges of the courts of common pleas learned in the law in the several judicial districts of the Commonwealth the sum of eight thousand seven hundred fifty dollars ($8,750).

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 235.

An Act authorizing the adjournment and readjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight validating any action in adjourning or readjourning tax sales taken prior to the effective date of this act and preserving the lien of all taxes on lands to be sold at such sales.

HOUSE BILL No. 603.

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries bodies of electors registration commissions commissioners and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties registars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties.

HOUSE BILL No. 440.

An Act to amend the act approved the seventh day of June one thousand nine hundred and one (P. L. 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended extending the provisions of said act to certain boroughs incorporated towns and townships of the first class extending the same to include building drainage imposing certain powers and duties on the Department of Health making further provisions for the administration of said act extending the specifications increasing certain fees and payments and providing increased penalties including imprisonment and repealing section fifty-four fifty-five fifty-seven and fifty-eight of said act.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS INTRODUCED AND REFERRED

By Mr. WOODSIDE. HOUSE BILL No. 1985.

An Act to amend section six of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on non-payment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor districts taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by reducing the amount of commission payable to tax collectors or receivers of taxes.

Referred to the Committee on Municipal Corporations.

By Messrs. WOODSIDE and HABBYSHAW. HOUSE BILL No. 1986.

An Act making an appropriation to the Department of Health for the purpose of extending aid in furnishing community nursing services.

Referred to the Committee on Appropriations.

By Messrs. WOODSIDE and HABBYSHAW. HOUSE BILL No. 1987.

An Act making an appropriation to the Department of Health for research seeking to prevent anthracosis asthma.

Referred to the Committee on Appropriations.

By Mr. TOOLE. HOUSE BILL No. 1988.

An Act to further amend sections four and five of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on non-payment thereof; requiring the receivers and collectors of county city, borough, town, township, school district and poor district, taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," providing that taxes returned to the county commissioners shall remain liens until settled and satisfied, and requiring the treasurer to satisfy tax liens entered in the office of the prothonotary in certain cases

Referred to the Committee on Municipal Corporations.

By Mr. HOLMES. HOUSE BILL No. 1989.

An Act to amend article nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by adding thereto sections one thousand nine hundred eight, one thousand nine hundred nine, one thousand nine hundred ten, one thousand nine hundred eleven, one thousand nine hundred twelve, and one thousand nine hundred thirteen providing for the establishment of free city colleges in school districts of the first class.

Referred to the Committee on Education.

By Mr. REUBEN E. COHEN. HOUSE BILL No. 1990.

A Joint Resolution creating the Apprentice Training Commission to study and investigate the feasibility of enacting legislation for voluntary apprentice training; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. POWERS. HOUSE BILL No. 1991.

An Act to amend section four and clause (a) of section sixteen of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 208), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing for the violation thereof; dening the words 'drug and 'poison'; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity;" as amended, further regulating the registration and licensing of pharmacists.

Referred to the Committee on State Boards.

By Mr. YOURISHIN. HOUSE BILL No. 1992.

An Act to amend section nine hundred two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public saftey; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and local claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, alderman, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds," as amended, by imposing penalties on persons, copartnerships, associations and corporations engaged in carrying passengers for hire whose vehicles carry passengers in excess of the number allowed by law.

Referred to the Committee on Motor Vehicles.

By Mr. YOURISHIN HOUSE BILL No. 1993.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that an assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abbutting property owners; regulating the replacment of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor, regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act."

Referred to the Committee on Highways.

By Mr. DUBBS. HOUSE BILL No. 1994.

An Act to amend clause (c) of the section eighteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," making certain changes in the manner of serving writs of scire facias when personal service cannot be made.

Referred to the Committee on Judiciary General.

By Mr. TURNER. HOUSE BILL No. 1995.

An Act making an appropriation to the Department of Public Instruction for reimbursing The School District of the Borough of Swarthmore which reduced the amount of its budget to be raised by means of taxes on real property, and its rate correspondingly as required by the act approved the twelfth day of July, one thousand nine hundred and thirty-five (P. L. 993), entitled "An act to further amend subsection twenty of, and to add subsections twenty-five and twenty-six to section one thousand two hundred and ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith,' by requiring the payment by the Commonwealth of the whole of the minimum salaries of members of the teaching and supervisory staffs of clementary schools, and of an additional part of the minimum salaries of the members of the teaching and supervisory staffs of junior high schools subject to the reduction of

taxes on real property by school districts, and imposing duties on school districts."

Referred to the Committee on Appropriations.

By Mr. TURNER. HOUSE BILL No. 1996.

An Act making an appropriation for the payment of compensation to certain veterans.

Referred to the Committee on Appropriations.

By Mr. TURNER. HOUSE BILL No. 1997.

An Act to amend sections one and two of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 450), entitled "An act relating to fires and fire prevention; imposing duties and conferring powers upon the State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State Police, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstance of fires and the inspection of all, and the removal or change of, certain buildings; imposing duties on schol authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the said State Police, and the enforcement of its orders; and prescribing penalties," conferring police and building inspection powers on assistants appointed by the superintendent of State Police.

Referred to the Committee on Public Health and Sanitation.

By Messrs. SLOAN and STEWART.
HOUSE BILL No. 1998.

An Act imposing on operators of motor vehicles, for the privilege of operating motor vehicles on the highways of this Commonwealth, a per capita school tax; providing that payment of a per capita tax levied by a board of school directors shall be deemed a payment of such tax; providing for the receipt of such taxes by collectors and receivers of taxes and their payment over to school treasurers; and providing for proof of payment of such taxes before operators licenses are issued.

Referred to the Committee on Education.

By Messrs. STEWART and SLOAN.
HOUSE BILL No. 1999.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township reads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of said act;" establishing additional routes in the County of Indiana.

Referred to the Committee on Highways.

By Mr. WRIGHT. HOUSE BILL No. 2000.

An Act to amend section one thousand nine hundred and seven of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class, and amending, revising and consolidating the law relating thereto," by making city liable for payment of compensation to persons injured while employed under a contract executed in violation of provisions of this act.

Referred to Committee on Cities.

By Mr. WRIGHT. HOUSE BILL No. 2001.

An Act to amend section four hundred and one of the act, approved the tewnty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further regulating the creation and abolition of wards.

Referred to the Committee on Townships.

By Mr. WRIGHT. HOUSE BILL No. 2002.

An Act to amend section three of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1083), entitled "An act requiring all persons contracting with the Commonwealth or any department or officer thereof or any municipal corporation, division or subdivision of the Commonwealth, to accept the provisions of the State Workmen's Compensation Act, and to insure the said contractors' liability thereunder or secure an exemption from insurance in accordance with the terms of the said act in respect to such contract," by making the Commonwealth or municipality or division or subdivision thereof, liable for payment of compensation to persons injured while employed under a contract executed in violation of the provisions of this act.

Referred to the Committee on Labor.

By Mr. WRIGHT. HOUSE BILL No. 2003.

An Act to amend section eight hundred and five of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class, and amending, revising, consolidating and changing the law relating thereto," by making townships liable for payment of compensation to persons injured while employed under a contract executed in violation of provisions of this act.

Referred to the Committee on Labor.

SENATE MESSAGES

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 305. (HOUSE BILL No. 2004).

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing counties of the second class to assist political subdivisions in the county in negotiations and contests with public service companies.

Referred to the Committee on Counties.

BILLS INTRODUCED AND REFERRED

By Messrs. REISING and NAGEL.
HOUSE BILL No. 2005.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction to carry out the pro-

visions of said act," establishing an additional route in the County of Beaver."

Referred to the Committee on Highways.

By Mr. PEALE. HOUSE BILL No. 2006.

An Act to prohibit the use of a caboose as sleeping or resting quarters while the same is at rest in a railroad yard.

Referred to the Committee on Railroads and Railways.

By Mr. JIROLANIO. HOUSE BILL No. 2007.

An Act to add section 149.1 to the act, approved the second day of May, one thousand nine hundred and twenty-nine, (P. L. 1278), entitled "An act relating to counties of the second, third , fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by providing for a solicitor to the treasurer in counties of the fourth class; and fixing his salary.

Referred to the Committee on Counties.

By Mr. JIROLANIO. HOUSE BILL No. 2008.

An Act limiting the right to examine records in county offices to officers of the court.

Referred to the Committee on Judiciary General.

By Mr. JIROLANIO. HOUSE BILL No. 2009.

An Act requiring persons engaged in the business of hauling coal by motor vehicle to secure a license from the Department of Revenue.

Referred to the Committee on Mines and Mining.

By Messrs. VAN SICKLE, JIROLANIO, COAKLEY and McFALL. HOUSE BILL No. 2010.

An Act to amend section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one, (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second classA, and thir class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," as amended; by changing certain routes and adding certain new routes.

Referred to the Committee on Highways.

By Messrs. VAN SICKLE, JIROLANIO, COAKLEY and McFall. ROUSE BILL No. 2011.

An Act authorizing certain persons to bring suit against the Commonwealth to recover wages and compensation due for certain work performed on State highways; and imposing liability on the Commonwealth therefor.

Referred to the Committee on State Government.

By Messrs. VAN SICKLE, JIROLANIO, COAKLEY and McFALL. HOUSE BILL No. 2012.

An Act to amend section of the act, aprpoved the first day of June, one thousand nine hundred and thirty-three, (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," as amended; by changing certain routes and adding certain new routes.

Referred to the Committee on Highways.

By Messrs. VAN SICKLE, JIROLANIO, COAKLEY and McFALL. HOUSE BILL No. 2013.

An Act making an appropriation to the State Emergency Relief Board from the Motor License Fund for the adjustment and payment of certain claims.

Referred to the Committee on Appropriations.

By Messrs. VAN SICKLE, JIROLANIO, COAKLEY and McFALL. HOUSE BILL No. 2014.

An Act to amend section three of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties;" further regulating the qualifications of applicants for examination under said act.

Referred to the Committee on State Boards.

By Messrs. JIROLANIO, VAN SICKLE, COAKLEY and McFALL. HOUSE BILL No. 2015.

An Act to amend section one of the act, approved the twenty-fourth day of April, one thousand nine hundred and thirty-one (P. L. 46), entitled "An act making the surving spouse competent to testify in all cases where the right of such spouse to share in a deceased spouse's estate is dispupted because of alleged desertion or non-support o fthe decendent, wether decendent died testate and intestate,' making the surviving spouse a competent witness in all proceedings where the right to share in an estate is in dispute.

Referred to the Committee on Judiciary General.

By Messrs. COAKLEY, JIROLANIO, VAN SICKLE and McFALL. HOUSE BILL No. 2016.

An Act relieving counties of liability for damages to property occasioned by mob or riot.

Referred to the Committee on Counties.

By Messrs. VAN SICKLE, COAKLEY, JIROLANIO and McFALL. HOUSE BIL No. 2017.

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act, as amended;" by changing certain routes and adding certain additional new routes.

Referred to the Committee on Highways.

By Messrs. COAKLEY, JIROLANIO, VAN SICKLE and McFALL. HOUSE BILL No. 2018.

An Act to amend section one hundred and nine of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," abolishing the elected office of chief clerk to the county commissioners.

Referred to the Committee on Counties.

By Messrs. COAKLEY, JIROLANIO, VAN SICKLE and McFALL. HOUSE BILL No. 2019.

An Act fixing the minimum compensation and salary of certain employes of the Department of Highways, and minmum weekly working hours.

Referred to the Committee on State Government.

By Messrs. VAN SICKLE, JIROLANIO, COAKLEY and McFALL. HOUSE BILL No. 2020.

An Act to establish as a State highway a certain section of public road in the County of Northampton, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Messrs. JIROLANIO and SIMON. HOUSE BILL No. 2021.

An Act to amend clause (b) of section five hundred one of the act, approved the first dya of May, one thousand nine hundred and twenty nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers providing that records are admissable as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by providing for the issuance of special registration plates to members of the General Assembly.

Referred to the Committee on Motor Vehicles.

By Mr. KROLL. HOUSE BILL No. 2022.

An Act to further amend and re-enact the act, approved the eighteenth day of May, one thousand nine hundred and thirty-three (P. L. 826), entitled "An act authorizing courts of common pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs," by authorizing the provisions thereof for two more years.

Referred to the Committee on Judiciary General.

By Mr. KROLL. HOUSE BILL No. 2023.

An Act to amend section eleven of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of condidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the state committee of a political party to make, and to alter amend and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," changing the time during which the polls shall be open at spring primaries.

Referred to the Committee on Elections.

By Messrs. KROLL and SKALE. HOUSE BILL No. 2024.

An Act to further amend sections ten, seventeen and twenty-five of the act, approved the fourteen day of June, one thousand nine hundred and twenty-three (P. L. 710), entitled "An act allowing and regulating boxing, sparring, and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor; and appropriating moneys received for monument and memorial purposes; and prescribing penalties," by limiting the number of rounds, reducing the license fee of certain persons; and making an appropriation of funds to a certain institution.

Referred to the Committee on Military Affairs.

By Messrs. LEISEY and BOLTZ. HOUSE BILL No. 2025.

An Act making an appropriation to the Department of Highways for the payment of damages for injury to person and property occasioned by a rock slide.

Referred to the Committee on Appropriations.

By Mr. JOHN A. SMITH. HOUSE BILL No. 2026.

An Act to amend section sixteen of the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 885), entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock; and defining agriculture so as to include persons engaged in agriculture, dairying, livestock raising, poultry raising, floriculture, mushroom growing, beekeeping, horticulture, and other allied occupations; and providing penalties," requiring such associations to make certain reports to the Pennsylvania Milk Control Board.

Referred to the Committee on Agriculture.

By Messrs. McFALL, VAN ALLSBURG and VAN SICKLE. HOUSE BILL No. 2027.

An Act to amend clause (b) of section twenty-three of the act, approved the eighteenth day of April, one thousand nine hundred and twenty-nine (P. L. 549), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchase, installation, preparation, custody, and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secre-

tary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used: and providing penalties for violation of the provisions of this act," as amended, providing for a re-reading of the recorded vote by the minority inspector and for the correction of any errors on the return sheets.

Referred to the Committee on Elections.

By Messrs. LEISEY, WEBSTER and STRODE.
HOUSE BILL No. 2028.

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing the treasurer of counties of the fifth class to appoint a solicitor, and providing for his salary payable by the county.

Referred to the Committee on Counties.

By Mr. WEBSTER. HOUSE BILL No. 2029.

An Act to amend article five of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing counties of the fifth class to make appropriations for the maintenance of short wave radio broadcasting stations.

Referred to the Committee on Counties.

By Mr. PIOLE. HOUSE BILL No. 2030.

An Act to amend section seven of the act, approved the fifth day of July, one thousand nine hundred and seventeen (P. L. 693), entitled "An act authorizing and empowering the several counties of this Commonwealth to establish and maintain schools for the care and education of children, under the jurisdiction of the courts of quarter sessions of the peace, or other courts, sitting as juvenile courts, and to acquire land therefor by purchase or by condemnation; defining the scope and character of such schools; regulating the proceedings for the establishment, maintenance and management thereof; authorizing the county commissioners to make appropriation, levy taxes, and to incur indebtedness therefor; and providing that all such schools heretofore established by any county shall be continued and maintained under the authority of this act; removing the persons in charge thereof; and providing that any property heretofore acquired for any such schools shall be held and used for the schools provided for in this act," by specifying the educational requirements of superintendents of such schools.

Referred to the Committee on Education.

By Mr. VAN ALLSBURG. HOUSE BILL No. 2031.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Erie.

Referred to the Committee on Highways.

By Mr. HABBYSHAW. HOUSE BILL No. 2032.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled 'An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures; located on such highways; conferring certain powers upon upon the Department of Highways and local autharities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing additional routes in the County of Dauphin.

Referred to the Committee on Highways.

By Mr. JAMES A. SMITH. HOUSE BILL No. 2033.

An Act prohibiting certain public service companies from imposing certain charges, and providing a penalty.

Feferred to the Committee on Public Utilities.

By Messrs. SOLLENBERGER and PERRY.
HOUSE BILL No. 2034.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon upon the Department of Highways and local autharities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing additional routes in the County of Blair.

Referred to the Committee on Highways.

By Mr. WINNER. HOUSE BILL No. 2035.

An Act providing for the levy and collection of an emergency State excise tax upon sales of tangible personal property at retail; requiring vendors to be licensed, and imposing duties on vendors, and prescribing penalties.

Referred to the Committee on Ways and Means.

By Mr. GILLETTE. HOUSE BILL No. 2036.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing additional routes in the County of Bradford.

Referred to the Committee on Highways.

By Mr. SARRAF. HOUSE BILL No. 2037.

An Act to re-enact a part of section one of article three of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class, "pro-

viding for the removal and dismissal of policemen in cities of the second class.

Referred to the Committee on Cities.

By Mr. SARRAF. HOUSE BILL No. 2038.

An Act to further amend the second paragraph of section one of article one of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," by providing that the mayor shall receive no compensation other than his salary for acting as justice of the peace.

Referred to the Committee on Cities.

By Mr. McELROY. HOUSE BILL No. 2039.

An Act to amend section five of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection in connection with or incidental thereto on Sunday, prohibitinig motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws;" further providing when referendums may be held; and making persons filing petitions liable for the cost of printing ballots.

Referred to the Committee on Law and Order.

By Mr. BAINE. HOUSE BILL No. 2040.

An Act to amend section fifty-nine, as amended, section one hundred ninety, as added, section two hundred four, as amended, and sections two hundred forty-seven and six hundred seventy-five of, to add sections one hundred fifty and one-tenth and one hundred fifty-five to, and to repeal section two hundred five of, the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" by changing the provisions for filling vacancies in the office of coroner, sheriff, district attorney and county treasurer, providing for and prescribing the procedure for leasing of real property belonging to counties; and providing for the appointment of assistant solicitors and clerks and stenographers to solicitors in counties of the second class.

Referred to the Committee on Counties.

By Mr. CORRIGAN. HOUSE BILL No. 2041.

An Act to amend the title and the act, approved the twenty-eighth day of April, one thousand eight hundred ninety-nine (P. L. 117), entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer, attorney-at-law, or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth, and providing a penalty therefor," as amended, by extending the scope of the title; defining and further prohibiting the practice of law; and providing additional penalties, including the forfeiture of corporate charters for violations of the act.

Referred to the Committee on Judiciary General.

By Messrs. LEWIS, WALSH, OSTROFF and McSHANE. HOUSE BILL No. 2042.

An Act to promote the safety and health of the Commonwealth requiring approval of electrical devices by an Electrical Administrative Board, providing for the creation of such board, providing for sales of such devices only after approval and imposing penalties for violation of the provisions of this act.

Referred to the Committee on State Boards.

By Messrs. OSTROFF, LEWIS and WALSH. HOUSE BILL No. 2043.

An Act making the obtaining of services, work or labor by false pretenses a crime, imposing certain fines and penalties therefor.

Referred to the Committee on Judiciary General.

By Messrs. LEWIS, McSHANE and OSTROFF. HOUSE BILL No. 2044.

An Act providing for the appointment of Electrical Inspectors in Cities of the first and second class; prescribing the powers and authority of such inspectors, providing for the issuance of licenses for electrical wiring, electricians, inspectors, examinations of applicants for licenses, exempting municipalities from liability by reason of issuance of license, and imposing penalties for violation of the provisions of this act.

Referred to the Committee on Cities.

By Mr. HERBERT B. COHEN. HOUSE BILL No. 2045.

An Act relating to actions for death caused by unlawful violence or negligence; prescribing the persons who may maintain such actions, the distribution of the sum recovered, and the damages recoverable; and repealing certain acts.

Referred to the Committee on Judiciary General.

By Mr. HERBERT B. COHEN. HOUSE BILL No. 2046.

An Act to repeal section two thousand four hundred and thirty-six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," changing the procedure for the connection of sewers of townships with the sewers of adjacent municipalities and validating the construction of certain sewers, systems of sewers or drains heretofore begun or completed.

Referred to the Committee on Townships.

By Mr. HERBERT B. COHEN. HOUSE BILL No. 2047.

An Act to amend section two thousand five hundred fifty-six of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto;" as amended, requiring fidelity bonds of deputies and clerks of city treasurers, the premiums thereof to be paid jointly by the county, city and school district.

Referred to the Committee on Cities.

RESOLUTION INTRODUCED AND REFERRED

By Mr. TRONZO. RESOLUTION No. 58.

In the House of Representatives, March 22, 1937.

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee

of five members of this House who shall be authorized and directed to make an investigation of violations of rights of freedom of worship and religion, freedom of speech and assembly, freedom of the press, and undue interference with the right of Christian people to preach the gospel. The committee shall report to this or the next session of the House of Representatives the results of its investigations, together with its recommendation for the enactment of any remedial legislation it may deem necessary;

Resolved, That for the purposes of this resolution the committee is authorized to hold such hearings and to sit and act at such times and places, to call upon the executive departments for clerical and other assistants, to require by subpoena under the hand and seal of the chairman, the attendance of such witnesses and the production of such books, correspondence, papers and documents, to administer such oaths, to take such testimony. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of the committee shall have power to administer oaths to persons appearing before it. Any person who shall wilfully neglect or refuse to testify before the said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of this Commonwealth in such cases.

Referred to the Committee on State Government.

RESOLUTION

PRINTING REPORT OF JOINT LEGISLATIVE COMMISSION ON INTERSTATE COOPERATION

Mr. TURNER offered a resolution which was read by the Clerk as follows:

In the House of Representatives, March 23, 1937.

Resolved (if the Senate concur), That the Chief Clerk be directed to have printed twelve hundred copies of the Report of the Joint Legislative Commissions on Interstate Cooperation presented to the General Assembly on March 23, 1937; eight hundred of said copies to be for the use of the House of Representatives and four hundred copies for the use of the Senate.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORTS FROM COMMITTEES

Mr. HOLMES, from the Committee on Military Affairs, reported as committed, House Bill No. 1250, entitled:

An Act to prohibit the sale and offer for sale of the recognized artificial flowers of certain veteran's organizations except on the days appointed for such purpose.

Mr. HOLLAND, from the Committee on Military Affairs, reported as committed, House Bill No. 1277, entitled:

An Act to amend section one of the act, approved the eighth day of April, one thousand eight hundred and sixty-seven (P. L. 50), entitled "An act to permit disabled soldiers to peddle by procuring a license therefor, without charge," as amended, prohibiting the peddling of recognized flowers of certain veteran's organizations and miniature American flags.

Mr. MOUL, from the Committee on Agriculture, reported as amended, House Bill No. 996. (Senate Bill No. 213) entitled:

An Act to amend section eighteen of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Health, the Advisory Health Board, and otherwise providing for the administration of the act; and imposing penalties," requiring local ordinances to conform to this act and the regulations made thereunder.

ANNOUNCEMENTS BY THE SPEAKER

The SPEAKER. For the information of the Committee appointed this morning to attend the funeral of the former Governor Edwin S. Stuart, the Chair wishes to announce the members appointed by the Senate: Messrs. Pytko, Shapiro, Woodward and Heyburn.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The sub-committee on Game considering House Bill No. 1000 will meet at 8:30 tonight in the House Conference Room.

The meeting of the Committee on Counties which was scheduled to meet immediately after today's session is cancelled.

The meeting of the Committee on Labor which was scheduled for immediately after today's session is also cancelled.

There will be a meeting of the Democratic members of the Highways Committee in the Senate Caucus Room tomorrow, Wednesday, March 24 at 10:00 a. m.

The following Committee meetings will be held tomorrow:

Public Utilities at 12:00 noon in Room 101.

Welfare at 12:00 noon in Room 301.

Railroads and Railways at 10:30 a. m. in Room 323.

Insurance at 12:00 noon in Room 324.

Constitutional Amendments at 12:30 p. m. in Room 324.

Banking at 11:00 a. m. in Room 325.

State Government at 11:00 a. m. in Room 521.

Boroughs at 11:30 a. m. in Room 301.

Agriculture sub-committee on Milks Control at 9:00 a. m in Room 521.

ADJOURNMENT

Mr. BAINE. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 6:07 p. m.) the House adjourned until Wednesday, March 24, 1937, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., WEDNESDAY, MARCH 24, 1937. No. 34.

SENATE

WEDNESDAY, March 24, 1937.

The Senate met at 12 o'clock a. m.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, L. L. D., offered the following prayer:

Our Father, prompted by the monitor within us, we tarry in thy presence, critical and uncertain are the days—and we are in the "Valley of Decision."

Thy law is perfect—Thy testimony sure;
Thy statues are right—Thy commandment pure;
Thy worship is clean, and will ever endure;
Thy judgments righteous, above all things truer;
More to be desired than much fine gold;
Sweeter than nectar, or the honey of old.
Moreover, by them is thy warning given;
And in keeping of them are happiness and Heaven:

Our Father, endue us with Thy wisdom. Make us brave and strong to break the shackles of presumptuous sins. Then shall we rejoice in Thy law, and make Thy lay our own. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding, session, when, on motion of Mr. McCREESH, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared its table and laid before the Senate the following communications:

A RESOLUTION OPPOSING PASSAGE OF HOUSE BILLS NOS. 639 and 657, RELATIVE TO CONTROL OF TOWNSHIP ROADS.

A Resolution presented by the Crawford County Supervisor's Association protesting against the passage of House Bills No. 639 and 657, and all other bills that would give the State control of Township Roads.

Which was referred to the Committee on Highways.

ENDORSING AND URGING PASSAGE OF HOUSE BILL NO. 896.

A Resolution presented by the Crawford County Supervisors' urging the passage of House Bill No. 896, also that the tax on property for road and street purposes can be eliminated.

Which was referred to the Committee on Highways.

URGING THE PASSAGE OF BILL PROVIDING FOR INCREASED SALARIES FOR SCHOOL TEACHERS IN VARIOUS TOWNS THROUGHOUT THE STATE.

A petition from teachers and supervisors of Cassandra Borough Schools, of Washington Township Schools, and Lilly Borough Schools urging the passage of a bill which would increase the minimum salaries of teachers based upon their successful teaching experience. Their asking that the Mundy Bill be amended to include tenure for teachers, principals, and other administrative and supervising officers.

Which was referred to the Committee on Education.

REPORTS AND RESOLUTIONS ADOPTED BY THE SECOND REGIONAL HIGHWAY SAFETY CONFERENCE.

Communication received from the Council of State Governments of Chicago, Illinois, including reports and resolutions adopted by the Second Regional Highway Safety Conference called by the New York Joint Legislative Committee on Interstate Cooperation held at the Hotel Biltmore, in New York City on March 12-13, 1937.

Which was referred to the Committee on Highways.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBER BOARD OF FISH COMMISSIONERS
Commonwealth of Pennsylvania

Governor's Office, Harrisburg, March 24, 1937.

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Fred McKean, of New Kensington, Westmoreland County, for appointment as a member of the Board of Fish Commissioners, vice Charles A. French, of Ellwood City, resigned, for the term of six years.

GEORGE H. EARLE

TRUSTEE COALDALE STATE HOSPITAL

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 24, 1937.

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to

nominate for the advice and consent of the Senate Peter Flyzik, of Coaldale, Schuylkill County, for appointment as a member of the Board of Trustees of Coaldale State Hospital, vice Walter Evans, of Coaldale, whose term expired, for the term of four years, and until his successor is qualified.

GEORGE H. EARLE

NOTARIES PUBLIC

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 24, 1937.

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Harry J. Saltzer, Duquesne.

BERKS COUNTY

Paul B. Horning, Brecknock Twp., Mohnton R. D.

BUTLER COUNTY

Paul H. Croll, Butler.
C. L. McQuiston, Butler.

CLARION COUNTY

Mrs. Martha L. Welch, Rimersburg.

CRAWFORD COUNTY

Delbert L. Nelson, Meadville.

GREENE COUNTY

C. P. LeVier, Waynesburg.

LACKAWANNA COUNTY

Miss Phoebe Davis, Old Forge.
Miss Elizabeth A. Timmons, Carbondale.

NORTHUMBERLAND COUNTY

Lawrence Walutkavich, Mount Carmel Twp., Mt. Carmel.

PHILADELPHIA COUNTY

Sol D'Agostino, 616 S. 9th St., Philadelphia.
Edward H. Margolis, 1711 68th Ave., Philadelphia.
Vincent S. Palumbo, 1518 Jackson St., Philadelphia.
Miss Dorothy H. Wager, 119 S. 4th St., Philadelphia.

WAYNE COUNTY

Mrs. Edith F. Warburton, Honesdale.

GEORGE H. EARLE

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 24, 1937.

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

BUTLER COUNTY

Theodore G. H. Keck, Butler, March 25, 1937.

MERCER COUNTY

Simon J. Stahl, Farrell, March 25, 1937.

LACKAWANNA COUNTY

S. Aug. Davis, Scranton, March 27, 1937.

CAMBRIA COUNTY

J. F. Horan, Barnesboro, March 28, 1937.

PHILADELPHIA COUNTY

Harry Pollock, 2001 S. 6th St., Philadelphia, March 28, 1937.

CRAWFORD COUNTY

George F. Tullock, Titusville, April 4, 1937.

PHILADELPHIA COUNTY

Leonard W. Belz, 1321 Arch St., Philadelphia, April 5, 1937.

Miss Margaret A. McAteer, 1204 Land Title Bldg., Philadelphia, April 8, 1937.

LACKAWANNA COUNTY

Miss Ethel P. Becker, Scranton, April 17, 1937.

WESTMORELAND COUNTY

Miss Ottilie Walthour, Greensburg, April 25, 1937.

PHILADELPHIA COUNTY

Miss A. E. Daly, 1511 Arch St., Philadelphia, April 27, 1937.

GEORGE H. EARLE

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 1071, (Senate Bill No. 686), entitled:

A Joint Resolution authorizing the appointment of a Commission to make a survey of the topography of the Commonwealth to make recommendations concerning landing fields and aviation facilities and making an appropriation.

Which was committed to the Committee on Aeronautics.

House Bill No. 1078, (Senate Bill No. 687), entitled:

An Act to amend clause thirty-four of section two thousand four hundred three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law" by extending the provisions for appropriations to posts of veterans.

Which was committed to the Committee on Military Affairs.

House Bill No. 1134, (Senate Bill No. 688), entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement system with respect to State em-

ployes receiving compensation from the Banking Department Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1137, (Senate Bill No. 689), entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1139, (Senate Bill No. 690), entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1140, (Senate Bill No. 691), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

Which was committed to the Committee on Appropriations.

House Bill No. 1142, (Senate Bill No. 692), entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to the State employes receiving compensation from the Game Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1150, (Senate Bill No. 693), entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1154, (Senate Bill No. 694), entitled:

An Act making an appropriation to the General State Authority.

Which was committed to the Committee on Appropriations.

House Bill No. 1159, (Senate Bill No. 695), entitled:

An Act to amend section one thousand six of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code," as amended, by providing further with regard to limitations upon loans to one corporation or person.

Which was committed to the Committee on Banking.

House Bill No. 1292, (Senate Bill No. 696), entitled:

An Act authorizing council in cities of the second class to make appropriations for the use of the Director of the Department of Supplies and his assistant; providing for the deposit of such moneys from time to time in a special fund which may be drawn upon for certain purchases without prior approval.

Which was committed to the Committee on Municipal Government.

House Bill No. 1295, (Senate Bill No. 697), entitled:

An Act to amend sections one and two of the act, approved the seventh day of June, one thousand nine hundred and eleven (P. L. 667), entitled "A supplement to an act, entitled 'An act for the government of cities of the second class,'" approved the seventh day of March, one thousand nine hundred and one; regulating the certification, recording, advertising, and proof of passage of legislative acts of councils; and prescribing the effect of the production thereof when required as evidence," by allowing council to shorten the publications provided for.

Which was committed to the Committee on Municipal Government.

House Bill No. 1296 (Senate Bill No. 698), entitled:

An Act to amend section one of Article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "Second Class City Law," as amended; further regulating the giving of contracts relating to city affairs.

Which was committed to the Committee on Municipal Government.

House Bill No. 1297 (Senate Bill No. 699), entitled:

An Act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale for the nonpayment of taxes and the reconveyance or private sale of such property.

Which was committed to the Committee on Municipal Government.

House Bill No. 1309 (Senate Bill No. 700), entitled:

A Supplement to the act, approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20), entitled "Second Class City Law," creating the position of solicitor for the department of city controller.

Which was committed to the Committee on Municipal Government.

House Bill No. 1311 (Senate Bill No. 701), entitled:

An Act to authorized cities of the second class to sue out writs of scire facias on certain tax liens, to revive writs of scire facias on such liens, or to revive judgments on such liens, where more than five years have elapsed since said liens were filed or such judgments were entered or revived, and to reduce such liens to judgment, or to revive such judgments, and providing for the revival and collection of such judgments.

Which was committed to the Committee on Municipal Government.

House Bill No. 1335 (Senate Bill No. 702), entitled:

An Act regulating the employment and hours of employment of the officers and members of the uniformed Fire protection forces of the Cities of the first class and repealing existing laws.

Which was committed to the Committee on City Government.

HOUSE MESSAGES

REQUEST TO PRINT EXTRA COPIES OF REPORT OF JOINT LEGISLATIVE COMMISSION ON INTERSTATE COOPERATION.

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the House of Representatives, March 23, 1937.

Resolved (if the Senate concur), That the Chief Clerk be directed to have printed twelve hundred copies of the Report of the Joint Legislative Commission on Interstate Cooperation presented to the General Assembly on March 23, 1937; eight hundred of said copies to be for the use of the House of Representatives and four hundred copies for the use of the Senate.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN SENATE AMENDMENT TO HOUSE BILL No. 235.

He also informed the Senate that the House had concurred in the amendments made by the Senate to House Bill No. 235, entitled:

An Act authorizing the adjournment and re-adjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight; validating any action in adjourning or re-adjourning tax sales taken prior to the effective date of this act; and preserving the lien of all taxes on lands to be sold at such sales.

He also informed the Senate that the House had concurred in the amendments made by the Senate to House Bill No. 440, entitled:

An Act to amend the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure and registration of persons, firms or corporations engaged or engaging in the business of work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools, in cities of the second class, and imposing fines, penalties, and forfeitures for violation thereof;" as amended, extending the provisions of said act to boroughs, incorporated towns and townships of the first class; extending the same to include building drainage;; imposing certain powers and duties on the Department of Health; making further provisions for the administration of said act; extending the specifications; increasing certain fees and payments; and providing increased penalties, including imprisonment, and repealing sections fifty-four, fifty-five, fifty-seven and fifty-eight of said act.

He also informed the Senate that the House had concurred in the amendments made by the Senate to House Bill No. 603, entitled:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualification of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills hal passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 235, entitled:

An Act authorizing the adjournment and re-adjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight; validating any action in adjourning or re-adjourning tax sales taken prior to the effective date of this act; and preserving the lien of all taxes on lands to be sold at such sales.

House Bill No. 345, entitled:

An Act to further amend section one of the act, approved the twenty-sixth day of April, one thousand eight hundred and fifty-five (P. L. 309), entitled "An act relating to damages for injuries producing death," by giving personal representatives the right to recover damages for hospital, nursing, medical, funeral expenses, and expenses of administration.

House Bill No. 440, entitled:

An Act to amend the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure and registration of persons, firms or corporations engaged or engaging in the business of work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools, in cities of the second class, and imposing fines, penalties, and forfeitures for violation thereof;" as amended, extending the provisions of said act to boroughs, incorporated towns and townships of the first class; extending the same to include building drainage;; imposing certain powers and duties on the Department of Health; making further provisions for the administration of said act; extending the specifications; increasing certain fees and payments; and providing increased penalties, including imprisonment, and repealing sections fifty-four, fifty-five, fifty-seven and fifty-eight of said act.

House Bill No. 553 entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "Department of Banking Code," as amended, by providing for the creation of the Building and Loan Board, the appointment of its members, the payment of its expenses, and defining its powers and duties; and by modifying the powers and duties of the Department of Banking, and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision; and by making inapplicable said act to certain corporations.

House Bill No. 603 entitled:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of

their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners, registrars, inspectors of registration and other appointees of registration commission election officers municipal officers, departments and bureaus, police officers courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties.

House Bill No. 616 entitled:

An Act to amend sections one and six of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" including dining cars under the provisions of this act and making it unlawful to sleep or to permit persons to sleep in a room where food is prepared or served.

House Bill No. 617, entitled:

An Act to amend section nine of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," regulating physical examination of applicants.

House Bill No. 852, entitled:

An Act to re-enact and amend the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 519), entitled "An act authorizing and regulating the reorganization of banks and bank and trust companies," by extending its effective period.

House Bill No. 928, entitled:

An Act requiring persons employing others in or about motion picture theatres to allow them at least one calendar day of rest in each calendar week.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate, signed the same.

REPORTS FROM COMMITTEES

Mr. KILGALLEN, from the Committee on Forests and Waters, reported as committed, Senate Bill No. 487, entitled:

An Act authorizing acquisition of lands adjacent to Fort Necessity Park, by purchase, condemnation or otherwise, and appropriating funds for such acquisition.

Also, from the Committee on Forests and Waters, reported as committed, Senate Bill No. 522 (House Bill No. 743), entitled:

An Act to provide for the leasing of land within the beds of streams, lakes and other bodies of water, wholly or partly within, or forming part of the boundary of, this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth; and prescribing penalties.

Mr. KILGALLEN, from the Committee on Corporations, reported as committed, Senate Bill No. 481, entitled:

An Act to amend a part of section three of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (P. L. 73), entitled "An act to provide for the incorporation and regulation of certain corporations," vesting discretion in the governor with respect to the approval of the charter of certain corporations.

Also, from the Committee on Judiciary General, reported as amended, Senate Bill No. 476, entitled:

An Act authorizing boroughs and townships of the first class to enter into agreements with the Federal Works Progress Administration for sponsoring and carrying out projects for making and distributing free clothing to the poor and needy in such municipalities and validating agreements heretofore made.

Mr. FREY, from the Committee on Finance, reported as committed, Senate Bill No. 469 (House Bill No. 1042), entitled:

An Act to further amend sections twenty and twenty-one of the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation', approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine", by continuing the tax upon that portion of the capital stock of certain corporations, joint-stock associations, limited partnerships, and companies which were formerly exempt; and by further defining the method of computing the franchise tax of foreign corporations.

Mr. JASPAN, from the Committee on Corporations, reported as committed, Senate Bill No. 444, entitled:

An Act to amend section two hundred eight of the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations;" providing for the designation of the Secretary of the Commonwealth as agent for the service of process on business corporations; and regulating the manner of service.

Mr. LAW, from the Committee on Military Affairs, reported as amended, Senate Bill No. 393 (House Bill No. 543), entitled:

An Act to amend section two hundred thirteen, and sections one thousand four hundred two and two thousand four hundred as amended, of the act, approved the ninth day of April, one thousand nine hundred and

twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative, departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," prescribing the qualifications of departmental deputies; and providing for liability insurance covering the operation of Federal vehicles used by the National Guard.

Also, from the Committee on Military Affairs, reported as committed, Senate Bill No. 573, entitled:

An Act to amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," as amended, extending the time during which application may be filed for veterans' compensation.

Mr. SONES, from the Committee on Banking re-reported as committed, Senate Bill No. 397 (House Bill No. 734), entitled:

An Act relating to consumer credit in amounts of one thousand dollars ($1,000) or less requiring licenses from the Secretary of Banking restricting licenses to domestic business corporations fixing minimum capital requirements conferring certain powers on the Secretary of Banking limiting interest and other charges providing certain exemptions and imposing penalties.

Mr. RUTH, from the Committee on Finance, reported as committed, Senate Bill No. 472 (House Bill No. 1048), entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (Pamphlet Laws, two hundred ninety-two), entitled "An act to provide revenue by taxation" by increasing the rate of tax for a limited period of time.

Mr. BUCKMAN, from the Committee on Highways, reported as committed, Senate Bill No. 673, entitled:

An Act authorizing the Secretary of Highways to abandon portions of State Highway Routes within the limits of State parks or Federal Resettlement projects under certain conditions.

Also, from the Committee on Highways, reported as committed, Senate Bill No. 674, entitled:

An Act to amend the title and section one of the act, approved the twelfth day of July, one thousand nine hundred thirty-five (P. L. 805), entitled, "An act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes, and providing a method of procedure", by further providing for the acquisition and possession of occupied property and structures.

Mr. REED, from the Committee on Judiciary General, reported as committed, Senate Bill No. 65, entitled:

An Act to amend section one of the act, approved the seventh day of April, one thousand eight hundred seventy (P. L. 57), entitled "An act to enlarge the jurisdiction of the court of common pleas for the County of Dauphin, in cases wherein the Commonwealth may be plaintiff, and to provide for the issuing of writs of foreign attachment in such cases," by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County.

Also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 64, entitled:

An Act to establish a separate Orphans' Court in and for the County of Dauphin.

Mr. EROE, from the Committee on Finance, reported as committed, Senate Bill No. 529 (House Bill No. 1047), entitled:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (Pamphlet Laws six hundred forty) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereof for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved june twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by increasing the rate of tax for a limited period of time and by imposing the tax on certain corporations heretofor exempt

Also, from the Committee on County Government, reported as amended, Senate Bill No. 266, entitled:

An Act creating in counties of the fourth, fifth, sixth, seventh and eighth classes a board for the assessment and revision of taxes, consisting of the county commissioners; defining the powers and duties of such board; regulating the assessment of persons, property, and occupations for county, city, borough, town, township, school, and poor purposes; authorizing the appointment of subordinate assessors, a solicitor, engineers, and clerks; providing for their compensation, payable by such counties; abolishing the office of city, ward, borough, and township assessors, so far as the making of assessments and valuations for taxation is concerned .

Mr. GILSON, from the Committee on Public Utilities, re-reported as amended, Senate Bill No. 484 (House Bill No. 850), entitled:

An Act creating a commission to be known as the Penn-

sylvania Public Utility Commission defining in part the powers and duties of such commission abolishing the Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employes property and equipment of the Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against the Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to the Public Service Commission of the Commonwealth of Pennsylvania.

Mr. MUNDY, from the Committee on Judiciary General, reported as committed, Senate Bill No. 288, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by changing the manner of creation of townships of the first class.

Mr. SIPE, from the Committee on Military Affairs, reported as committed, Senate Bill No. 184, entitled:

An Act making an appropriation to the Department of Military Affairs for the purchase of a certain tract of land in the name of the Commonwealth.

Mr. RANKIN, from the Committee on Highways, reported as committed, Senate Bill No. 377, entitled:

An Act to re-enact and further amend the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1409), entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal, and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county;" extending said act to all counties of this Commonwealth.

Mr. HEYBURN, from the Committee on Finance, reported as committed, Senate Bill No. 470 (House Bill No. 1044), entitled:

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine,' 'by increasing for a limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, copartnerships, and persons.

Mr. FREY, from the Committee on Banking re-reported as amended, Senate Bill No. 242 (House Bill No. 441), entitled:

An Act licensing and regulating the business of pawnbrokers, providing for the issuance of licenses by the Secretary of Banking, authorizing the Secretary of Banking to make examinations and issue regulations, limiting the interest and charges on loans and prescribing penalties for the violation of this act.

Mr. SHAPIRO, from the Committee on Finance, reported as amended, Senate Bill No. 400 (House Bill No. 850), entitled:

An Act requiring county officers in counties of the First Class to pay over to the county offices in counties of the first class to pay over to the county treasurer for safe keeping certain unclaimed moneys and providing for the payment of such moneys out of the county treasury to claimants and for the escheat of unclaimed moneys

BILLS INTRODUCED

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 703, entitled:

An Act to prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in the Commonwealth of Pennsylvania for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes.

Which was committed to the Committee on Public Health.

Mr. SALUS read in his place and presented to the Chair Senate Bill No. 704, entitled:

An Act to add sections two and three to the act, approved the nineteenth day of May, one thousand eight hundred and eighty-seven (P. L. 130), entitled "An act to provide civil rights for all people, regardless of race or color," as amended, further amplifying and extending the provisions of said act; adding additional penalties including the forfeiture of license to do business in this Commonwealth.

Which was committed to the Committee on Law and Order

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 705, entitled:

An Act relating to proceedings for the forfeiture of rights, privileges or franchises of corporations making claim against street railway, traction or motor power companies in certain cases; and providing for the disposition of rights, privileges or franchises forfeited and for contracts relating thereto.

Which was committed to the Committee on Corporations.

Mr. MUNDY read in his place and presented to the Chair Senate Bill No. 706, entitled:

An Act to amend clause fifty-three of section one thousand two hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," as amended, excepting certain contracts, work and projects from the provisions of said clause.

Which was committed to the Committee on Judiciary General.

Mr. SHAPIRO read in his place and presented to the Chair Senate Bill No. 707, entitled:

An Act authorizing the election of officers of certain corporations of this Commonwealth, created by special act of assembly prior to January 1, 1874, to be held in accordance with the provisions of by-laws duly adopted by their shareholders.

Which was committed to the Committee on Corporations.

Mr. DENT read in his place and presented to the Chair Senate Bill No. 708, entitled:

An Act relating to and regulating the manufacture, keeping and storing of explosives; requiring permits for magazines and prescribing permit fees; and providing permit fees; and providing penalties.

Which was committed to the Committee on Labor and Industry.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 355 (House Bill No. 561), entitled:

An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the filing of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto providing for future condemnations and appropriations of waters by allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board

Whereas An adequate supply of water is a matter of primary concern affecting the life health and comfort of the people of this Commonwealth and the supervision and equitable allocation thereof is an essential part of the police power of the Commonwealth which no Legislature could rightfully impair or barter away and

Whereas All of the flowing water of the Commonwealth by right belongs to the Commonwealth in trust for the benefit of all the people thereof and all uses of such flowing water must be regarded as subject to this sovereign right and

Whereas The increase of the population of the Commonwealth makes it necessary that the available supply of water be apportioned equitably and allocated for the best interests of all concerned

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all of the flowing water other than private springs or private water supplies of this Commonwealth now unappropriated by any municipality corporation copartnership or person is hereby declared to be appropriated to the Commonwealth for the benefit of all of the people of this Commonwealth subject only to such existing rights and uses as may now be lawful and no municipality corporation copartnership or person whether heretofore or hereafter created or which may now possess the right to take condemn and appropriate by eminent domain the waters of this Commonwealth shall hereafter take condemn or appropriate any water except as provided in this act

Section 2 Any condemnation or appropriation of waters heretofore made by any municipality corporation copartnership or person heretofore authorized to condemn water which appropriation has not been followed by an actual taking of the larger part of the low water flow thereof heretofore or within a period of two (2) years after the effective date of this act is hereby declared null and void and of no effect except as to that part thereof actually taken Where Condemnation proceedings are pending in any of the courts of this Commonwealth at the date when this act becomes effective the actual taking of the larger part of the low water flow of the water shall be within one year following the final determination of such proceeding otherwise the condemnation shall be null and void and of no effect except as to that part thereof actually taken

Section 3 No condemnation or appropriation of water heretofore made under the power of eminent domain claimed by any municipality corporation copartnership or person authorized to condemn and appropriate water shall be valid or binding unless within twelve (12) months or such further time as the board may grant after the date of approval of this act said municipality or corporation shall produce the record upon which such appropriation or condemnation is founded or prove to the satisfaction of the Water and Power Resources Board that such condemnation was lawfully made in accordance with law at the time said condemnation and appropriation was made and shall thereafter file a transcript or certificate of the. resolution or record upon which said condemnation or appropriation is claimed duly acknowledged by the secretary and president of the municipality corporation copartnership or person in the office of the Water and Power Resources Board In cases where water has been acquired otherwise than by condemnation the municipality corporation copartnership or person shall file with the board a statement setting forth the manner in which the water has been acquired or on what its claim therefor is based Any party aggrieved by a decision of the Water and Power Resources Board may within sixty (60) days appeal therefrom to the Court of Common Pleas of Dauphin County and the taking of such appeal shall operate as a supersedeas

Section 4 Hereafter no condemnation or appropriation of streams or the waters thereof for public water supply shall be made by any municipality or corporation possessing the power of eminent domain except as follows

Any such municipalities or corporations desiring to condemn or appropriate new or additional water for public supply purposes for present and future needs shall first make application to the Water and Power Resources Board for leave to acquire designated waters appropriated to the Commonwealth by this act setting forth

1 The present source or sources from which water is now taken listing the streams and the quantity of water appropriated therefrom designating as near as may be the point or points from which water is taken or used and the amounts of water stored

2 The necessity for such new or additional source of supply and the river stream or other body of water from which it is proposed to be taken

3 The location and the population needing the supply

4 The amount of water which it is proposed to take

5 The plans for development of the water resources of the streams to maintain the stream flow and to utilize flood runoff including the capacities of any proposed impounding reservoirs

6 The names and addresses of the lower riparian owners who may be affected by the proposed developments

7 Such other provisions as the Water and Power Resources Board shall deem necessary

Section 5 The Water and Power Resources Board shall upon such application make such investigation as may be necessary and grant such hearing as may be required

The Water and Power Resources Board is hereby given authority upon such application to grant leave to acquire such part of the waters appropriated to the Commonwealth by this act to any such municipality or corporation as said application and the investigation thereon may show to be reasonably necessary to the purpose of the application

Section 6 All permits to acquire such waters of this Commonwealth appropriated by this act hereafter granted by the Water and Power Resources Board under this or any other law of this Commonwealth for public water supply purposes shall be for such term or terms and shall embody such conditions and stipulations as the board may deem necessary and proper to protect the present and future interests of the Commonwealth and its people in the use and distribution of its water resources

The board shall have the further power to revoke any such permit in case the source of water supply applied for is not developed in the manner set forth in the application or required by the permit of the board or if the work is not begun or completed within the time fixed by the board

Section 7 The Water and Power Resources Board shall further have the power to impose by the permit a reasonable charge for the water so permitted to be condemned or acquired pursuant to a grant or allocation of water for public water supply purposes made after the effective date of this act at a rate not exceeding one dollar ($1.00) per million gallons and provide for the collection of the same and to impose such terms and conditions as may be reasonably necessary bearing in mind the character and navigability of the stream and the need of water for other purposes All moneys collected from such charges shall be paid into the State Forests and Waters Fund by and through the Department of Revenue

Section 8 The provisions of this act are severable and if any of the provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 9 This Act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Cavalcante,	Howell,	McCreesh,	Rupp,
Dando,	Huffman,	McGinnis,	Ruth,
Deitrick,	Jacobs,	Mundy,	Shapiro,
Dent,	Jaspan,	Pytko,	Sipe,
DiSilvestro,	Kahle,	Rankin,	Sones,
Eroe,	Kilgallen,	Reed,	Stiefel,
Frey,	Kunkel,	Rice,	Thompson,
Gilson,	Lanius,	Roberts,	Wolfenden,
Haluska,	Law,	Rodgers,	Woodward,
Henney,	Mallery,		

NAYS—1

Buckman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 467 (House Bill No. 916), entitled:

An Act to amend section one of the act, approved the seventeenth day of July, one thousand nine hundred nineteen (P. L. 1025), entitled "A supplement to an act, approved the second day of May, one thousand eight hundred and nintey-nine (P. L. 184), entitled "An Act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax," by providing for the annual appointment by the Auditor General, of mercantile appraisers in cities of the first class.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Buckman,	Henney,	Lanius,	Roberts,
Cavalcante,	Heyburn,	Law,	Rodgers,
Dando,	Homsher,	Mallery,	Rupp,
Deitrick,	Howell,	McCreesh,	Ruth,
Dent,	Huffman,	McGinnis,	Salus,
DiSilvestro,	Jacobs,	Mundy,	Shapiro,
Eroe,	Jaspan,	Pytko,	Sipe,
Frey,	Kahle,	Rankin,	Sones,
Gilson,	Kilgallen,	Reed,	Stiefel,
Haluska,	Kunkel,	Rice,	Wolfenden,

NAYS—1

Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 468 (House Bill No. 1040), entitled:

An Act to re-enact and amend the titl eand the act, approved the fourteenth day of June one thousand nine hundred thirty-five (Pamphlet Laws three hundred forty-one) entitled "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties" by extending the provisions of the act for a further period of time and by making further provision for penalties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Buckman,	Henney,	Law,	Rodgers,
Cavalcante,	Heyburn,	Mallery,	Rupp,
Dando,	Homsher,	McCreesh,	Ruth,
Deitrick,	Huffman,	McGinnis,	Salus,
Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Rankin,	Sones,
Frey,	Kilgallen,	Reed,	Stiefel,
Gilson,	Kunkel,	Rice,	Wolfenden,
Haluska,	Lanius,	Roberts,	Woodward,

NAYS—1

Howell,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendements.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 471 (House Bill No. 1045), entitled:

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine

hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by imposing an additional tax on liquid fuels for a limited period of time and making further provisions for the determination and payment of the tax

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Cavalcante,	Heyburn,	McCreesh,	Rupp,
Dando,	Huffman,	McGinnis,	Ruth,
Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Rankin,	Sones,
Frey,	Kilgallen,	Reed,	Stiefel,
Gilson,	Kunkel,	Rice,	Thompson,
Haluska,	Lanius,	Roberts,	Wolfenden,
Henney,	Law,	Rodgers,	

NAYS—7

Buckman,	Homsher,	Mallery,	Woodward,
Deitrick,	Howell,	Salus,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendements.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 490 (House Bill No. 257), entitled:

An Act to amend clause (b) of section four, Article two of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth' as amended, changing the order in which officers of such cities shall act as mayor in case of a vacancy or disability of the mayor to act.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Cavalcante,	Heyburn,	McCreesh,	Rodgers,
Dando,	Huffman,	McGinnis,	Rupp,
Dent,	Jacobs,	Mundy,	Ruth,
DiSilvestro,	Jaspan,	Pytko,	Shapiro,
Eroe,	Kahle,	Rankin,	Sipe,
Frey,	Kilgallen,	Reed,	Sones,
Gilson,	Kunkel,	Rice,	Stiefel,
Haluska,	Lanius,	Roberts,	Thompson,
Henney,	Law,		

NAYS—8

Buckman,	Homsher,	Mallery,	Wolfenden,
Deitrick,	Howell,	Salus,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 527 (House Bill No. 1041), entitled:

An Act to re-enact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (Pamphlet Laws two hundred eight) entitled "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county boards and departments making an appropriation and providing penalties" as amended by extending the provisions of the act for a further period of time reducing the rate of tax defining net income making further provision for filing reports on a fiscal year basis and for the filing of consolidated reports providing for the settlement and resettlement of taxes and review and appeal therefrom imposing duties and conferring powers on the Auditor General and making further provisions for the retention of records by corporations and for interest penalties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Cavalcante,	Howell,	McCreesh,	Ruth,
Dando,	Huffman,	McGinnis,	Salus,
Deitrick,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Rankin,	Sones,
Frey,	Kilgallen,	Reed,	Stiefel,
Gilson,	Kunkel,	Rice,	Thompson,
Haluska,	Lanius,	Roberts,	Wolfenden,
Henney,	Law,	Rodgers,	Woodward,
Heyburn,	Mallery,	Rupp,	

NAYS—2

Buckman,	Homsher,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 528 (House Bill No. 1046), entitled:

An Act to re-enact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six Pamphlet Laws thirteen) entitled "An act im-

posing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" by extending the provisions thereof for a further period of time and providing a method of ascertaining the amount of the tax for payment over to the Department of Revenue

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Buckman,	Homsher,	Mallery,	Rupp,
Cavalcante,	Howell,	McCreesh,	Ruth,
Dando,	Huffman,	McGinnis,	Salus,
DiSilvestro,	Jacobs,	Mundy,	Shapiro,
Eroe,	Jaspan,	Pytko,	Sipe,
Frey,	Kahle,	Rankin,	Sones,
Gilson,	Kilgallen,	Reed,	Stiefel,
Haluska,	Kunkel,	Rice,	Thompson,
Henney,	Lanius,	Roberts,	Wolfenden,
Heyburn,	Law,	Rodgers,	Woodward,

NAYS—1

Deitrick,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 579 (House Bill No. 1161), entitled:

An Act to amend section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims aginst the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the acounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations form the Commonwealth and imposing penalities affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisons every person association and corporation required to pay assess or collect tayes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Comonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision for the appointment of mercantile appraisers.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Cavalcante,	Howell,	Mallery,	Rodgers,
Dando,	Huffman,	McCreesh,	Rupp,
Deitrick,	Jacobs,	McGinnis,	Ruth,
DiSilvestro,	Jaspan,	Mundy,	Shapiro,
Eroe,	Kahle,	Pytko,	Sipe,
Frey,	Kilgallen,	Rankin,	Sones,
Gilson,	Kunkel,	Reed,	Stiefel,
Haluska,	Lanius,	Rice,	Thompson,
Henney,	Law,	Roberts,	Wolfenden,
Heyburn,			

NAYS—4

Buckman,	Homsher,	Salus,	Woodward.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 586, entitled:

An Act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Cavalcante,	Huffman,	McCreesh,	Rupp,
Dando,	Jacobs,	McGinnis,	Ruth,
DiSilvestro,	Jaspan,	Mundy,	Shapiro,
Eroe,	Kahle,	Pytko,	Sipe,
Frey,	Kilgallen,	Rankin,	Sones,
Gilson,	Kunkel,	Reed,	Stiefel,
Haluska,	Lanius,	Rice,	Thompson,
Henney,	Law,	Roberts,	Wolfenden,
Heyburn,	Mallery,	Rodgers,	Woodward,

NAYS—5

Buckman,	Homsher,	Howell,	Salus,
Deitrick,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 587, entitled:

An Act to further amend section five and to partly repeal sections one two three and four of the act approved the twenty-third day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand one hundred twenty-three) entitled "An act establishing in each county a board of viewers prescribing their duties providing for their appointment as viewers road juries juries of view and commissioners to view land and providing for the charges upon respective counties in the matter of salaries costs and expenses thereof" by providing for the appointment of boards of view from the board of revision of taxes

and abolishing the board of viewers in counties of the first class.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Cavalcante,	Huffman,	McCreesh,	Rupp,
Dando,	Jacobs,	McGinnis,	Ruth,
DiSilvestro,	Jaspan,	Mundy,	Shapiro,
Eroe,	Kahle,	Pytko,	Sipe,
Frey,	Kilgallen,	Rankin,	Sones,
Gilson,	Kunkel,	Reed,	Stiefel,
Haluska,	Lanius,	Rice,	Thompson,
Henney,	Law,	Roberts,	Wolfenden,
Heyburn,	Mallery,	Rodgers,	Woodward,

NAYS—5

Buckman,	Homsher,	Howell,	Salus,
Deitrick,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 588, entitled:

An Act to amend the act, approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Cavalcante,	Huffman,	McCreesh,	Rupp,
Dando,	Jacobs,	McGinnis,	Ruth,
DiSilvestro,	Jaspan,	Mundy,	Shapiro,
Eroe,	Kahle,	Pytko,	Sipe,
Frey,	Kilgallen,	Rankin,	Sones,
Gilson,	Kunkel,	Reed,	Stiefel,
Haluska,	Lanius,	Rice,	Thompson,
Henney,	Law,	Roberts,	Woodward,
Heyburn,	Mallery,	Rodgers,	

NAYS—5

Buckman,	Homsher,	Salus,	Wolfenden,
Deitrick,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 589, entitled.

An Act fixing the number qualifications manner of appointment organization and salaries of members of the board of revision of taxes in counties of the first class providing for the appointment and compensation of a chief deputy appraiser assistant appraisers and other employes of the board abolishing the present assessors and repealing general local and special laws.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Cavalcante,	Huffman,	McCreesh,	Ruth,
Dando,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle,	Pytko,	Sones.
Frey,	Kilgallen,	Rankin,	Stiefel,
Gilson,	Kunkel,	Reed,	Thompson,
Haluska,	Lanius,	Rice,	Wolfenden,
Henney,	Law,	Roberts,	Woodward,
Heyburn.	Mallery,	Rodgers,	

NAYS—4

Buckman,	Deitrick,	Homsher,	Salus,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 590, entitled:

An Act relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of revision of taxes and its agents and employes and repealing general local and special laws.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Cavalcante,	Howell,	Mallery,	Rodgers,
Dando,	Huffman,	McCreesh,	Ruth,
Deitrick,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gilson,	Kunkel,	Reed,	Thompson,
Haluska,	Lanius,	Rice,	Wolfenden,
Henney,	Law,	Roberts,	Woodward,
Heyburn.			

NAYS—3

Buckman,	Homsher,	Salus,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 593 (House Bill No. 1203), entitled:

An Act relating to counties of the first class and the duties of the recorders of deeds thereof in connection with the collection of certain fees and taxes payable to the Commonwealth and making provision for the disposition of the compensation therefor heretofore received by such recorders of deeds

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Buckman,	Homsher,	Mallery,	Rupp,
Cavalcante,	Howell,	McCreesh,	Ruth,
Dando,	Huffman,	McGinnis,	Salus,
Deitrick,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Rankin,	Sones,
Frey,	Kilgallen,	Reed,	Stiefel,
Gilson,	Kunkel,	Rice,	Thompson,
Haluska,	Lanius,	Roberts,	Wolfenden,
Henney,	Law,	Rodgers,	Woodward,
Heyburn,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 599 (House Bill No. 1204), entitled:

An Act relating to counties of the first class and the duties of the treasurers thereof in connection with the collection of certain taxes fees license taxes and license fees payable to the Commonwealth and making provision for the disposition of the compensation therefor heretofore received by such treasurers.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Buckman,	Homsher,	Mallery,	Rupp,
Cavalcante,	Howell,	McCreesh,	Ruth,
Dando,	Huffman,	McGinnis,	Salus,
Deitrick,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Rankin,	Sones,
Frey,	Kilgallen,	Reed,	Stiefel,
Gilson,	Kunkel,	Rice,	Thompson,
Haluska,	Lanius,	Roberts,	Wolfenden,
Henney,	Law,	Rodgers,	Woodward,
Heyburn,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 614 (House Bill No. 964), entitled:

An Act to amend section five A of Article nineteen of the act, approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended by changing the number and method of appointment of the civil service commissioners in said cities.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, this is the Mayor of Philadelphia's Civil Service Bill. We all know, I believe, that the Mayor has ben quarreling with the Philadelphia Civil Service Board, and has not been able to have his way with the Civil Service Board; and this bill is to correct that nuisance.

Now, we may always be suspicious of any bill that goes into mourning, as this one does. There are underscore marks, parentheses, and I see here "HC" and "SC". I take "HC" to mean "High Command," and "SC" is either "Senate Complex" or "Supreme Command."

Now, the Democratic Party is out for economy. Why do they change the "three' to "five?" We have had three Civil Service Commissioners perform their functions satisfactorily, and without being overworked; why change their number to five? That is an experiment.

Now, it is always embarrassing as to how to build up a board. I had the honor to be a member of the City Charter Commission, and we sat up over that matter for three or four days, and finally put the matter up to City Council. But that is not always practicable; City Council are, after all, human.

Now, I have introduced a little Civil Service Bill in which the Commission would consist of three members, and I shall therefore be obliged to vote against this embarrassing bill.

Another queer thing about this is, among the many changes in this bill it has come down to two commissioners to be appointed by the Mayor, two by the City Controller, and they appoint the fifth member—sometime. The Governor was to appoint the fifth, but now these four men are to appoint the fifth; no one knows whether he is to be a Republican or Democrat.

I hope my remarks have made a deep impression upon the Senate; and I recognize the fact that, as the Senator from Philadelphia, Mr. McCressh, so wisely said,—my vote don't count anyway.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Cavalcante,	Huffman,	McCreesh,	Rodgers,
Dando,	Jacobs,	McGinnis,	Rupp,
DiSilvestro,	Jaspan,	Mundy,	Ruth,
Eroe,	Kahle,	Pytko,	Shapiro,
Frey,	Kilgallen,	Rankin,	Sipe,
Gilson,	Kunkel,	Reed,	Sones,
Haluska,	Lanius,	Rice,	Stiefel,
Henney,	Law,	Roberts,	Thompson,
Howell,	Mallery,		

NAYS—7

Buckman,	Heyburn,	Salus,	Woodward,
Deitrick,	Homsher,	Wolfenden,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill 13, as follows:

An Act to amend section five and to repeal section fifteen of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-six (Pamphlet Laws thirty-seven) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers Assistance funds of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts" by changing the qualifications for assistance and by removing the liability of beneficiaries and their estates for repayment of assistance received

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-six (Pamphlet Laws thirty-seven) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers Assistance fund of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts" is hereby amended to read as follows

Section 5 Qualifications for Assistance—Assistance may be granted under this act only to an applicant who (a) has attained the age of seventy years or upwards or who after December thirty-first one thousand nine hundred and thirty-nine attains the age of sixty-five years or upwards

(b) Is a citizen of the United States

(c) Resides in this Commonwealth and (1) has so resided therein for five years during the nine years immediately preceding the date of making application for assistance (2) has so resided continuously for one year immediately preceding the date of making application for assistance and (3) has a legal settlement in this Commonwealth Absence in the service of the Commonwealth or of the United States shall not be deemed to interrupt residence in the Commonwealth if a domicile has not been acquired outside the Commonwealth

(d) Is not at the date of making application an inmate of a public reform or correctional institution or public mental hospital

(e) Has not within two years preceding the date of application for assistance been a professional tramp or beggar

(f) Is indigent [and has no relative responsible under the law of this Commonwealth and financially able to support him or her]

(g) Shall not have voluntarily relinquished or given up any gainful employment without just cause within six months preceding the date of making application for assistance

(h) Shall not have conveyed or transferred his or her real or personal property of the value of five hundred dollars ($500.00) or upwards without fair consideration within two years preceding the date of making application for assistance

Section 2 Section fifteen of said act is hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 219, as follows:

An Act to amend section two hundred and seventy-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the appointment and compensation of (a) detective to the district attorney in counties of the fifth class

Section 1 Be it enacted by the Senate and the House of Representatives of the Comonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and seventy-eight of the act aproved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by section one of the act approved the ninth day of June one thousand nine hundred and thirty-one (P. L. 401) is hereby further amended to read as follows

Section 278 In Counties of the Fifth Class In counties of the fifth class the district attorney with the approval of the court of quarter sessions may [whenever deemed necessary] appoint [special detectives] a detective whose duties it shall be to assist in obtaining such evidence as shall be directed by the district attorney for the Commonwealth in all criminal cases and perform such other duties as the [court] district attorney may direct the detective shall receive such monthly or annual salary payable by the county as the salary board of the county may fix Such [special detectives] detective shall be a general police [officers] officer and shall have all the powers that are now conferred on constables by the existing laws so for as they relate to crimes or criminal procedure

[The court of quarter sessions shall fix the compensation of the special detectives and shall direct the clerk of said court to certify the same to the county commissioners who shall draw their warrants on the treasurer in favor of said detectives for the amount so certified]

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 99, as follows:

An Act to amend sections thirty-two and thirty-eight of the act approved the nineteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred forty-three) entitled as amended "An act relating to the sale of goods and choses in action" by providing for the negotiation of documents of title

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections thirty-two and thirty-eight of the act approved the nineteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred forty-three) entitled as amended by the act approved the twenty-ninth day of April one thousand nine hundred and twenty-five (Pamphlet Laws three hundred ten) "An act relating to the sale of goods and choses in action" are hereby amended to read as follows

Secion 32 A negotiable document of title may be negotiated

(a) By the owner thereof or

(b) By any person [to whom the] in possession [or custody of the documents has been entrusted by the owner] of the same however such possession may have been acquired if by the terms of the document the bailee issuing [the document] it undertakes to deliver the goods to the order of [the] such person [to whom the possession or custody of the document has been entrusted] or if at the time of [such entrusting] negotiation the document is in such form that it may be negotiated by delivery

Section 38 The validity of the negotiation of a negotiable document of title is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation or by the fact that the owner of the document was [induced] deprived of the possession of the same by loss theft accident conversion fraud mistake or duress [to entrust the possession or custody thereof to such person] if the person to whom the document was negotiated or person to whom the document was subsequently negotiated paid value therefor in good faith without notice of the breach of duty or loss theft accident conversion fraud mistake or duress

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 337, as follows:

An Act relating to memorial halls in counties of the second class erected in honor of the veterans of the wars of the United States and providing for the use upkeep and management and control of such halls

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That when heretofore there has been erected in any county of the second class a hall as a memorial to the soldiers of any war or wars in which the United States of America was engaged and such hall has been and is maintained by said county under authority of existing laws such hall shall hereafter be under the control and management of a board of managers The personal of such board the method of selection of the members thereof and the extent of its authority shall be as hereinafter provided

Section 2 The board of managers shall consist of

(a) Ex-officio members (five) the president judge of the court of common pleas of such county the judge of said court next oldest in commission the county commissioners of the county

(b) Elective members (twelve) the present elective members representing the Veterans of the Civil War shall be and continue as members of such board until removed by death resignation or otherwise The remaining members of the elective twelve shall be filled by the following organizations out of their membership (three) by the county organization of the United Spanish War Veterans (three) by the county organization of the American Legion (three) by the county organization of the Veterans of Foreign Wars within thirty days from the date when this act becomes effective and they shall certify such election to the secretary of the existing board whereupon the persons so elected shall be members of the board

Section 3 Vacancies occurring among the elective members of the board shall be filled by the organization which chose the members whose place it is desired to fill Provided however That whenever it may appear that it is impossible to fill any vacancy in the board caused by the death or resignation of a member thereof who represented the veterans of the Civil War because no organization survives to choose such members or no person survives who can qualify for such membership vacancies so created and existing shall upon notice from the secretary be filled by the county organizations of the United Spanish War Veterans and the American Legion and the Veterans of Foreign Wars That is to say the first vacancy so caused shall be filled by the county organization of the United Spanish War Veterans the second by the county organization of the American Legion and the third by the county organization of the Veterans of Foreign Wars and so on in rotation That is to say that when no member representing the Veterans of the Civil War shall remain on said board the elective personnel of the board shall be as follows Elective members (twelve) United Spanish War Veterans (four) the American Legion (four) Veterans of Foreign Wars (four)

Section 4 The organization of the board and its powers and duties and the powers and the duties of the county commissioners and the various courts of such county with respect to such memorial hall and the provisions for the maintenance and repair of such hall shall be and continue as provided under existing law

Section 5 Said memorial hall shall be in honor of the soldiers sailors and marines from such county who served in the Army and Navy of the United States in the War for the Suppression of the Rebellion the Spanish American War the Philippine Insurrection the War with Germany and Her Allies and all other wars insurrections and expeditions in which the Army and Navy of the United States may have been or may in the future be engaged It shall also contain one large assembly hall or auditorium for public meetings of the soldiers sailors and marines of such county but which may be used for other public meetings It shall also contain rooms for meetings of the posts of the Grand Army of the Republic encampments of the Union Veterans Legion commanderies of the Loyal Legion posts of United Spanish War Veterans posts of the American Legion posts of the Veterans of Foreign Wars and kindred patriotic organizations It shall also contain rooms and places for the proper display and preservation of relics and trophies of all such wars insurrections and expeditions flags histories rosters and records of all such patriotic organizations regimental and company histories photographs paintings and portraits busts and statues of soldiers sailors and marines of such county and mural tablets upon which may be inscribed the names of the soldiers sailors and marines of such county who served in any such wars insurrections and expeditions

Section 6 The provisions of this act so far as they

are the same as those of existing laws are intended as a continuation of such laws and not as new enactments

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. KUNKEL. Mr. President, by request, I ask unanimous consent that Senate Bill No. 384 (House Bill No. 476), on second reading, entitled:

An Act abating certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the non-payment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof.

Go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 396, (House Bill No. 733), entitled:

An Act to amend section one thousand seven hundred and five of and to add section one thousand seven hundred and ten to the act, approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" imposing certain additional powers and duties upon the Department of Agriculture.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 406, as follows:

An Act making an appropriation to the Local Government Commission to continue its work

Section 1 Be it enacted by the Senate and House of Representatives fo the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby specifically appropriated to the Local Government Commission created by the act approved the twenty-ninth day of May one thousand nine hundred thirty-five (Pamphlet Laws 244) entitled "An act creating a Local Government Commission to study and report on functions of local government their allocation and elimination the cost of local government and means of reducing it and the consolidation of local government and making an appropriation" for the two fiscal years beginning the first day of June one thousand nine hundred thirty-seven to continue the work of said commission and for the payment of the expenses of the members of said commission for the compensation and expenses of the secretary and other appointees of the commission for printing for postage supplies telephone telegraph and miscellaneous expenses and generally for the purpose of carrying into effect the provisions of said act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RICE. Mr. President, I move that Senate Bill No. 406, (House Bill No.), the bill just read, be recommitted to the Committee on Appropriations.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. THOMPSON. Mr. President, I ask unanimous consent that Senate Bill No. 407, on second reading, entitled:

An Act requiring counties (other than counties of the first and second classes) cities of the third class boroughs towns townships school districts and poor districts to issue serial bonds when incurring increasing or refunding indebtedness and imposing powers and duties on the Department of Internal Affairs.

Go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 409, as follows:

An Act to amend section one thousand and thirty-five as amended and section one thousand and sixty-two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" further regulating reports of auditors and controllers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand and thirty-five of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1290) is hereby further amended to read as follows

Section 1035 Auditors to Meet Yearly and Prepare

Financial Statement The auditors of the borough shall meet on the third Tuesday of [January] June of each year and shall audit adjust and settle the accounts of the tax collectors and all officers of the borough and of any person committee and commission receiving or expending municipal funds and shall prepare a statement thereof which shall contain an audit of the accounts of the last fiscal year and shall also show a complete statement of the financial condition of the borough giving in detail the actual indebtedness the amount of the funded debt the amount of the floating debt thereof the valuation of taxable property therein the assets of the borough with the character and value thereof and the date of maturity of the respective forms of funded debt thereof Such statement shall be published by council as ordinances are published or by publication of a summary of such statement one time in one newspaper of general circulation which shall be in lieu of all other statements relating to indebtedness required to be published by existing law The amount of any balance or shortage or of any expenditure of a kind or made in a manner prohibited or not authorized by statute which causes a financial loss to the borough shall be a surcharge against any officer against whom such balance or shortage shall appear or who by vote act or neglect has permitted or approved such expenditure

Section 2 Section one thousand and sixty-two of said act is hereby amended to read as follows

Section 1062 Controller's Reports The borough controller shall as often as he may deem expedient or the council shall direct suggest plans to the council for the management and improvement of the borough finances and he shall make a report verified by oath or affirmation to the council at the first stated meeting in [January] June in each year of the public accounts of the borough and of the trusts in its care exhibiting all the expenditures thereof respectively the sources from which the revenue and funds are derived and the manner in which the same have been disbursed Each account shall be accompanied by a detailed statement of the several appropriations made by councils the amount drawn on each appropriation and the balance standing to the debit or credit of such appropriation The report shall be published at the expense of the borough once a week for two weeks in a newspaper circulating generally in the borough

Section 3 This act shall become effective on the first day of March one thousand nine hundred and thirty-eight

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 422, as follows:

An Act to amend section three hundred and seventy-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties to omit the imposition of taxes on occupations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred and seventy-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended to read as follows

Section 371 Tax Levies No tax shall be levied on personal property taxable for county purposes where the rate of taxation thereon is fixed by law other than at the rate so fixed The county commissioners shall fix by resolution the rate of taxation for each year No tax for general county purposes in any county shall in one year exceed the rate of ten mills on every dollar of the adjusted valuation In fixing the rate of taxation the county commissioners if the rate is fixed in mills shall also include in the resolution a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property

Nothing in this section shall be construed to repeal or in any wise affect any provision of this or any other act of Assembly authorizing special tax levies for any special purposes

The rate for any office or post of profit profession trade or occupation or on any single freeman who follows no occupation shall be lowered in due proportion as the tax on property shall be lower than the rate herein authorized Provided That the county commissioners of any county may for any year or years omit the levy of any tak on offices posts or profit professions trades and occupations and on single freemen who folow no occupation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 489 (House Bill No. 177), entitled:

An Act to amend section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred eighty-two) entitled as amended "An act relating to domestic animals and providing for their appraisement when condemned to prevent the spread of disease and regulating payments by the Commonwealth in such cases and the payment of salvage by butchers" as amended by changing the amount of compensation in certain cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate BBill No. 577 (House Bill No. 988), entitled:

An Act to amend section eight hundred seventy-four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" authorizing counties to rent and lease road machinery.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

APPOINTMENT BY THE CLERK

The PRESIDENT. The Chief Clerk announces the following appointment:

PAGE

Ellsworth Russell, of Philipsburg, Pennsylvania.

REPORT FROM COMMITTEE

Mr. RANKIN. Mr. President, I ask unanimous consent to make a report from Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RANKIN, from the Committee on Highways, reported as amended, Senate Bill No. 378, entitled:

An Act to amend section one and section three as amended of the act, approved the twenty-ninth day of April, one thousand nine hunderd and twenty-five, (P. L. 306), entitled "An act conferring on the Department of Highways power to enter upon private property, and open and maintain drainage channels along doads or highways constructed at the expense of the Department of Highways or under its supervision; and providing penalty for interference with such drains or ditches; and providing for the payment of damage, "by requiring that the consent of the county within which such roads or highways are located, shall be obtained before the entering upon of the said lands or enclosures; and that any damages sustained by the owner or owners of land entered upon by the Department of Highways without the consent of the county or counties within which said property is located shall be paid out of the Motor License Fund.

BILLS INTRODUCED

Mr. KUNKEL. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KUNKEL, read in place and presented to the Chair Senate Bill No. 709, entitled:

An Act relating to the powers and duties of trustees liquidating certain assets of banking institutions which have been reorganized; and prescribing the powers and duties of courts of common pleas in relation to such liquidations.

Which was committed to the Committee on Banking.

Mr. McGREESH. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH, read in place and presented to the Chair Senate Bill No. 710, entitled:

A Joint Resolution proposing an amendment to Article nine, Section eight, of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

GRANTING USE OF SENATE CHAMBER FOR PUBLIC HEARING

Mr. RANKIN offered the following resolution, which was twice read, considered and agreed to:

March 24, 1937.

Resolved, that the Committee on Finance of the Senate of Pennsylvania be given the use of the Senate Chamber for a Public Hearing, on House Bill 228, Senate Bill No. , to be held on Tuesday evening, April 6th, at 8:00 o'clock.

REPORT FROM COMMITTEE

Mr. FREY, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations made by His Excellency the Governor of the Commonwealth:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 16, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

SUSQUEHANNA COUNTY

E. J. Tierney, Susquehanna, March 22, 1937.

NORTHAMPTON COUNTY

Claude T. Haupt, Easton, March 25, 1937.

PHILADELPHIA COUNTY

Miss Mollie Silver, 1303 Land Title Bldg., Philadelphia, March 25, 1937

LYCOMING COUNTY

F. O. Mitstifer, Loyalsock Twp., Williamsport, March 27, 1937.

FAYETTE COUNTY

W. T. Dunlop, Jefferson Twp., Newell, April 2, 1937.

NORTHAMPTON COUNTY

Ernest Turtzo, Bangor, April 2, 1937.

ALLEGHENY COUNTY

Albert J. Halter, 4779 Liberty Ave., Pittsburgh, April 4, 1937.

William George Over, 7631 Hamilton Ave., Pittsburgh, April 11, 1937.

Mrs. Elsie T. Paige, 1846 Runnette St., Pittsburgh, April 11, 1937.

WAYNE COUNTY

William B. Beach, Canaan Twp., Waymart, April 11, 1937.

WYOMING COUNTY

John E. Coyne, Falls Twp., Hoban Heights, April 11, 1937.

BEDFORD COUNTY

Miss Elizabeth Madore, Bedford, April 16, 1937.

BEAVER COUNTY

Miss Almira M. Parks, Beaver Falls, April 25, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 16, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Russell H. Foss for appointment as a Notary Public in the Borough of Ashley, Luzerne County, for the term of four years to compute from date of confirmation.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 16, 1937.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

H. W. Bowman, 435-6th Ave., Pittsburgh.
Miss G. Grace Cole, Clairton.
J. Stan. Jones, 604 American Bank Bldg., Pittsburgh.

BERKS COUNTY

Harold C. Cooney, Reading.
Miss Jane R. Popkin, Reading.
Ralph C. Schmucker, Reading.

BLAIR COUNTY

Miss Thelma St. John, Altoona.

BRADFORD COUNTY

Leonard L. Acla, Towanda.

CAMBRIA COUNTY

Leo J. Buettner, Johnstown.
John P. Polentes, South Fork.

DELAWARE COUNTY

Lawrence G. Kilpatrick, Haverford Twp., Upper Darby.

LUZERNE COUNTY

James M. Hagen, Wilkes-Barre.

LYCOMING COUNTY

H. Edgar Sones, Wiliamsport.

NORTHAMPTON COUNTY

George W. App, Wilson.

NORTHUMBERLAND COUNTY

James J. Smith, Sunbury.

PHILADELPHIA COUNTY

Mrs. Eva M. Bahr, 15th and Chestnut Sts., Philadelphia.
Frank C. Forderer, 2729 N. Front St., Philadelphia.
Miss Helen MacDonald, 422 S. 52d St., Philadelphia.
Miss Lida M. Marren, 918 Chestnut St., Philadelphia.
J. P. Moore, 4717 N. Broad St., Philadelphia.

VENANGO COUNTY

W. E. Crow, Oil City.
T. H. Welch, Oil City.

GEORGE H. EARLE

Commonwealth of Pennsylvania.
Governors Office, Harrisburg, March 17, 1937

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity wtih law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for terms of four years to compute from the dates set opposite their names.

ALLEGHENY COUNTY

D. K. Ferree, 1000 Jones Law Bldg., Pittsburgh, March 25, 1937.

PHILADELPHIA COUNTY

Anthony J. Zeits, 4309 Lancaster Ave., Phila., March 25, 1937

POTTER COUNTY

B. L. Langworthy, Shingle House, March 25, 1937.

BERKS COUNTY

Paul J. D. Heimmelreich, Reading, March 22, 1937.

LYCOMING COUNTY

Mrs. Gertrude F. Fisher, Williamsport, March 28, 1937.

POTTER COUNTY

Beryl E. Burrous, Genesee Twp., Genesee, March 28, 1937.

PHILADELPHIA COUNTY

B. H. Wachs, 616 N. American Bldg., Phila., April 1, 1937.

ALLEGHENY COUNTY

James H. Love, Turtle Creek, April 8, 1937.

TIOGA COUNTY

Floyd L. Bostwick, Lawrenceville, April 11, 1937.

MONTGOMERY COUNTY

Mrs. Sarah M. Keinard, Norristown, April 13, 1937.

LANCASTER COUNTY

Miss Beula G. Sweet, Lancaster, April 16, 1937.

PHILADELPHIA COUNTY

Miss Helen F. Weagle, 1529 Walnut St., Phila., April 17, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania.
Governors Office, Harrisburg, March 17, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity wtih law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Margaret A. Donley, P. G. Publishing Co., Pittsburgh.
Miss Irene M. Ford, City-County Bldg., Pittsburgh.
George W. West, McKeesport.

BEDFORD COUNTY

Espy L. Diehl, Everett.

LANCASTER COUNTY

Richard N. Lightner, Lancaster.

LUZERNE COUNTY

Bert R. Ardoline, Pittston.
Frank McGuigan Jr., Wilkes-Barre.

ERIE COUNTY

Claude H. Drake, Erie.

PHILADELPHIA COUNTY

Milton M. Borowsky, Phila. Saving Fund Bldg., Phila.
David M. Green, 4724 N. 10th St., Phila.
Mrs. Elizabeth L. Lenz, 3737 Main St., Phila.
Miss Margaret A. Maenner, 905 N. Broad St., Phila.
Maurice Rosenblum, 1802 S. 6th St., Phila.
Earle U. Weinberg, 1428 S. Penn Sq., Phila.
George A. Wilby, 214 N. 15th St., Phila.

SULLIVAN COUNTY

Mrs. Ellen L. Kehrer, Eagles Mere.

WESTMORELAND COUNTY

Clarence W. Beck, Youngwood.

GEORGE H. EARLE.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, March 22, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the date set opposite their names:

NORTHAMPTON COUNTY

Clayton R. Smith, Bangor, March 27, 1937.

ALLEGHENY COUNTY

R. G. Prokich, 511 Bakewell Bldg., Pittsburgh, March 28, 1937.

LUZERNE COUNTY

Miss Gertrude H. Lenahan, Wilkes-Barre, April 3, 1937.

ALLEGHENY COUNTY

John M. Kane, Jr., Pittsburgh, 5101 Penn Ave., April 7, 1937.

GREENE COUNTY

George R. Kramer, Greensboro, April 23, 1937.

MONTGOMERY COUNTY

Mrs. Sara F. Hanes, Ambler, March 22, 1937.

LUZERNE COUNTY

Miss Bessie A. Thomas, Wilkes-Barre, March 27, 1937.

CAMBRIA COUNTY

Donald E. Custer, Johnstown, March 29, 1937.

ALLEGHENY COUNTY

Karl S. Henning, 1809 Carson St., Pittsburgh, March 30, 1937.

LUZERNE COUNTY

Miss Regina M. Kemmey Pittston, March 30, 1937.

PHILADELPHIA COUNTY

Miss Ruth G. Hodges, 329 Walnut St., Philadelphia, April 1, 1937.

LAWRENCE COUNTY

Joseph R. McFate, New Castle, April 4, 1937.

ALLEGHENY COUNTY

Miss M. G. McLaughlin, 1701 Koppers Bldg., Pittsburgh, April 5, 1937.

PHILADELPHIA COUNTY

Joseph L McDermott, 16 W. Queen Lane, Philadelphia, April 15, 1937.

WESTMORELAND COUNTY

Glenn G. Martin, Jr., Jeannette, April 16, 1937.

McKEAN COUNTY

Miss Mary Hanlon, Port Allegany, April 18, 1937.

NORTHAMPTON COUNTY

Miss Carrie H. Walter, Easton, April 25, 1937.

GEORGE H. EARLE

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 22, 1937

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation.

ALLEGHENY COUNTY

H. G. Friedman, McKeesport.
Miss Nora E. Kelleher, 3340 Liberty Ave., Pittsburgh,
E. J. Schwartz, 5612 Penn Ave., Pittsburgh.
Mrs. E. Dell Stevenson, Keystone Bank Bldg., Pittsburgh
Miss Irene Zadersky, Westinghouse Bldg., Pittsburgh.

BEAVER COUNTY

J. Harvey Moore, Aliquippa.

FAYETTE COUNTY

Thomas A. Barnett, Uniontown.
Adam Sweda Jr., Connellsville.
Robert V. Wright, Uniontown.

FRANKLIN COUNTY

Miss C. Gladys Willhide, Chambersburg.

LAWRENCE COUNTY

Mrs. Alice Hurton, Ellwood City.

PHILADELPHIA COUNTY

Thomas F. Rafferty, 2338 W. Huntingdon St., Philadelphia.
Miss Anna M. Ward, 12 S. 12th St., Philadelphia.

WESTMORELAND COUNTY

H. D. Diffenderfer, Export.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 22, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

A. J. Hartman, Harmar Twp., P. O. Box 2038, Pgh.
E. A. Schramko, 35th and A. V. R. R., Pittsburgh.

INDIANA COUNTY

Samuel Law, Pine Twp., Heilwood.

MONTGOMERY COUNTY

Mrs. Abbie W. Whitman, Plymouth Twp., Plymouth Meeting.

PHILADELPHIA COUNTY

Miss Mary E. Cummings, 1600 Arch St., Phila.

WASHINGTON COUNTY

T. A. Riggle, Chartiers Twp., Meadow Lands.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 23, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

PHILADELPHIA COUNTY

Wm. J. Martin, 400 Chestnut St., Philadelphia, March 27, 1937.

CAMBRIA COUNTY

B. Chas. Held, Johnstown, March 28, 1937.

SULLIVAN COUNTY

Chas. E. Moran, Davidson Twp., Muncy Valley, April 1, 1937.

BEAVER COUNTY

William J. Trees, Beaver Falls, April 2, 1937.

SNYDER COUNTY

Jacob B. Bulick, Selinsgrove, April 5, 1937.

CAMBRIA COUNTY

Denver Wharton, Cresson, April 18, 1937.

DAUPHIN COUNTY

James W. Ladd, Harrisburg, April 18, 1937.

ALLEGHENY COUNTY

Ernest H. Loveday, Penn Twp., Universal, April 23, 1937.

NORTHAMPTON COUNTY

John R. Chidsey, Easton, April 27, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 23, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Harry Grove, Glassport.
Miss Louise Leachman, The Pittsburgh Press, Pittsburgh.
Miss Evelyn R. Leven, Plaza Bldg., Pittsburgh.
Robert F. Levin, Grant Bldg, Pittsburgh.
Mrs. Olive McGregor, Oakmont.
W. L. Morrow, Aspinwall.
Jos. R. Royston, Jr., Bellevue.
Edward M. Seibert, Jr., 1117 Wolfendale St., Pittsburgh.
Kenneth R. Whitaker, Dravosburg.

BUCKS COUNTY

Miss Mildred R. Moyer, Quakertown.

CLEARFIELD COUNTY

Miss Frances Fugler, DuBois.

DELAWARE COUNTY

George I. Boyd, Springfield Twp., Springfield.
Mrs. Blanche M. Gaskill, Ridley Twp., Folsom.

LUZERNE COUNTY

Samuel Gildenberg, Hazleton.

LYCOMING COUNTY

John C. Brachbill, Williamsport.

MONTGOMERY COUNTY

Robert T. Potts, Norristown.
Miss Mildred L. Yocom, Pottstown.

NORTHAMPTON COUNTY

Miss Marie S. O'Donnell, Easton.

PHILADELPHIA COUNTY

Miss Ethel F. Allen, Fidelity-Phila. Trust Bldg., Philadelphia.
Walter L. Dieroff, 2551 Kensington Ave., Philadelphia.
E. F. Gailey, 15 N. 32d St., Philadelphia.
Miss Lillian A. Hines, 309 N. 34th St., Philadelphia.
Fred C. Keill, Roosevelt Blvd. and Rising Sun Ave., Philadelphia.

SNYDER COUNTY

Fred M. Machmer, Selinsgrove.

VENANGO COUNTY

C. J. Eggbeer, Franklin.

WASHINGTON COUNTY

G. Glenn Piper, E. Bethlehem Twp., Frederichtown.

WESTMORELAND COUNTY

Olive M. Yerty, Vandergrift.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 24, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

BUTLER COUNTY

Theodore C. H. Keck, Butler, March 25, 1937.

MERCER COUNTY

Simon J. Stahl, Farrell, March 25, 1937.

LACKAWANNA COUNTY

S. Aug. Davis, Scranton, March 27, 1937.

CAMBRIA COUNTY

J. F. Horan, Barnesboro, March 28, 1937.

PHILADELPHIA COUNTY

Harry Pollock, Phila., 2001 S. 6th St., March 28, 1937.

CRAWFORD COUNTY

George F. Tulloch, Titusville, April 4, 1937.

PHILADELPHIA COUNTY

Leonard W. Belz, 1321 Arch St., April 5, 1937.
Miss Margaret A. McAteer, 1204 Land Title Bldg., Phila. April 8, 1937.

LACKAWANNA COUNTY

Miss Ethel P. Becker, Scranton, April 17, 1937.

WESTMORELAND COUNTY

Miss Ottilie Walthour, Greensburg, April 25, 1937.

PHILADELPHIA COUNTY

Miss A. E. Daly, 1511 Arch St., Phila., April 27, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 24, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Harry J. Saltzer, Duquesne.

BERKS COUNTY

Paul B Horning, Breknock Twp., Mohnton R D

BUTLER COUNTY

Paul H. Croll, Butler.
C. L. McQuistion, Butler.

CLARION COUNTY

Mrs. Martha L. Welch, Rimersburg.

CRAWFORD COUNTY

Delbert L. Nelson, Meadville.

GREENE COUNTY

C. P. LeVier, Waynesburg.

LACKAWANNA COUNTY

Miss Phoebe Davis, Old Forge.
Miss Elizabeth A. Timmons, Carbondale.

NORTHUMBERLAND COUNTY

Lawrence Walutkavich, Mount Carmel Twp., Mt. Carmel.

PHILADELPHIA COUNTY

Sol D'Agostino, 616 S. 9th St., Phila.
Edward H. Margolis, 1711 68th Ave., Phila.
Vincent S. Palumbo, 1518 Jackson St., Phila.
Miss Dorothy H. Wager, 119 S. 4th St., Phila.

WAYNE COUNTY

Mrs. Edith F. Warburton, Honesdale.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at today's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Buckman,	Heyburn,	Mallery,	Rupp,
Cavalcante,	Homsher,	McCreesh,	Ruth,
Dando,	Howell,	McGinnis,	Salus,
Deitrick,	Huffman,	Mundy,	Shapiro,
Dent,	Jacobs,	Pytko,	Sipe,
DiSilvestro,	Jaspan,	Rankin,	Sones,
Eroe,	Kahle,	Reed,	Stiefel,
Frey,	Kilgallen,	Rice,	Thompson,
Gilson,	Kunkel,	Roberts,	Wolfenden,
Haluska,	Lanius,	Rodgers,	Woodward,
Hennev.	Law,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

REPORT FROM COMMITTEE

Mr. REED. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED, from the Committee on State Government, reported as amended, Senate Bill No. 371, entitled:

An Act to amend section twenty-one of the act approved the twentieth day of June, one thousand nine hundred nineteen (P. L. 521), entitled, as amended: "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," by providing for the filing of bond with the Department of Revenue and by limiting the amount to be retained by registers of wills for their own use for collection of inheritance taxes as agents of the Commonwealth.

MOTION TO READ BILLS THE FIRST TIME

Mr. ROBERTS. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. RUPP. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 64, entitled:

An Act to establish a separate orphans' court in and for the County of Dauphin.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 65, entitled:

An Act to amend section one of the act, approved the seventh day of April, one thousand eight hundred seventy (P. L. 57), entitled "An act to enlarge the jurisdiction of the court of common pleas for the County of Dauphin in cases wherein the Commonwealth may be plaintiff, and to provide for the issuing of writs of foreign attachment in such cases," by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 184, entitled:

An Act making an appropriation to the Department of Military Affairs for the purchase of a certain tract of land in the name of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 266, entitled:

An Act creating in counties of the fourth, fifth, sixth, seventh and eighth classes a board for the assessment and revision of taxes, consisting of the county commissioners; defining the powers and duties of such board; regulating the assessment of persons, property, and occupations for county, city, borough, town, township, school, and poor purposes; authorizing the appointment of subordinate assessors, a solicitor, engineers, and clerks; providing for their compensation, payable by such counties; abolishing the office of city, ward, borough, and township assessors, so far as the making of assessments and valuations for taxation is concerned.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 288, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by changing the manner of creation of townships of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 371, entitled:

An Act to amend section twenty-one of the act, approved the twentieth day of June, one thousand nine hundred nineteen (P. L. 521), entitled, as amended: "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," by providing for the filing of bond with the Department of Revenue and by limiting the amount to be retained by registers of wills for their own use for collection of inheritance taxes as agents of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 377, entitled:

An Act to re-enact and further amend the act, approved the first day of June one thousand nine hundred and thirty-three (P. L. 1409), entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal, and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county;" extending said act to all counties of this Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bil No. 378, entitled:

An Act to amend section one and section three as amended of the act, approved the twenty-ninth day of April, one thousand nine hundred and twenty-five (P. L. 360) entitled "An act conferring on the Department of Highways power to enter upon private property, and open and maintain drainage channels along roads or highways constructed at the expense of the Department of Highways or under its supervision; and providing penalty for interference with such drains or ditches; and providing for the payment of damage," by requiring that the consent of the county within which such roads or highways are located, shall be obtained if possible before the entering upon of the said lands or enclosures; and that any damages sustained by the owner or owners of land entered upon by the Department of Highways without the consent of the county or counties within which said property is located shall be paid out of the Motor License Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 393, (House Bill No. 543), entitled:

An Act to amend section two hundred thirteen and section two thousand four hundred as amended of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" prescribing the qualifications of departmental deputies and providing for liability insurance covering the operation of Federal vehicles used by the National Guard.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 400 (House Bill No. 860), entitled:

An Act requiring county officers in counties of the first class to pay over to the county offices in counties of the

first class to pay over to the county treasurer for safekeeping certain unclaimed moneys and providing for the payment of such moneys out of the county treasury to claimants and for the escheat of unclaimed moneys

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 444, entitled:

An Act to amend section two hundred eight of the act, aproved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions. and officers; or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations;" providing for the designation of the Secretary of the Commonwealth as agent for the service of process on business corporations; and regulating the manner of service.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 469, (House Bill No. 1042), entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by continuing the tax upon that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which were formerly exempt and by further defining the method of computing the franchise tax of foreign corporations

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 470 (House Bill No. 1044), entitled:

An Act to further amend the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by increasing for a limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies limited partnerships associations joint-stock associations copartnerships and persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 472 (House Bill No. 1048), entitled:

An Act to further amend section one of the act, approved the fifteenth day of July one thousand eight hundred ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" by increasing the rate of tax for a limited period of time.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 476, entitled:

An Act authorizing boroughs and townships of the first and second class to enter into agreements with the Federal Works Progress Administration for sponsoring and carrying out projects for making and distributing free clothing to the poor and needy in such municipalities and validating agreements heretofore made.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 481, entitled:

An Act to amend a part of section three of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (P. L. 73), entitled "An act to provide for the incorporation and regulation of certain corporations," vesting discretion in the governor with respect to the approval of the charter of certain corporations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 487, entitled:

An Act authorizing acquisition of lands adjacent to Fort Necessity Park, by purchase, condemnation or otherwise, and appropriating funds for such acquisition.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 529 (House Bill No. 1047), entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred seven (Pamphlet Laws, six hundred forty), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the

incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand, eight hundred and ninety-five, commonly known as title insurance or trust companies" by increasing the rate of tax for a limited period of time and by imposing the tax on certain corporations heretofore exempt.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 522 (House Bill No. 793), entitled:

An Act to provide for the leasing of land within the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land is owned by the Commonwealth conferring powers and imposing duties upon the Water and Power Resources Board requiring lessees to establish an amortization fund for improvements placed or erected upon such land granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 573, entitled:

An Act to amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," as amended, extending the time during which application may be filed for veterans' compensation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 673, entitled:

An Act authorizing the Secretary of Highways to abandon portions of State Highway Routes within the limits of State parks or Federal Resettlement projects under certain conditions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 674, entitled:

An Act to amend the title and section one of the act approved the twelfth day of July, one thousand nine hundred thirty-five (P. L. 805), entitled "An act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes, and providing a method of procedure," by further providing for the acquisition and possession of occupied property and structures.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL SIGNED

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 735, entitled:

An Act to further amend section two of the act, approved the twenty-first day of April, one thousand nine hundred fifteen (P. L. 140), entitled "An act directing the county commissioners of the several counties to offer for sale to the Department of Forestry tracts of land which they may have purchased at county treasurers' sales, for acceptance or refusal for forestry purposes, and to convey to the Commonwealth of Pennsylvania the tacts so offered to be sold, if accepted by the department," by limiting the consideration to be paid for lands acquired.

Whereupon,

The PRESIDENT PRO TEMPORE, (Mr. Harvey Huffman) in the presence of the Senate signed the same.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Public Health will meet immediately after adjournment today, in Room 402.

The Committee on State Boards will meet during the first recess on Monday, March 29th, in Room 265.

The Committee on County Government will meet on Tuesday, March 30th, at 10:30 a. m. in Room 402.

The Committee on Game and Fisheries will meet on Tuesday, March 30th, at 11:00 a. m., in Room 200.

The Committee on Elections will meet on Tuesday, March 30th, at 11:30 a. m. in Room 400.

ADJOURNMENT

Mr. ROBERTS. Mr. President, I move that the Senate do now adjourn.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 1:50 p. m. until nine o'clock Monday evening, March 29, 1937.

HOUSE OF REPRESENTATIVES

WEDNESDAY, March 24, 1937.

The House met at 1:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain Rev. EPHRIAM Z. GALLAHER offered the following prayer:

This week brings us an intensity of religious fervor. God's people celebrate this week the great Passover liberating a race of people from bondage, and we rejoice in that liberation.

Thy people also celebrate on the same day, Holy Day, Good Friday, and Easter Day, the Resurrection of the Lord.

Our Heavenly Father, then may this intense religious fervor be felt throughout the length and breadth of the world, and that these two great days in the life of Christian bodies and the Hebrew people may realize to us and bring to us a freedom that might be extended the world

over, and under Thy banner may there be no serpent, and may there be a liberation from sin.

In His name we ask it. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when on motion of Mr. READINGER the further reading was dispensed with and the Journal approved.

COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk.

GOODRICH PLAN

A resolution from the merchants and businessmen of Clarion County opposing Goodrich Bill.

A resolution from Chestnut Ridge Grange No. 1133, Washington County, opposing Goodrich Bill.

Referred to the Committee on Welfare.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

House Bill No. 735.

An Act to further amend section two of the act approved the twenty-first day of April one thousand nine hundred fifteen (Pamphlet Laws one hundred forty) entitled "An act directing the county commissioners of the several counties to offer for sale to the Department of Forestry tracts of land which they may have purchased at county treasurers' sales for acceptance or refusal for forestry purposes and to convey to the Commonwealth of Pennsylvania the tracts so offered to be sold if accepted by the department" by limiting the consideration to be paid for lands acquired.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVE OF ABSENCE

Mr. Frank P. Hamilton asked and obtained leave of absence for Mr. SHUGARTS for today's session on account of illness.

REPORTS FROM COMMITTEES

Mr. ELPERN, from the Committee on Boroughs, reported as committed, House Bill No. 1562, entitled:

By Mr. HARMUTH. HOUSE BILL No. 1562.

An Act to amend section one of the act, approved the first day of June, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand four hundred six), entitled "An act authorizing the Attorney General, under certain conditions, to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment, and to compound certain judgments, by extending the act to all pending claims of the Department of Highways against boroughs for the construction, reconstruction or maintenance of State highways.

Mr. STANK, from the Committee on Public Utilities, reported as committed, House Bill No. 1659, entitled:

A Joint Resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth, with special reference to the adequate, efficient economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commission to make a report to its findings to the Governor, together with it recommendations as to such regulatory legislation as may be needful to correct a ny abuses and evils connected with such industry, which are prejudicial to the interests of the citizens of this Commonwealth, authorizing the commission to employ counsel and employes, and making an appropriation.

Mr. GERARD, from the Committee on Boroughs, reported as committed, House Bill No. 1273, entitled:

An Act to amend section eleven of the act, approved the sixth day of June, one thousand eight hundred and ninety-three (P. L. 335), entitled "An act to provide for the consolidation of boroughs, and the government and regulation thereof;" making further regulations for the election of justices of the peace in such consolidated boroughs.

Mr. CLIFF S. PATTERSON, from the Committee on State Government, reported as committed, House Bill No. 1572, entitled:

An Act to amend sections one, eight, eleven and thirteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1513), entitled "An act regulating the construction, equipment, maintenance, operation and inspection of boilers, granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act;" extending the provisions of said act to unfired pressure vessels.

Mr. STOCKHAM, from the Committee on Boroughs, reported as committed, House Bill No. 1007, entitled:

An Act to amend the act, approved the twenty-eight day of June, one thousand nine hundred and twenty-three (P. L. 903), entitled "A supplement to an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws three hundred and twelve), entitled 'An act providing a system for government of boroughs, and revising, amending, and consolidating the law relating to boroughs'; so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county, including assessment of property, levying and collection of taxes, making municipal improvements, and filing and collecting of liens for the same; the jurisdiction of courts for the enforcement of borough ordinances and State laws, and primary, general, municipal, and special elections; and repealing inconsistent laws," extending the provisions of this act to boroughs situated in different counties which now have or shall hereafter consolidate.

Mr. SPROUL, from the Committee on Insurance, reported as committed, House Bill No. 1764, entitled:

An Act authorizing the payment of benefits by certain beneficial societies in the event of sickness, accident, disability or death or in the event of any or all such contingencies; authorizing certain existing beneficial or protective societies heretofore incorporated to reincorporate for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death; regulating such societies and corporations and limiting the amount for which such societies and corporations may issue policies; providing for reserves of such societies and corporations; providing penalties and repealing existing laws.

Mr. REUBEN E. COHEN, from the Committee on Insurance, reported as committed, House Bill No. 1774, entitled:

An Act relating to statements made in negotiations for annuity or pure endowment contracts and policies or certificates of life, endowment, accident or health insurance.

Mr. LONGAKER, from the Committee on State Government, reported as amended, House Bill No. 1184, entitled:

An Act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire, by gift, approximately 7.223 acres of land in Tinicum Township, Delaware County, sometime known as "Printz Park," or as "Printz-Lindberg Park," to be known hereafter as "Governor Printz Park"; providing for the control, management, supervision, restoration, improvement and maintenance thereof; authorizing the Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof.

Mr. MELCHIORRE, from the Committee on Banking, reported as committed, House Bill No. 196, entitled:

An Act to amend sections one and two of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188) entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance and protesting of bills, notes, drafts, checks, and other negotiable paper on such days," as amended, declaring Flag Day, the fourteenth day of June, a legal holiday.

Mr. VALIBUS, from the Committee on State Government, reported as amended, House Bill No. 1201, (Senate Bill No. 366), entitled:

An Act to amend sections three, four and six of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act", by providing for additional projects; removing the date by which projects must be commenced; removing certain restrictions against the construction of projects; extending the life of such Authority; clarifying the powers of a receiver appointed pursuant to such act so as to prohibit such receiver from selling, assigning, mortgaging, or otherwise disposing of any of the assets belonging to the Authority; and clarifying certain provisions of said act.

Mr. OMINSKY, from the Committee on Public Utilities, re-reported as amended, House Bill No. 851, entitled:

An Act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations and persons; providing for the regulation of public utilities, including certain municipalities engaging in a public utility business, by prescribing, defining, and limiting their duties, powers and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges and franchises; defining and regulating contract carriers by motor vehicle and brokers, in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission, the power and duty of supervising and regulating persons and corporations, including certain municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission, to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed or kept by persons or corporations subject to this act; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways, to appropriate properly for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons and corporations, including municipal corporations subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission, and procedure for review by the courts of commission action; giving the Court of Common Pleas of Dauphin County exclusive jurisdiction over certain proceedings; prescribing penalties, fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by, or inconsistent with, this act.

Mr. JAMES A. SMITH, from the Committee on Railroads and Railways, re-reported as amended, House Bill No. 76, entitled:

An Act to promote the safety of employes and travelers upon railroads by compelling common carriers by railroad to man locomotives trains and other self propelled engines or machines with competent employes to provide the least number of men that may be employed on locomotive trains and other self propelled engines or machines to provide the qualifications of certain employes and to provide a penalty for the violation thereof.

STATEMENT BY MR. OMINSKY

REPORT ON FAIRMOUNT PARK COMMISSION INVESTIGATION

Mr. OMINSKY asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, some of the members of this House who were present at the last regular session of 1935 will recall that I presented a resolution to investigate the Fairmount Park Commission of the City of Philadelphia. In that resolution I charged among other things that, "the commission was czaristic in its attitude and that it considered itself a law unto itself." At that time I was severely criticized from certain quarters. However, the House voted that a committee should be appointed to investigate these charges and report its findings to this body. This report is now ready and is being presented.

I urge each and every member to read this report carefully and it will be found that startling information has been supplied.

You will ascertain that not only are those charges substantiated but that also charges of a greater magnitude are revealed.

It will be found that there were laxities and irregularities in the running of the commission: That the commission although operating in our present age retained a view-

point which may be dated back to the late nineteenth century when it came to the matter of developing recreational facilities for which purpose, after all, the park was or should have been created and developed.

When it came to the matter of the purchasing of land and its operation of those facilities, the commission was not only lax but functioned illegally. Reports of their own committees were disregarded.

They created secret payrolls, failed to let concessions of highest bidders, permitted the use of the park house and property rent free, failed to make annual reports and generally paid prices for land way out of line with its actual worth. The commission built an art museum which started with an appropriation of $200,000 and which later was increased to $3,500,000, but up to 1935 actual cost to the city has been $14,694,227 and it is only two-thirds completed. The facts indicate that the total cost will be around $20,000,000 before it is finally completed. Truly we may say that the art museum is the Teapot Dome of Philadelphia.

During all this time the park commission maintained that it had no money for the proper development of the facilities most essential and necessary for the enjoyment of the average citizen of Philadelphia. The report indicates that there were careless accounting methods, misappropriation of funds and other irregularities and therefore it is not my intention to now go into further detail. Suffice is to say that there we have a commission created to serve the public but in reality it is a government in itself, not even subject to review by the appointive body, which in this case is the Board of Judges of the Common Pleas Courts of Philadelphia.

Your committee therefore recommends for your consideration at this time, the following:

1. That an immediate change at this time be deferred so that the problem of park management may be considered in connection with the proposed consolidation of City and County governments of Philadelphia. In connection with this proposal your committee had hoped that in appointing successors to the present commissioners whose terms expire in June 1937, the Board of Judges would consider the facts brought out at the hearings before your committee and also the summary thereof embodied in this report and make a special effort to select interested, capable and well-qualified men. However, on March 5, 1937 while this report was in the hands of the printer and three months before action was necessary, the judges followed their usual routine and reappointed the commissioners for another five year period. This hasty action is unfortunate. It emphasizes the need of a change in the present system.

2. That the present statutes be repealed at this time and that the city charter act be so amended to set up an executive department of public parks and recreations.

3. That the laws creating and relating to the Fairmount Park Commission be repealed and that the parks be taken over by such agency as the legislature may create for that purpose.

It is also the intention of this committee to submit this report to the city solicitor and the district attorney of Philadelphia county with the hope that after a careful study by these officials of Philadelphia that some action may be taken by them with the view that possibly proper surcharges be made against the members of the commission or the estates of former members of the commission or possibly other legal steps may be necessary, if the prosecuting officer of Philadelphia county deems fit and proper at this time.

This report will also be forwarded to the joint legislative committee which is investigating Philadelphia city government at the present time, for their proper consideration and study.

This statement is concurred in by the other two members of the Committee, The Honorable Charles Melchiorre and Honorable Elmer Kilroy, who are present members of this body.

The SPEAKER. The report will be noted in the Journals of the House and printed in the Appendix to the Legislative Journal. Copies of this report are printed and are available for the members.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 859, entitled:

An Act to further amend section four of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" by changing the requirements of medical educational institutions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1674, entitled:

An Act directing the Department of Military Affairs to select procure award and provide for the furnishing of certain service medals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 8, entitled:

An Act to prevent fraud and deception in the shipping marketing and sale of anthracite coal providing standards for anthracite coal and providing penalties for the violation of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1637, entitled:

An Act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled "An act for the prevention and treatment of mental diseases mental de-

fect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" as amended by making further provision for the imposition of liability upon and the payment by individuals counties and poor districts of the cost of admission care and maintenance of mental patients and inebriates and by requiring the furnishing of bonds conditioned upon the payment of the cost of care and maintenance of mental patients and inebriates or in lieu thereof the furnishing of endorsements of the poor authorities of counties or poor districts in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1560, entitled:

An Act for the protection of the public health and the prevention of fraud and deception requiring clean sanitary establishments for the manufacture preparation or bottling of non-alcoholic drinks and liquid foods including clean sanitary ingredients and containers regulating the maintenance and operation of such establishments and the use of containers prescribing penalties and providing for injunctions in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1564, entitled:

An Act to amend section four hundred thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing that certain forms used by the county commissioners relative to the compilation of war records of deceased service men shall be prescribed but not furnished by the Department of Military Affairs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 111, entitled:

An Act to promote the safety and general welfare of miners in the bituminous coal industry by prohibiting the employment of miners in the bituminous coal mines unless certificated after examination by a miners examining board and the payment of certain fees providing for the appointment of such boards and defining their powers and duties and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 132, entitled:

An Act to prohibit the continuous operation of the underground workings of anthracite coal mines.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1087, entitled:

An Act providing for the exclusion from the court room and the segregation of certain witnesses in criminal cases imposing restrictions on such witnesses providing for their maintenance at the expense of the county and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1250, entitled:

An Act to prohibit the sale and offer for sale of the recognized artificial flowers of certain veteran's organizations except on the days appointed for such purpose.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1277, entitled:

An Act to amend section one of the act approved the eighth day of April one thousand eight hundred and sixty-seven (Pamphlet Laws fifty) entitled "An act to permit disabled soldiers to peddle by procuring a license therefor without charge" as amended prohibiting the peddling of recognized flowers of certain veteran's organizations and miniature American flags.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. MURRIN asked and obtained permission for the Committee on Motor Vehicles to meet during the session of the House.

Mr. DOWNEY. Mr. Speaker, I ask unanimous consent for the Committee on Mines and Mining to meet immediately in the Conference Room at the front of the House.

The SPEAKER. Will the House give its unanimous consent for the Committee on Mines and Mining to meet during the session of the House? Are there objections?

Mr. TURNER. Mr. Speaker, I would like to ask the Chairman of these committees why they did not hold meetings this morning.

The SPEAKER. Does the gentleman from Delaware desire to interrogate the gentleman from Schuylkill, Mr. Downey?

Mr. TURNER. I do, Mr. Speaker.

The SPEAKER. Will the gentleman from Schuylkill permit himself to be interrogated.

Mr. DOWNEY. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman why there was not a meeting of the Committee on Mines and Mining this morning.

Mr. DOWNEY. Mr. Speaker, in answer to the gentleman from Delaware, I have to say that I did not know they were going to call a meeting until I got to the House.

Mr. TURNER. Mr. Speaker, I think that alibi is a mighty poor one.

The SPEAKER. Are there objections? The Chair hears none, and consent is granted.

Mr. SPROUL. Mr. Speaker, I ask that the House be at ease until these Committees return.

The SPEAKER. The Chair feels that we can go ahead with the second reading calendar at this time.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 840, entitled:

An Act requiring employers making deductions from the wages or other compensation of their employes to give to such employes a statement showing the amount and purposes of such deductions

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any employer is authorized or required by law or otherwise to make deductions for any purpose from the wages or other compensation of his employes he shall with each periodic payment of wages or other compensation give to each employe from whose wages or other compensation any deduction is made a statement in writing showing the amount and purpose of each such deduction as well as a statement of the total amount deducted from the wages or other compensation covering the period for which such payment is made

On the question,

Will the House agree to the section?

Mr. HABBYSHAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 1, line 7, by inserting after the word "compensation" the following: "at the request of the employe"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

An Act requiring employers making deductions from the wages or other compensation of their employes to give to such employes a statement showing the amounts and purposes of such deductions.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1155, entitled:

An Act to amend paragraph one of the clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgements and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by further providing with respect to investments of trust funds by fiduciaries

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraph one of clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minor and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgements and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as last amended by the act ap-

proved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws five hundred forty-five) is hereby further amended to read as follows

Section 41 (a) 1 Legal Investments for Fiduciaries Subject to the conditions herein contained a fiduciary holding moneys to be invested may invest such moneys in

Subsection (1) United States Obligations Bonds or obligations either bearing interest or sold on a discount basis of the United States or the United States Treasury or those for the payment of the principal and interest on which the faith and credit of the United States is pledged including such bonds or obligations of the District of Columbia

Subsection (2) Pennsylvania Obligations Bonds or other interest-bearing obligations of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of the Commonwealth is pledged

Subsection (3) Local Government Obligations or other other interest-bearing obligations of any county city borough township school district poor district or housing authority of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of such political subdivision or housing authority is pledged Provided That at the date of the investment in such bonds or other interest bearing obligations such political subdivision or housing authority is not in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness

Subsection (4) Mortgages of one or more individuals or corporations securing bonds or other obligations subject to the following provisions

(a) At the date of the recording of any such mortgage in the office of the recorder of deeds of the proper county or at the date of any extension or renewal thereof such mortgage shall meet the following requirements

(1) Such mortgage shall contain an unconditional promise to pay interest on the bonds or other obligations secured thereby and shall be or become a first lien upon improved real estate including improved farm lands situated within this Commonwealth prior to all other liens except taxes previously levied or assessed but not then payable and except taxes then due and payable or delinquent for the payment of which taxes provision has been made in the mortgage settlement

(2) The [face] unpaid principal amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of such real estate

(3) Such mortgage shall be payable not more than five years after the date thereof or the date of any renewal or extension thereof or the date of the investment therein by the fiduciary or it shall be authorized in installments totalling in each year not less than three per centum per annum of the face amount of the bonds or other obligations secured thereby over a period not exceeding twenty years from the dat thereof or the date of any renewal or extension thereof

(b) At the date of the investment therein by any fiduciary any such mortgage shall also meet the following requirements

(1) All interest previously due thereon if any shall have been paid in full to the next preceding interest payment date as therein provided

(2) No taxes levied or assumed upon the property covered thereby upon which any penalty has accrued shall then remain unpaid unless provision for the payment thereof is made at the mortgage settlement

(3) The [face] unpaid principal amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of the mortgaged property

Subsection (5) Ground Rents Ground rents secured upon unencumbered improved real estate situated within this Commonwealth Provided That the annual rent reserved in any such ground rent capitalized at the rate of five per centum shall not exceed two-thirds of the fair value of the real estate out of which it issues

Subsection (6) Real Estate Bonds Bonds of one or more individuals or corporations containing an additional promise to pay the interest thereon secured by improved real estate situated within this Commonwealth not including real estate used as a theatre or for manufacturing purposes conveyed by mortgage or deed of trust to a corporation organized under the laws of the United States or of this Commonwealth and authorized to act as trustee for all such bondholders which mortgage or deed of trust shall be a first lien upon the real estates on conveyed Such bonds shall be payable not more than twenty years after the date thereof and the mortgage or deed of trust securing them shall contain a provision for the annual reduction of the principal amount of the bonds secured thereby in an amount equal to at least two per centum of the maximum amount of the bonds outstanding at any time prior to the date of the investment by the fiduciary plus an amount equal to the interest on all bonds previously retired by such annual reductions

The total amount of any such bond issue shall not exceed two-thirds of the fair value of the real estate securing such bonds and at the date of such investment there shall not be any default in the payment of any matured principal or interest on such bonds or in any annual reduction of the principal amount of such bonds as provided in the mortgage or deed of trust securing such bonds

If the date of the investment is subsequent to the original date of the mortgage securing the bonds or to the date of any renewal or extension thereof such investment being made by purchase assignment or otherwise no new appraisement shall be necessary to fix the fair value of the mortgage property at the date of the investment in such mortgage bonds by such fiduciary Provided That such an appraisal as is provided herein has been made within three years from the date of such investment and a reputable person familiar with real estate values in the vicinity of the mortgaged property and also familiar with such previous appraisment shall certify in writing that at the date of such investment the face amount of the bonds secured by such mortgage does not exceed two-thirds of the fair value of the mortgaged property Any such certificate shall be filed and preserved among the records of the fiduciary

Subsection (7) Fractional Interests Fractional undivided interests in any investment in which a fiduciary is authorized by this section to invest trust funds or in a [pool or] common trust fund of such investments including a mortgage investment fund containing such investments and other assets established and being maintained by any trust company or by any bank and trust company or national banking association in its trust department [as may be provided by law] in accordance with the laws of this Commonwealth such fractional interests being apportioned among estates of which the person or corporation creating such fractional undivided interests is the fiduciary An individual fiduciary may join in the investment of the funds of the estate of which he is a fiduciary in such investments when such individual fiduciary is acting as a co-fiduciary with the person trust company bank and trust company or national banking association creating such fractional undivided interests or with the trust company bank and trust company or national banking association establishing and maintaining any such common trust fund or mortgage nivestment fund

In the case of an investment in a fractional interest in a bond or other obligation secured by a mortgage [or in a pool or fund containing mortgages] if the date of such investment is subsequent to the original date of such mortgage [or of any mortgage contained in any such pool or fund] or to the date of any renewal or extension of such mortgage [or of any mortgage contained in any such pool or fund] such investment being made by purchase assignment or otherwise no new appraisement shall be necessary to fix the fair value at the date of such investment of the real estate subject to such mortgage [or to any mortgage contained in any such pool or fund] Provided That such an appraisement as is provided herein has been made within three years from the date of such investment and a re-

putable person familiar with real estate values in the vicinity of such property and also familiar with such previous appraisement shall certify in writing that at the date of such investment the face amount of the [bonds] bond or other [obligations] obligation secured by such mortgage does not exceed two-thirds of the fair value of such property Any such certificate shall be filed and preserved among the records of the fiduciary In case of an investment in a mortgage investment fund established and being maintained by any trust company or by any bank and trust company or national banking associatoin in its trust department no new appraisement of the assets contained in such fund shall be required at the date of such investment provided such assets are appraised at least once every three years

Subsection (8) Railroad Obligations Railroad obligations subject to the following provisions

(a) As used in this subsection the words "qualified railroad corporation" shall mean a railroad corporation other than a street railroad corporation which at the date of the investment by the fiduciary meets the following requirements

(1) It shall be a railroad corporation incorporated under the laws of the United States or of any state or Commonwealth thereof or of the District of Columbia

(2) It shall own or operate within the United States not less than five hundred miles of standard-gauge railroad line exclusive of sidings

(3) Its railroad operating revenues derived from the operation of all railroad lines operated by it including leased lines and lines owned or leased by a subsidiary corporation all of the voting stock of which except directors' qualifying shares is owned by it for its fiscal year next preceding the date of the investment shall have been not less than fifteen million dollars

(4) The sum of the total amount of its outstanding fully paid capital stock plus the total amount of its outstanding obligations not containing an unconditional promise to pay interest thereon shall at the close of its fiscal year preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than one-half of the total amount of its obligations containing an unconditional promise to pay interest thereon

(5) At no time during its fiscal year in which the investment is made and its five fiscal years immediately prior thereto shall it have been in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness

(6) In its fiscal year immediately preceding the date of the investment and in three of its four fiscal years immediately preceding such date its income available for its fixed charges as hereinafter defined shall have been at least equal to its fixed charges for its fiscal year immediately preceding the date of such investment for any of such fiscal years ending [during the period from December thirty-first one thousand nine hundred and thirty] prior to December thirty-first one thousand nine hundred and thirty-five [inclusive] and shall have been not less than one and one-half times its fixed charges for its fiscal year immediately preceding the date of such investment for any such fiscal [year] years ending after December thirty-first one thousand nine hundred and thirty-five Provided That if there was a public offering of securities of any such railroad corporation during its fiscal year immediately preceding the date of such investment or since the close of such fiscal year its fixed charges for such year shall be deemed to be its fixed charges immediately after the issue of said securities adjustments being made for any securities retired in the new financing

(b) As used in this subsection the words "railroad obligations" shall include and mean obligations which meet the following requirements

(1) The obligations shall be

(A) Obligations issued or assumed by a qualified railroad corporation or guaranteed as to principal and interest by endorsement by a qualified railroad corporation or guaranteed as to principal and interest by endorsement by any railroad corporation which guarantee has been assumed by a qualified railroad corporation or

(B) Obligations for the payment of the interest on which a qualified railroad corporation is obligated under the terms of a lease made or assumed by it and which lease extends for a period of not less than twenty years beyond the maturity of all of such obligations or

(C) Equipment trust obligations in respect of which liability has been incurred by a qualified railroad corporation

(2) Such obligations shall also be

(A) Bonds containing an unconditional promise to pay interest thereon secured by a mortgage which shall be a first lien on not less than two-thirds of the total length of the railroad lines covered by its liens a part of which two-thirds shall constitute a part of a through route between two or more municipal corporations each of at least forty thousand inhabitants as determined by the preceding United States Census [The railroad lines covered by] Unless such bonds are the bonds of a qualified railroad corporation the income of which available for its fixed charges in each of its three fiscal years immediately preceding the date of the investment therein by the fiduciary shall have been not less than three times its fixed charges for its fiscal year immediately preceding the date of such investment the mortgage securing such bonds shall be either subject to a mortgage inferior in lien to such mortgage or in the case of leased railroad lines if there is no such inferior lien [then] the lease shall provide for a rental in an amount sufficient to enable the lessor to pay dividends upon at least one class of its capital stock Provided That if there was a public offering of securities of any such railroad corporation during its fiscal year immediately preceding the date of such investment or since the close of such fiscal year its fixed charges for such year shall be deemed to be its fixed charges immediately after the issue of said securities adjustments being made for any securities retired in the new financing or

(B) Bonds secured by a first mortgage upon terminal depot or tunnel property including land buildings and appurtenances used in the service of transportation by one or more qualified railroad corporations or

(C) Equipment trust obligations comprising bonds notes or certificates issued in connection with the purchase for use on railroads of new standard-gauge rolling stock through the medium of an equipment trust agreement and which obligations so long as any thereof shall be outstanding and unpaid or unprovided for shall be secured either by an instrument (1) vesting title to such equipment free of encumbrance in a trustee or (2) creating a first lien on such equipment or (3) pending such vesting of title or the attachment of such lien providing for the deposit of cash in trust to an amount equal to the face amount of such obligations issued in respect of such equipment title to which is not yet so vested or subject to such lien The maximum amount of such obligations so issuable shall not exceed seventy-five per centum of the cost of such equipment and the owner purchaser or lessee or the owners purchasers or lessees of such equipment shall be obligated by the terms of such obligations or of such instrument (1) to maintain such equipment in proper repair (2) to replace any thereof that may be destroyed or released with other equipment of equal value or if released in connection with a sale thereof to deposit the proceeds of such sale in trust for the benefit of the holders of such obligations pending replacement of such equipment (3) to pay any and all taxes or other governmental charges that may be required by law to be paid upon such equipment (4) to pay in accordance with the provisions of such obligations or of such instrument to holders or to such trustee for the benefit of holders of such obligations the amount of interest due thereon or of the dividends payable in respect thereof (5) to pay the amount of the entire issue of such obligations within a period of not exceeding fifteen years from the first date of issue of any thereof in approximately equal annual or semi-

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annual installments beginning not later than three years after such date of issue or

(D) Bonds of a qualified railroad corporation secured by an irrevocable pledge as collateral under a trust agreement of other railroad obligations meeting the requirements hereinbefore set forth in this subsection The total face amount of such pledged railroad obligations shall be not less than the total face amount of the bonds which they secure and the annual interest derived from such pledged railroad obligations and available for the payment of the interest upon the bonds which they secure shall be not less than the interest due upon the bonds which they secure

(c) For the purposes of this subsection

(1) The amount of income available for fixed charges shall be the amount obtained by deducting from gross income all items deductible in ascertaining net income other than contingent income interest and those constituting fixed charges and by deducting interest and dividends received by any such corporation on it own obligations and securities and on obligations and securities guaranteed by it under any lease agreement which such corporation may own Fixed charges shall be rent for leased roads miscellaneous rents funded debt interest which the corporation has unconditionally promised to pay interest on unfunded debt and amortization of discount on funded debt but shall not include interest and dividends paid or accrued by such corporation on its own obligations and securities and obligations and securities guaranteed by it under lease agreement and owned by such corporation in its own right

(2) Other accounting terms shall be deemed to refer to those used in the accounting reports of common carriers as prescribed by the accounting regulations of the Interstate Commerce Commission

(3) The revenues earnings income and fixed charges of any railroad corporation all or substantially all of the railroad lines of which shall have been acquired through merger consolidation conveyance or lease by another railroad corporation and shall remain in its possession shall be deemed to be revenues earnings income and fixed charges of the latter corporation

Subsection (9) Obligations of Gas Water and Electrical Companies The following obligations of public utility corporations incorporated under the laws of the United States or any state or Commonwealth thereof or of the District of Columbia which transact the business of supplying water electrical energy artificial gas or natural gas purchased from any individual partnership unincorporated association or other corporation and supplied in substitution for or in mixture with artificial gas for light heat power and other purposes or which transacts any two or all of such businesses provided at least seventy-five per centum of the gross operating revenues of such corporations shall be derived from such businesses and not more than fifteen per centum of its gross operating revenues shall be derived from any other one kind of business and which corporation shall be subject to regulation by a public service commission a public utility commission of any other similar regulatory body duly established by the laws of the United States or of any state or commonwealth or of the District of Columbia in which such corporation operates

(a) Bonds of any such corporation subject to the following conditions

(1) Such corporation shall have all the franchises necessary to operate in the territory in which at least seventy-five per centum of its gross revenues are obtained which franchises shall either be indeterminate permits of or agreements with or subject to the jurisdiction of a public service commission or other duly constituted regulatory body or shall extend at least five years beyond the maturity of such bonds provided such corporation shall file with the public service commissions or other similiar regulatory bodies having jurisdiction over it and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(2) The sum of the total amount of the oustanding full-paid capital stock of such corporation plus the total amount of its outstanding obligations not containing an unconditional promise to pay interest thereon shall at the close of its fiscal year preceding the investment by the fiduciary or if there has been a public offering of seccurities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than two-thirds of the total amount of its obligations containing an unconditional promise to pay interest thereon The term "total amount of the outstanding full-paid capital stock" of any such corporation shall consist of the aggregate par value of all its issued shares having a par value plus the aggregate amount of capital or value applicable to all of its issued shares having no nominal or par value as shown by the books of such corporation

(3) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay punctually and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining such required period

(4) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the [average] annual interest charges on its [outstanding] obligations containing an unconditional promise to pay [the] interest thereon [applicable for that period] outstanding at the end of its fiscal year immediately preceding the date of such investment and for the last fiscal year preceding such investment such net earnings shall have been not less than twice such interest charges for that year Provided That if there has been a public offering of securities since the close of the last fiscal year then [the net earnings] its interest charges for such last fiscal year shall [have been twice such] be deemed to be its interest charges for a full year on its debt outstanding immediately after the issue of said securities adjusted for any securities to be retired with the proceeds of the new financing and for such five year period the gross operating revenues of any such corporation shall have averaged per year not less than one million dollars [In calculating average interest charges there shall be deducted interest charges on all debt which at the time of such investment shall have been paid off otherwise than by the creation of additional debt]

(5) In determining the qualifications of any bond under the subsection where a corporation shall have acquired its property or any substantial part thereof within the five years immediately preceding the date of such investment by consolidation or by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of the preceding paragraph have been complied with

(6) The gross operating revenues and expenses of a corporation for the purpose of this subsection shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the public service commission or public utility commission or other similar regulatory body having jurisdiction in the matter The gross operating revenues and expenses as defined above of subsidiary companies may be included Provided That all the mort-

gage bonds and a controlling interest in shares of such subsidiary companies are pledged as part of the security for the mortgage debt of the principal company

The net earnings of any corporation for the purpose of this subsection shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses taxes (other than Federal and State income taxes) rentals and provisions for depreciation renewals and retirements of the physical assets of the corporation and by adding to such balance its income from securities and miscellaneous sources but not however exceeding fifteen per centum of such balance Proveded That if the annual allowance of such corporation for depreciation maintenance renewals and retirements is less than the sum of one per centum of gross book value of its properties used in supplying water and two per centum of such value of all other property such annual allowance shall be increased to the sum of said percentages in determining net earnings

(7) Such bonds must be part of an issue of not less than one million dollars or of an issue of which a total of not less than one million dollars shall at some time have been outstanding in one or more series and must be mortgage bonds secured by a first or refunding mortgage upon property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them Provided That a mortgage junior to such underlying mortgage bonds provides for their refunding or retirement The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issuance of additional bonds which are to be pledged under such junior mortgage As of the close of the fiscal year of such corporation preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor the aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum of the value of the physical property owned which shall be book value less such reserves for depreciation or retirement as the company may have established and subject to the lien of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(b) Bonds of any such corporations secured by an irrevocable pledge as collateral under a trust agreement of other bonds which meet the requirements of this subsection provided the total face amount of the bonds so pledged shall not be less than total face amount of the bonds secured thereby and the annual net income derived from the bonds so pledged shall not be less than the annual interest requirements of the bonds secured thereby

Subsection (10) Obligations of Telephone Companies The following obligations of any corporatoin incorporated under the laws of the United States or of any state or commonwealth thereof or of the District of the District of Columbia which transacts the business of supplying telephone service in the United States provided such corporation is subject to regulation by the Federal Communications Commission a public service commission a public utility commission or any similar regulatory body duly established by the laws of the United States or of any state or commonwealth thereof or of the District of Columbia in which such corporation operates

(a) Bonds of any such corporation subject to the following conditions

(1) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay punctually and regularly the matured principal and inerest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining the required period Provided Such corporation shall file with the Federal Communications Commission or a public service commission or similar regulatory body having jurisdiction over it and make public in each year a statement and a report giving the income covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(2) The sum of the total amount of the outstanding full-paid capital stock of such corporation plus the amount of its outstanding obligations not containing an unconditional promise to pay the interest thereon shall at the close of the fiscal year preceding the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than two-thirds of the total amount of its obligations containing and unconditional promise to pay the interest thereon

(3) For a period of five years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the [average] annual interest charges on its [outstanding] obligations containing an unconditional promise to pay [the] interest thereon [applicable to that period] outstanding at the end of its fiscal year immediately preceding the date of such investment and for the last fiscal year preceding such investment such net earnings shall have been not less than twice such interest charges for that year Provided That if there has been a public offering of securities since the close of the last fiscal year then [the net earnings] its interest charges for such last fiscal year shall [have been twice such] be deemed to be its interest charges for a full year on its debt outstanding immediately after the issue of said securities adjusted for any securities to be retired with the proceeds of the new financing and for such five year period the gross operating revenues of any such corporation derived from telephone service shall have averaged per year not less than five million dollars [In calculating average interest charges there shall be deducted interest charges on all debt which at the time of such investment shall have been paid off otherwise than by the creation of additional debt]

(4) Such bonds must be part of an issue of not less than five million dollars or of an issue of which a total of not less than five million dollars shall at some time have been outstanding in one or more series and must be mortgage bonds secured by a first or refunding mortgage upon property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them Provided That a mortgage junior to such underlying mortgage bonds provides for their refunding or retirement The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issuance of additional bonds which are to be pledged under such junior mortgage As of the close of the fiscal year of such corporation preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor the aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum of the value of the real estate and tangible personal property owned absolutely which value shall be book value less such reserves for depreciation or retirement as the company may have established and subject to the lien of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide

for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(5) In determining the qualifications of any bond under this subsection where a corporation shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation merger or the purchase of all or a substantial protion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessors or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of this subsection have been complied with

(6) The gross operating revenues and expenses of a corporation for the purpose of this subsection shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the Federal Communications Commission or the public service commission or the public utility commission or any other similar Federal or State regulatory body having jurisdiction in the matter

(7) The net earnings of any corporation for the purpose of this subsection shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses provision for depreciation of the physical assets of the corporation taxes (other than Federal and State income taxes) rentals miscellaneous charges and by adding to such balance its income from securities and miscellaneous sources but not however to exceed fifteen per centum of such balance Provided That if the annual allowance of such corporation for depreciation and maintenance is less than six per centum of the gross book value of its tangible properties used in the business of supplying telephone service such annual allowance shall be increased to said percentage in determining net earnings

(b) Bonds of any such corporation secured by an irrevocable pledge as collateral under a trust agreement of other bonds which meet the requirements of this subsection provided the total face amount of the bonds so pledged shall not be less than the total face amount of the bonds secured thereby and the annual net income derived from the bonds so pledged shall not be less than the annual interest requirements of the bonds secured thereby

Subsection (11) Mortgages Insured by Federal Housing Administrator [Mortgages] Mortgage bonds or other obligations of one or more individuals or corporations [securing bonds or other oblgiations] insured by the Federal Housing Administrator prior to the first day of July one thousand nine hundred and [thirty-seven] thirty-nine pursuant to the provisions of [Title two of] the National Housing Act approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements or thereafter insured by such Administrator with like force and effect pursuant to any amendment revision or extension of the provisions of the said act At the date of the investment in any such mortgage the said insurance thereon shall be in good standing in full force and effect

Subsection (12) Debentures Issued by the Federal Housing Administrator and Guaranteed by the United States Debentures issued by the Federal Housing Administrator and fully guaranteed as to principal and interest by the United States pursuant to the provisions of [Title two of] the National Housing Act approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements and either purchased by the fiduciary as an investment or accepted by the fiduciary in payment of any mortgage insured by the Federal Housing Administrator in which the fiduciary may theretofore have invested moneys in its hands to be invested

Subsection (13) Consolidated Federal Land Bank Bonds Consolidated bonds of all of the Federal land banks being the joint and several obligations of the said Federal land banks issued pursuant to the provisions of the act of the Congress of the United States approved the seventeenth day of July one thousand nine hundred and sixteen its supplements and amendments

Subsection (14) Interest-bearing Deposits Interest-bearing deposits including certificates of deposits saving accounts and other forms of deposits upon which interest is paid in any bank bank and trust company savings bank or national banking association located within this Commonwealth The maturity date or the permissible date of withdrawal of any such deposit shall not exceed one year from the date of the deposit or any renewal thereof A fiduciary shall not invest more than five hundred dollars of the funds of any trust estate in such deposits nor shall such investments be made in deposits in the institution which is fiduciary of such estate

Subsection (15) Consolidated Federal Intermediate Credit Bank Debentures Consolidated debentures of all of the Federal Intermediate Credit Banks being the joint and several obligations of said Federal Intermediate Credit Banks issued pursuant to the provisions of the Act of Congress of the United States approved the fourth day of March one thousand nine hundred and twenty-three its supplements and amendments

Subsection [(13)] (14) (16) General Provisions

(a) Nothing contained in this section shall be construed to relieve any fiduciary from the duty of exercising due care and prudence in the performance of the duties of his office

(b) Nothing contained in this section shall be construed to authorize any fiduciary to make any investment contrary to the directions in regard to investments contained in the will deed or other instrument creating the trust in his care nor to limit or restrict the authority conferred upon any such fiduciary with respect to investments by any such instrument

(c) No fiduciary shall be liable for any loss incurred with respect to any investment not legal for the investment of trust funds as provided in this section when such nonlegal investment was received by such fiduciary pursuant to the terms of the will deed decree of court or other instrument or if such nonlegal investment was legal when received or when the investment was made by the fiduciary provided such fiduciary exercises due care and prudence in the disposition or retention of any suchc nonlegal investment

(d) Within the meaning of this section the term "fair value" of real estate shall be the value placed thereon in a written appraisement of two reputable persons familiar with real estate value in the vicinity of such real estate who shall actually have inspected the property before making the appraisement and shall so certify therein Any such appraisement shall be filed and preserved among the records of the fiduciary

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. VAN SICKLE. Mr. Speaker, I move that this bill be recommitted to the Committee on Banking for the purpose of a public hearing and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1200, entitled:

Making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges dur-

ing the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine permitting the use of any surplus funds for construction and reconstruction of township roads and bridges requiring townships to exclude provisions for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of nine million dollars is hereby appropriated to the Department of Highways for the two calendar years beginning January first one thousand nine hundred thirty-eight out of the Motor License Fund for expenditure in the various townships of the second class of the Commonwealth in the amounts upon the terms in the manner and for the purposes hereinafter set forth in this act

On the question,

Will the House agree to the section?

Mr. HOLSTROM. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 1, page 2, line 4, by striking out the words "nine million" and inserting in lieu thereof after the word "of" and before "dollars" the following: "eight million five hundred and fifty thousand".

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as folows:

Section 2 The Department of Highways shall expend in each of the townships of the second class for the maintence and repair of township roads and bridges therein not repaired and maintained by the Department of Highways under the provisions of any other law such portion of the total amount hereinbefore provided as the Secretary of Highways shall deem necessary for the proper maintenance of such township roads and bridges

On the question,

Will the House agree to the section?

Mr. HOLSTROM. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 2, page 2, line 19, by inserting after the word "maintenance" and before the word "of" the following: "and repair".

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 Any surplus of the funds appropriated by this act over the amount required for maintenance may with the approval of the Secretary of Highways be expended by the Department of Highways in the construction and reconstruction of any township road or bridge in the townships of the second class which is not maintained by the Department of Highways under the provisions of any other law Nothing herein contained shall prevent the use of any of the aforesaid surplus for Federal projects sponsored by the township supervisors and approved by the Secretary of Highways

On the question,

Will the House agree to the section?

Mr. HOLSTROM. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 3, page 2, line 21, by inserting after the word "maintenance" and before the word "may" the following: "and repair".

Amend section 3, page 2, line 24, by inserting after the word "reconstruction" and before the word "of" the following: "and resurfaceing"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read and agreed to as follows:

Section 4 Nohting in this act shall be construed to relieve any of the second-class townships from any obligation they may have incurred under any contract or agreement entered into prior to January first one thousand nine hundred thirty-eight for the construction or repair of any highway or structure now under their jurisdiction

The fifth section was read as follows:

Section 5 The board of supervisors of townships of the second class shall at the time of the adoption of the annual budget and at the time of fixing the road tax levy for the years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine exclude from the said annual budget and tax levy for road and street purposes any provision for the maintenance of the roads and bridges Nothing herein contained shall prevent any township from making proper provisions for interest sinking fund debt repayment charges snow removal obligations incurred under any contract or agreement such other administrative and overhead expenses as may be necessary and for any other purposes other than for maintenance of the roads and bridges

On the question,

Will the House agree to the section?

Mr. HOLSTROM. Mr. Spearker, I desire to offer the the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 5, page 3, line 15, by inserting after the word "maintenance" and before the word "of" the following: "and repair".

Amend section 5, page 3, line 18, by inserting after the word "removal" and before "obli-" the following: "resurfacing, construction, reconstruction".

Amend section 5, page 3, line 22, by inserting after the word "maintenance" and before the word "of" the following: "and repair".

On the question,

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Will the House agree to the amendments?

They were agreed to,

On the question, Will the House agree to the section as amended?

It was agreed to.

The sixth section was read as follows:

Section 6 The Department of Highways is hereby authorized to rent from the several second-class townships any road building machinery or equipment now or hereafter owned by such municipality for use under the provisions of this act in the maintenance and construction of any township road or bridge either in or outside of the legal limits of the township owning the equipment at such rentals or rates as the Department of Highways shall deem reasonable

On the question,

Will the House agree to the section?

Mr. HOLSTROM. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 6, page 3, line 27, by inserting after the word "maintenance" and before the word "and" the following: "resurfacing, resonstruction".

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The seventh section was read and agreed to as follows:

Section 7 Any balance of the funds appropriated by this act which shall remain unexpended or unencumbered on January first one thousand nine hundred forty shall lapse upon that date and become a part of the Motor License Fund

The title was read as follows:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine; permitting the use of any surplus funds for construction and reconstruction of township roads and bridges; requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years; authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the purposes of this act; and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first, one thousand nine hundred forty.

On the question,

Will the House agree to the title?

Mr. HOLSTROM. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend line 8 of the title by inserting after the word "reconstruction" and before the word "of" the following: "and resurfacing"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1043, entitled:

An Act to reenact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeding thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended by imposing annual taxes for State purposes making further provision for the filing of reports and for the collection of said taxes and penalties and interest thereon modifying and further defining certain exemptions from said taxes

The first section was read as follows:

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deed prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments and making an appropriation" as amended is hereby reenacted amended or further amended as the case may be to read as follows

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "State Personal Property Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Department" The Departmnet of Revenue of this Commonwealth

"Resident" A person copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or a joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable in taxation within this Commonwealth

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section heading shall not be deemed or construed to limit the text of the sections of this act

Section 3 State Tax on Mortgages Judgments Et Cetera Imposing and Rate of Tax Exceptions All personal property of the classes hereinafter enumerated owned held or possessed by any resident whether such personal property be owned held or possessed by such resident in his own right or as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation [and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom] is hereby made taxable annually for State purposes at the rate of four mills on each dollar of the value thereof as of a date to be fixed annually in the manner provided in section five of this act and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by the sovient debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxbale for State purposes by section seventeen hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including cartrust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section [eighteen] seventeen hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank bank and trust company national banking association savings institution building and loan association corporation or limited partnership liable to a tax on its shares or [its capital stock] a capital stock or franchise tax for State purposes under the laws of this Commonwealth [or relieved from the payment of tax on its shares or capital stock for State purposes by the laws of the Commonwealth] all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital [in the hands of] owing to individual citizens of the State [all stages omnibuses hacks cabs and other vehicles used in transporting passengers for hire except steam and street passenger railway cars owned or used or possessed within this Commonwealth by any person or persons or by any corporate body or badies] and the principal value of all annuities [yielding annually over two hundred dollars ($200.00)] Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor in interest-bearing accounts in any bank or banking institution savings institution employes thrift or savings association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same or any part thereof nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or union And provided further That corporations limited partnerships and joint-stock associations liable to [tax on capital stock] a tax on their shares or a capital stock for franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth except for county purposes and in cities coextensive with counties for city and county purposes as now provided by law And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated [hereafter] received from any person or persons copratnership or unincorporated association or company nonresident in or not located within this Cmmonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth

[The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in the case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein]

Section 4 Returns and Payment of Tax (a) For the purpose of ascertaining the amount of tax payable under the third section of this act it shall be the duty of every resident liable to pay such tax on or before the fifteenth day of February of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return in duplicate the original under oath or affirmation of

(1) The aggregate actual value of each part of the different classes of property made taxable by the third section of this act held owned or possessed by such resident as of the date fixed annually in the manner provided in section five of this act either in his own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copart-

nership unincorporated association company limited partnership joint-stock association or corporation

(2) The amount of interest dividends or other income derived from each class of such property at any time during the preceding calendar year and

(3) Such other information as may be required by the department concerning [such property] each of the different classes of property whether or not taxable enumerated in the third section of this act owned or held or in any manner possessed by such resident

The duplicate unsworn return shall be forwarded by the Department of Revenue to the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the case may be of the county from which the return was made for its use and information

The failure of any taxable resident to receive or procure a return form shall not excuse him from making a return

(b) The return so made shall be sworn or affirmed to by the person making the same if an individual and in the case of copartnerships unincorporated associations and joint-stock associations and companies by some member thereof and in the case of limited partnerships and corporations by the president chairman or treasurer thereof

(c) Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by this section for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year either or both in the discretion of the court

(d) The tax imposed by section three hereof shall be due and payable when such return is required to be filed and every resident at the time of making every return shall compute and pay to the department the tax due the Commonwealth by such resident

Section 5 Listing Date The department shall on or before the fifteenth day of January one thousand nine hundred [thirty-seven] thirty-eight and annually thereafter fix a day as of which the property made taxable by the third section of this act shall be listed and [assessed] returned The day so fixed shall be between the first and the fifteenth days of the month of January both inclusive and the day so fixed shall be printed or stamped on the forms for making returns of all such property If through inadvertence mistake or otherwise the department fails to designate or fix such date or if such date does not appear on the form for making return of such property the date as of which such property shall be listed and assessed shall be the immediately preceding first day of January

Section 6 [Estimated Assessment Notice If any resident liable for or believed by the department to be liable for the tax imposed by the third section of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so given or sent such resident may file a return under oath or affirmation with the department and at that time shall compute and pay to the department the tax due by him to the Commonwealth with interest thereon at the rate of six per centum per annum from the time such property should have been returned together with a penalty of ten per centum of the amount of the tax due Any resident against whom an estimated assessment is made who shall fail or refuse to file a return and compute and pay the tax interest and penalty in the manner and within the time provided in this section shall have no right to appeal therefrom or to petition for a reassessment and in any suit for the collection of a tax so assessed shall not be permitted to set up as a defense that he owned held or possessed no property made taxable by the third section of this act or any other matter or defense whatsoever If any resident shall file a return before an estimated assessment is made but not within the time required by this act such resident at that time shall compute and pay to the department the tax due by him to the Commonwealth with interest thereon at the rate of six per centum per annum from the time such property should have been returned together with a penalty of ten per centum of the tax due

Section 7 Additional] Assessment by the Department Notice If any taxable resident shall fail to file a return or fail to include in any return all of his property made taxable by the third section of this act or shall fail to compute and pay the tax [thereon] due the Commonwealth as required in this act the department shall make an [additional] assessment of tax against such resident [on] of the amount of [such omitted property] tax for which such resident is liable or for which he is believed by the department to be liable together with a penalty of ten per centum of such [additional assessment] tax Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident If such resident is dissatisfied with the [additional] assessment so made he may petition for a reassessment in the manner hereinafter provided

Section [8] 7 Assessments Made at Any Time Within Five Years An [additional assessment or estimated] assessment as heretofore provided may be made by the department at any time within five (5) years after any property owned held or possessed or alleged to have been so owned held or possessed by any resident should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous [additional or estimated] assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section [9] 8 Petition for Re-assessment Appeal (a) Any resident against whom an [additional] assessment is made may petition the department for a re-assessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department within ninety (90) days after notice of such [additional] assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings [in each county] as may be necessary to hear and determine petitions for re-assessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly notified the department of an intention to file a petition for re-assessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the [additional] assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for re-assessment is filed with the department the petitioner may in lieu thereof appear at the hearing and present his petition orally in which event all testimony or statements of fact shall be made under oath or affirmation

(b) If such petitioner is dissatisfied with the action of the department on his petition for re-assessment he shall have the right to appeal to the court of common pleas of the [proper] county where he resides at any time within sixty (60) days after notice of such action is given to him by the department If any resident shall fail to give due notice of an intention to petition for re-assessment and to file a petition for re-assessment or to appear and be heard after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so fail-

ing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground or defense which might have been determined either by the department or the court of common pleas as aforesaid in all cases of petitions for re-assessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section [10] 9 Information at Source Reports (a) The executor of every will and the administrator of every estate at the time of filing with the register of wills or clerk of the orphans' court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal estate of such decedent for the purpose of determining the transfer inheritance tax imposed thereon by existing law shall in addition thereto file with such register of wills or clerk of the orphans' court a statement in duplicate under oath or affirmation setting forth the items included in such inventory or affidavit which may be liable to the tax imposed by the third section of this act The register or clerk with whom the same is filed shall forthwith send one copy thereof to the department It shall be the duty of the department to proceed at once to assess the tax due from such decedent with interest [and penalties] as heretofore provided in this act and to present a claim therefor through the Department of Justice to the orphans' court of the proper county or to proceed by action or suit at law through the Department of Justice in any court of competent jurisdiction for the recovery thereof or to take any or all appropriate steps or procedure necessary for the collection of such tax

(b) It shall be the duty of the recorder of deeds in each and every county in this Commonwealth to keep a daily record separate and apart from all other records of every mortgage or article of agreement given to secure the payment of money entered in this office for recording which record shall set forth the following information to wit the date of the mortgage or agreement the names of the parties thereto the just sum of money secured the precise residence of the mortgagee or person to whom interest is payable a brief description of the real estate upon which such mortgage is secured and the date or several dates when the said sum or portion of the said sum shall become due and payable and a like daily record of every assignment of a mortgage or an article of agreement given to secure the payment of money and also the number of mortgage and agreements together with the amount of same and the names of the parties thereto which shall have been that day satisfied of record For the purpose of obtaining with accuracy the precise residence of all mortgagees assignees and persons to whom interest is payable on articles of agreement it shall be the duty of the recorder of deeds in each county whenever a mortgage assignment or agreement given to secure the payment of money shall be presented to him for record to refuse the same unless the mortgage assignment or agreement has attached thereto and made part thereof a certificate signed by the mortgagee assignee or person entitled to interest or his duly authorized attorney or agent setting forth the precise residence of such mortgagee assignee or person entitled to interest and such certificate shall be recorded with the mortgage assignment or agreement Every recorder of deeds on the first Monday of each month shall file the aforesaid daily record or a copy thereof with the department.

(c) It shall be the duty of the prothonotary or clerk of the court of common pleas in each and every county in this Commonwealth forthwith upon the passage of this act keep a daily record separate and apart from all other records of every single bill bond judgment or other instrument securing a debt entered of record in his office. Such daily record shall set forth the following information to wit The date of the instrument the names of the plaintiff and defendant together with the precise residence of the plaintiff or person to whose use such bill bond judgment or other obligation to pay money is marked whenever such residence can be ascertained the just sum secured and the date or several dates when the said sum or portion of the same shall become due and payable with the further information whether any of said bonds or judgments are accompanied with mortgages and also the number of every single bill bond judgment or other instrument securing a debt together with the amount of same and the names of the plaintiff and dedendant thereto which shall have been that day satisfied. The prothonotary or clerk of the court of common pleas shall file the aforesaid daily record or a copy thereof with the department on the first Monday of each month

Section [11] 10 Compensation of Recorders and Prothonotaries The several recorders of deeds prothonotaries and court clerks as aforesaid shall be entitled to receive ten cents for each and every mortgage judgment or lien assignment or satifaction thereof reported to the department as heretofore required in this act Such fees shall be paid by the respective county treasurers on the presentation of proper vouchers certified by the department and shall be applied in like manner as other fees received by such recorders prothonotaries or clerks Provided That no fee shall be allowed in any case where the residence of any plaintiff mortgage or assignee is omitted in such reports And provided further That the amount allowed any prothonotary or clerk or recorder of deeds under this act shall not exceed the sum of six hundred dollars ($600.00) per annum.

Section [12] 11 Due Date All taxes [whether a report is filed as herein required or whether an estimated or additional assessment is made by the department] imposed by the third section of this act shall be due and payable on the fifteenth day of February of each year

Section [13] 12 Interest The tax imposed by the third section of this act shall bear interest at the rate of [twelve] six per centum per annum from the date such tax is due and payable until thirty (30) days after the department shall make an assessment and thereafter at the rate of twelve per centum per annum until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid

Section [14] 13 Lien of Taxes (a) All taxes imposed under the third section of this act together with all penalties and interest shall be considered a public account after becoming due and payable in the manner prescribed in this act shall as such shall be a lien upon the franchises and real property of the resident against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by the third section of this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section [15] 14 Credits for Overpayment The Board of Finance and Revenue may allow a credit for any taxes imposed by the third section of this act and penalties and interest thereon paid to the Commonwealth [and] to which the Commonwealth is not rightfully or equitably entitled Claims for such credits shall be made in accordance with the provisions of "The Fiscal Code" relative to petitions for refunds of taxes No petition for such credit shall be considered by the board unless filed with the board within two (2) years of the payment alleged to have been erroneously made

Upon the allowances of any such petition the credit so determined may be applied against any amount due or subsequently becoming due by such petitioner on account of taxes imposed by the third section of this act and penalties and interest thereon or may be assigned in whole or in part to any other taxable resident to be applied against any amount due or subsequently becoming due by such resident on account of taxes imposed by the third section of this act and penalties and interest

thereon Upon the allowance of a petition for credit the board shall issue its certificate under its hand and seal and no credit claimed whether assigned or not shall be allowed unless evilenced by such certificate

Section [16] 15 Penalties Costs (a) Every person or officer who shall wilfully and corruptly make a false and fraudulent return of property made taxable by the third section of this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law

(b) Any wilful failure on the part of recorders of deeds or prothonotaries or clerks to carry out the duties imposed upon them by section [ten] nine of this act shall be deemed a misdemeanor and upon conviction thereof the person or persons so failing to comply shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(c) Every register of wills who shall fail to send copies of affidavits filed with him by executors or administrators to the department as required by section [ten] nine of this act shall be guilty of a misdemeanor and upon conviction thereof the register so failing shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(d) Every executor or administrator who wilfully fails to file the affidavit with the register of wills as required by section [ten] nine of this act shall be subject to a penalty of twenty-five dollars ($25.00) for the first day and ten dollars ($10.00) for each succeeding day during which such affidavit is not filed to be collected by the department through the Department of Justice in the same manner as debts are by law collected

(e) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section [17] 16 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any resident in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such resident is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by "The Fiscal Code" relating to inquisitorial powers of fiscal officers

Any information gained by the department as a result of any return investigation hearings or verifications required or authorized by this act [and any information gained by the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the result of duplicate returns received from the department] shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

(c) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section [18] 17 State Tax on Scrip Bonds Et Cetera Imposition and Rate of Tax All scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth or the laws of any other state or of the United States and doing business in this Commonwealth and having a resident corporate treasurer therein are hereby made taxable for State purposes at the rate of eight mills on each dollar of the nominal value thereof and all scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable for State purposes at the rate of four mills on each dollar of the nominal value thereof during the calendar year one thousand nine hundred [thirty-six[thirty-eight on reports filed for the calendar year one thousand nine hundred [thirty-five[thirty-seven or for the fiscal year beginning in the calendar year one thousand nine hundred [thirty-five] thirty-seven and annually thereafter [at the rate of one mill on each dollar of the nominal value thereof and during the calendar year one thousand nine hundred thirty-seven on reports filed for the calendar year one thousand nine hundred thirty-six or the fiscal year beginning in the calendar year one thousand nine hundred thirty-six at the rate of four mills on each dollar of the nominal value thereof which tax shall be in addition to the tax imposed for section seventeen of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) and its amendments or supplements] Provided That whenever under the provisions of this section any private corporation shall become liable for such taxes upon evidence of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten (10) days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the third section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed thereon by this section Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of the third sectoin of this act upon such evidence of indebtedness so assumed or on which the corporation shall pay interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon such evidences of indebtedness by it assumed or on which it shall pay interest for the balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebted-

ness so assumed or on which the corporation shall pay interest as provided for in the third section of this act Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are assumed or for the entire period for which interest shall be paid Neglect or failure to give such notice before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest shall make the corporation liable for such taxes for the year following without any deduction from interest due as hereinbefore provided Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to interest-bearing accounts in any bank banking institution savings institution employes thrift or savings association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said [four mills] tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said [four mills] tax on any of [the said] such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and benefical societies labor unions and labor unions relief associations and all benefical organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall be liable for the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for county school or other local purposes

It is the intent of this act that all scrip bonds certificates and evidences of indebtedness made taxable under this section are not taxable under the third section of this act and that only such scrip bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under the third section of this act

[Section 19 Collection of Tax The tax for State purposes imposed upon obligations of private and public corporations by section eighteen of this act shall be collected in the same manner as the tax imposed for State purposes upon such obilgations by section seventeen of the act approved the seventeenth day of June one thousand nine hundred thirteen (P. L. 511) and its amendments or supplements it being the true intent and meaning of this act that the provisions of the law in force at the time of the passage of this act relating to the manner of the collection of the State tax upon such obligations shall remain unaffected by this act]

Section 18 Reports and Payments of the State Tax by Private Corporations and Municipalities (a) It shall be the duty of the resident treasurer of each private corporation incorporated by or under the laws of this Commonwealth or the laws of any other state or of the United States or any foreign country and doing business in this Commonwealth except non-profit corporations and cooperative agricultural associations not having capital stock and not conducted for profit and it shall be the duty of the treasurer of each county city borough township school district or incorporated district of this Commonwealth upon the payment of any interest on any scrip bond certificate or evidence of indebtedness issued or assumed by such corporation county city borough township school district or incorporated district or upon which it is liable for the payment of the interest to residents of this Commonwealth and held by them to assess the tax imposed for State purposes by the seventeenth section of this act upon the nominal value of each scrip bond certificate or evidence of indebtedness and to report under oath or affirmation annually on or before the fifteenth day of March for the calendar year next preceding to the department the amount of such indebtedness owned held or in any manner possessed by residents of this Commonwealth together with such information as the department may require and it shall be his further duty to deduct the tax imposed by the seventeenth section of this act on the payment of any interest upon such indebtedness and return the same to the State Treasury through the department within the time prescribed by law and his compensation for his services shall be five per centum on the first one thousand dollars ($1,000.00) or fractional part thereof one per centum on all amounts over one thousand dollars ($1,000.00) and not over two thousand dollars ($2,000.00) and one-half of one per centum on all amounts over two thousand dollars ($2,000.00) Upon the payment of said State tax such scrip bonds certificates or evidences of indebtedness shall be exempt from all other taxation in the hands of the holder of the same

The time for filing reports may be extended taxpayers may be permitted to file their reports on a fiscal year basis and the procedure and penalties in case of failure to report and pay the tax shall be as prescribed by law

(b) It is the intent and meaning of this act that the tax for State purposes imposed upon obligations of private and public corporations by section seventeen of this act shall be collected in the same manner as the tax heretofore imposed for State purposes upon such obligations.

Section [20] 19 Disposition of Tax Interest Fees Fines Forfeitures and Penalties All taxes and interest that shall be received recovered paid or collected under the provisions of this act shall be paid into the State Treasury through the department

All moneys paid into the State Treasury from taxes for the first year for which a tax is imposed by the provisions of this act shall be used only for unemployment relief purposes and for such purposes are hereby appropriated and all moneys paid into the State Treasury during the second year this act is in effect shall be credited to the General Fund

Section [21] 20 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section [22] 21 [Effect on Other Acts of Assembly Nothing contained in this act shall be deemed to repeal or modify the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and its amendments or supplements The taxes imposed

by this act shall be in addition to all other taxes which are now or hereafter imposed by law] Repealer and Saving Clause (a) All acts or parts of acts inconsistent with the provisions of this act are hereby repealed but the provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments

(b) Sections seventeen and eighteen of the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and its amendments are hereby repealed but this act shall not be construed to repeal any of the remaining provisions of said act

(c) Nothing herein contained shall be construed as reviving any act repealed by the act which this act repeals and the passage of this act shall not be taken or construed to relieve any person association or corporation from the payment of any taxes penalties and interest imposed by section seventeen of the said act of June seventeenth one thousand nine hundred and thirteen (Pamphlet Laws 507) on reports filed for the calendar years one thousand nine hundred thirty-six or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-six and prior years or from any taxes penalties and interest imposed by the provisions of any act or parts of acts in force at the time this act becomes effective or to affect or terminate any petitions investigations prosecutions legal or otherwise or other proceeding pending under the provisions of any act or parts of acts in force at the time this act becomes effective or repealed by the act or to prevent the commencement or further prosecution of any legal proceedings by the proper authorities of the Commonwealth for violations of such acts or for the collection or recovery of taxes penalties and interest due or owing to the Commonwealth with a county under such acts

Section [23] 22 Effective Date This act shall become effective immediately upon its final enactment and [shall remain] be in force for the assessment and collection of taxes under section three of this act for the calendar [years one thousand nine hundred and thirty-six at the rate of one mill on each dollar of the value thereof and one thousand nine hundred and thirty-seven at the rate of four mills on each dollar of the value thereof] year one thousand nine hundred thirty-eight and every year thereafter and for the collection of taxes under section [eighteen] seventeen of this act [during the calendar years one thousand nine hundred and thirty-six at the rate of one mill on each dollar of the nominal value thereof and one thousand nine hundred and thirty-seven at the rate of four mills on each dollar of the nominal value thereof on reports filed for the calendar years one thousand nine hundred and thirty-six or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six] for the calendar year one thousand nine hundred thirty-eight on reports filed for the calendar year one thousand nine hundred thirty-seven or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-seven and for every year thereafter

On the question,

Will the House agree to the section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be head by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1 (sec. 3), page 6, lines 9 and 10, by striking out with light-face brackets the words H "building and loan association"

Amend sec. 1 (sec. 3), page 7, line 7, by inserting after the word "associations" the following: "or to shares of stock issued by building and loan associations"

Amend section 1, page 9, line 10, by inserting after the word "Commonwealth" at the end of line 10, the following: "Nor shall the provisions of this section apply to personal property held for the use, benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious, charitable, scientific, literary or educational purposes"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment

An Act to re-enact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended by imposing annual taxes for State purposes making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon modifying and further defining certain exemptions from said taxes.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1558, as follows:

An Act to repeal the act approved the second day of April one thousand eight hundred sixty-eigh (Pamphlet Laws fifty-five) entitled "A supplement to an act entitled 'An act to increase the revenues of the Commonwealth by taxation of the shares of stock of the national banks' approved April twelfth one thousand eight hundred and sixty-seven"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the second day of April one thousand eight hundred sixty-eight (Pamphlet Laws fifty-five) entitled "A supplement to an act entitled 'An act to increase the revenues of the Commonwealth by taxation of the shares of stock of the national banks' approved April twelfth one thousand eight hundred and sixty-seven" be and the same is hereby repealed

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1635, as follows:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-four) entitled as amended "An act imposing a State tax payable by those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" as amended and re-enacted by imposing an additional reciprocal tax by providing for the assessment and revision of and appeal from additional taxes and by making further provision with regard to refunds evidence of payment of the tax and penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections 3 4 6 10 12 and 14 of the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-four) entitled as amended "An act imposing a State tax payable by those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" as re-enacted and last amended by the act approved the ninth day of July one thousand nine hundred thirty-five (Pamphlet Laws six hundred twenty-eight) are hereby amended or further amended as the case may be to read as follows

Section 3 (a) Each manufacturer shall be subject to pay to the Commonwealth the taxes imposed by this section upon all malt or brewed beverages manufactured in this Commonwealth when prepared for market and every person who ships or transports malt or brewed beverages into this Commonwealth for sale delivery or storage in this Commonwealth shall pay to the Commonwealth the taxes imposed in this section before such beverages are transported within this Commonwealth Such taxes shall be at the rate of one-half cent (1/2c) per pint of sixteen (16) fluid ounces or fraction thereof

The tax rates per barrel or standard fraction thereof are as follows

Standard Fraction	Malt Beverage Tax Rate	Volume
1 barrel	$1.24	31 gal
1/2 barrel	.62	15 1/2 gal
1/3 barrel	.42	10 1/3 gal
1/4 barrel	.31	7 3/4 gal
1/6 barrel	.21	5 1/6 gal
1/8 barrel	.16	3 7/8 gal
1 gallon	.04	
1/2 gallon	.02	
1 quart	.01	
1 pint	.005	

(b) In the event that any State territory or country shall impose upon malt or brewed beverages which have been manufactured in Pennsylvania a higher tax or fee than is imposed upon malt or brewed beverages manufactured within such state territory or country every person who ships or transports from such state territory or country malt or brewed beverages manufactured therein into this Commonwealth for sale delivery or storage in this Commonwealth shall pay thereon to the Commonwealth before such beverages are transported within this Commonwealth in addition to the tax imposed by this section a tax equal to such excess tax or fee which is imposed in such state territory or country on Pennsylvania-manufactured malt or brewed beverages Such additional tax shall be levied assessed and collected in the same manner as the other taxes imposed by this act

(c) Manufacturers and all persons who bring malt or brewed beverages into the Commonwealth shall be liable to the Commonwealth as taxpayers for the payment of the taxes imposed by this act

Section 4 (a) The payment of the taxes herein provided shall be evidenced by the affixing of malt beverage tax stamps or crowns to the original containers in which all malt or brewed beverages are placed received stored shipped or handled Such stamps or crowns shall be affixed to each individual container of malt or brewed beverages by manufacturers of this Commonwealth within twenty-four (24) hours after such malt or brewed beverages are placed therein and by manufacturers and other persons who import or bring any malt or brewed beverages into this Commonwealth before the same are transported within this Commonwealth for sale delivery or storage therein Nothing herein contained shall require stamps or crowns to be attached to containers of malt or brewed beverages which are transported through this Commonwealth and which are not sold delivered or stored therein if transported in accordance with such rules and regulations as may be adopted by the Department of Revenue and the Pennsylvania Liquor Control Board

Persons licensed as "Public Service Licensees" under the provisions of any law of this Commonwealth relating to the sale of liquor and malt or brewed beverages shall not be required on reaching the borders of this Commonwealth to evidence the payment of the tax herein provided for by affixing malt beverage tax stamps or crowns as provided for in this section on any malt or brewed beverage on which the Pennsylvania malt beverage tax has not been paid but instead shall keep such records of the sales of such malt or brewed beverages in this Commonwealth as the Department of Revenue shall prescribe shall submit monthly reports of such sales to the Department of Revenue upon a form prescribed therefor by said department and shall pay the tax due by the provisions of this act at the time such reports are filed

(b) It is the intent and purpose of this section to require all manufacturers and other persons with the exception of public service licenees to affix the stamps or crowns provided for in this act to all original containers in which malt liquors are normally placed prepared for market received sold or handled before such beverages are transported within the Commonwealth

(c) Any manufacturer or person other than a public service licensee who shall sell malt or brewed beverages to distributors retail dealers or consumers without affixing to the containers the stamps or crowns required, by this act and any person who shall purchase receive transport store or sell any malt or brewed beverage to which the stamps or crowns required by this act are not affixed except as herein provided in the case of public service licensees shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or to suffer imprisonment for a term not exceeding six (6) months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than two hundred dollars ($200.00) or more than one thousand dollars ($1,000.00) and to suffer imprisonment for a term of not less than six (6) months or more than three (3) years

[Any manufacturer or person who shall be convicted of a misdemeanor under this section shall in addition to the punishment heretofore prescribed be adjudged to pay to the Commonwealth the tax due together with interest at the rate of twelve (12) per centum per annum from the date when due and payable Such adjudication shall be

certified to the prothonotary of the county and shall be indexed as and have the effect of a judgment for the amount of such tax and interest]

(d) If any person shall fail to pay any tax imposed by this act for which he is liable the department is hereby authorized and empowered to make an assessment of additional tax due by such person based upon any information within its possession or that shall come into its possession

(e) Promptly after the date of such assessment the department shall send by registered mail a copy thereof to the person against whom it was made Within thirty (30) days after the date of any such assessment such person may file with the department a petition for re-assessment of such taxes Every petition for re-assessment shall specifically the reasons which the petitioner believes entitle him to such re-assessmentand it shall be supported by affidavit that it is not made for the purpose of delay and that the facts set forth therein are true. It shall be the duty of the department within ninety(90) days after the date of any assessment to dispose of any petition for re-assessment Notice of the action taken upon any petition for re-assessment shall be given to the petitioner promptly after the date of re-assessment by the department

(f) Within thirty (30) days after notice by the department of the action taken on any petition for re-assessment filed with it the person against whom such assessment was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reason upon wihch the petitioner relies and shall be in such form as the Board of Finance and Revenue shall prescribe The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true The Board of Finance and Revenue shall dispose of such petitions filed with it within ninety (90) days after they have been received and in the event of the failure of said board to dispose of any such petition within ninety (90) days the action taken by the department upon the petition for re-assessment shall be deemed sustained The Board of Finance and Revenue may sustain the action taken on the petition for re-assessment or it may re-assess the tax due upon such basis as it shall deem according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the department and to the petitioner

(g) Any person aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon his petition for review within ninety (90) days may within sixty (60) days appeal to the Court of Common Pleas of Dauphin County from the decision of the Board of Finance and Revenue or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the cases of tax settlement

(h) In all cases of petitions for re-assessment review or appeal the burden of proof shall be upon the petitioner or appellant as the case may be

(i) Whenever any assessment of additional tax is not paid within thirty (30) days after the date thereof if no petition for re-assessment has been filed or from the date of re-assessment if no petition for review has been filed or within ninety (90) days from the date of the decision of the Board of Finance and Revenue upon a petition for review or the expiration of the Board's time for acting upon such petition if no appeal has been made and in all cases the department may call upon the Department of Justice of judicial sales receiverships assignments or bankruptcies to collect such assessment In such event in a proceeding for the collection of such taxes the person against whom they were assessed shall not be permitted to set up any ground of defense that might have been determined by the department the Board of Finance and Revenue or the courts as aforesaid The department may also certify to the Liquor Control Board for such action as the board may deem proper the fact that any person has failed to pay or duly appeal from such assessment of additional tax The department may also provide adopt promulgate and enforce such rules and regulations as may be appropriate to prevent further shipment or transportation of malt or brewed beverages into this Commonwealth by any person against whom such unpaid assessment shall have been made

Section 6 Stamps shall be affixed in such manner [that their removal will require continued application of steam or water] as shall be prescribed by regulations adopted and promulgated by the department

Section 10 In case any malt or brewed beverages upon which stamps or crowns have been placed by a manufacturer have been sold or shipped by him to a licensed or regular dealer in such malt or brewed beverages in another state such manufacturer in this Commonwealth shall be entitled to a refund of the actual amount of tax paid by him upon condition that the seller in this Commmonwealth shall make affidavit that the malt or brewed beverages were so sold and shipped and that he shall furnish from the purchaser an affidavit or in cases where the total purchase price is five dollars ($5.00) or less a written certificate in lieu of an affidavit from the purchaser or upon satisfactory proof that such affidavit or certificate cannot be obtained other evidence satisfactory to the department that he received such malt or brewed beverages for sale or consumption outside the Commonwealth and the amount of stamps or crowns thereon together with the name and address of the purchaser whereupon the department shall with the approval of the Board of Finance and Revenue issue to the seller in this Commonwealth stamps or crowns of sufficient value to cover the refund

The procedure for refund in any case shall be completed by the Department of Revenue and the Board of Finance and Revenue within sixty days after the proper affidavits have been filed with the department

Section 12 It shall be unlawful for any person to accept delivery of taxable malt or brewed beverages in containers upon which stamps or crowns [do not appear] are not affixed and perforated in the manner prescribed by the regulations of the department Such acceptance shall be a misdemeanor and upon conviction thereof in a summary proceeding before a magistrate alderman or justice of the peace [he] such person shall be fined ten dollars ($10.00) for each container so accepted and in default of payment thereof shall undergo imprisonment for not more than five (5) days for each container so accepted Possession of malt or brewed beverages in containers upon which stamps or crowns are not affixed and perforated in the manner prescribed by the regulations of the department shall be prima facie evidence of violation of this section

Section 14 Any person who falsely or fraudulently makes forges or alters or counterfeits any stamp or crown prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudulently made forged altered or counterfeited any such stamp or crown or who knowingly and wilfully utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or crown or who knowingly has in his possession custody or control any such false altered forged or counterfeited stamp or crown with intent to utter publish pass or tender such stamp or crown as true or who uses more than once any stamp or crown provided for and required by this act for the purpose of evading the tax hereby imposed and assessed shall be guilty of a [misdemeanor] felony and upon conviction thereof shall be sentenced to suffer imprisonment for a term [of not less than two (2) years or more than five (5) years] not exceeding ten (10) years or to pay a fine not exceeding five thousand dollars ($5,000) or both

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House bill No. 1016, as follows:

An Act to amend section twelve of the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring power and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended providing that the Commonwealth shall pay to the recorders of deeds prothonotaries and clerks of courts the fees provided by the act for filing with the Department of Revenue certain records

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twelve of the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limied partnerships conferring and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended by the act approved the seventeenth day of July one thousand nine hundred and thirty-six (Pamphlet Laws 51) is hereby further amended to read as follows

Section 12 Compensation of Recorders and Prothonotaries The several recorders of deeds prothonotaries and court clerks as foresaid shall be entitled to receive ten cents for each and every mortageg judgment or lien assignment or satisfaction thereof reported to the department as heretofore required in this act Such fees shall be paid by the [respective county treasurers] State Treasurer on the presentation of proper vouchers certified by the department and shall be applied in like manner as other fees received by such recorders prothonotaries or clerks Provided That no fee shall be allowed in any case where the residence of any plaintiff mortagee or assignee is omitted in such reports [And provided further That the amount allowed any prothonotary or clerk or recorder of deeds under this act shall not exceed the sum of six hundred dollars ($600.00) per annum]

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1053, as follows:

An Act to amend section one as re-enacted sections two and three as amended sections four and five and section six as amended of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania providing further for the distribution and use of unclaimed bodies fixing the time for the claiming and distribution of bodies and the duties of carriers of bodies requiring those receiving bodies to give bond and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized use and traffic in human bodies" as re-enacted by section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 849) is hereby amended to read as follows

Section 1 The professors associate professors and assistant professors in the department of anatomy the professors of surgery and of pathology [the demonstrators of anatomy and the demonstrators of surgery] of the medical and dental schools and the medical and dental colleges of this Commonwealth which are now or may hereafter become incorporated [together with one representative from each of the unincorporated schools of anatomy or practical surgery within this Commonwealth in which there are or from time to time at the time of the appointment of such representatives shall be not less than five scholars] and the Secretary of Health of this Commonwealth shall be and hereby are constituted a board for the distribution and delivery of dead human bodies hereinafter described to and among such institutions and persons as under the provisions of this act are entitled thereto [The professor of anatomy in the University of Pennsylvania at Philadelphia shall call a meeting of said board for organization at a time and place to be fixed by him within thirty day after the passage of this act]

The said board shall have full power to establish rules and regulations for its government and to appoint and remove proper officers and shall keep full and complete minutes of it transactions and records shall also be kept under its direction of all bodies received and distributed by said board and of the persons to whom the same may be distributed which minutes and records shall be open at all times to the inspection of each member of said board and of any district attorney of any county with this Commonwealth The said board shall have full power to enter into contracts make purchases and perform such other acts as are necessary for the proper performance of its duties

The name of said board of distribution shall be Anatomical Board of the State of Pennsylvania

Section 2 That section two of said act as amended by the act approved the twentieth day of April one thousand nine hundred and twenty-one (Pamphlet Laws 167) is hereby further amended to read as follows

Section 2 All public officers agents and servants and all officers agents and servants of any and every county city township borough district and other municipality and of any and every almshouse prison morgue hospital or other public institution and all other persons having charge or control over dead human bodies required to be buried at the public expense are hereby required to [immediately] notify immediately the said board of distribution or such person or persons as may from time to time be designated by said board or its duly authorized officer or agent whenever any such body or bodies come to his or their possession charge or control and shall without fee or reward deliver within thirty-six hours after death except those coroners' cases in which more time may be required such body or bodies and permit and suffer the said board and its agents [and the physicans and surgeons from time to time designated by them who may comply with the provisions of this act] to take and remove all such bodies to be used within the State for the advancement of medical science

Such notice shall be given to the board of distribution in all cases but no such body shall be delivered if any relative by blood or marriage shall claim the body for burial at the expense of such relative within thirty-six hours after death but the body shall be surrendered to said claimant for interment nor shall any such body be delivered if any friend or any representative of a fraternal society of which deceased was a member or a representative of any charitable organization shall claim the said body for burial within [twenty-four] thirty-six hours after death said burial to be at the expense of such friend fraternal society or charitable organization nor shall the body be delivered if said person was an honorably discharged soldier sailor or marine of the United States or of the milita of the State of Pennsylvania in which case said body shall be buried in accordance with the provisions of existing laws

In case of the death of any person whose body is required to be buried at the public expense and the duly authorized officer or agent of the board deems such body unfit for anatomical purposes he shall notify in writing the poor directors overseers or in counties in which there are no poor directors or overseers then the county commissioners of the county where such person died except that in counties of the first class it shall be the coroner instead of the county commissioners who shall direct some person to take charge of the body of such deceased indigent person and cause it to be buried and draw warrants upon the treasurer of their county for the payment of such expenses which expenses shall not be less than thirty-five dollars nor more than fifty dollars on each body buried in accordance with the provisions of this act Such warrants shall be made payable to the persons so authorized and directed who shall have buried the bodies for which [no] said warrants are to be drawn No warrants for the payment of the expenses of the burial at the public expense shall be drawn or paid except upon the certificate of the duly authorized officer or agent of the board to the effect that such body is unfit for anatomical purposes or that the body is that of a soldier sailor or marine of the United States or of the militia of the State of Pennsylvania required to be buried at the public expense and that the provisions of this act have been complied with

Wherever through the failure of any person to notify and deliver the body of a deceased indigent as required by this act such body shall become unfit for anatomical purposes and is certified by the duly authorized officer or agent of said board of distribution such body shall be buried at the expense of [in accordance with the provisions of this act and] the person so failing to notify and deliver such body [shall pay to the county treasurer the expense so incurred and upon the refusal or failure of such person on demand to pay such expenses the poor district or overseers or in counties in which there are no poor directors or overseers then the county commissioners shall bring suit to recover the same to be recovered as debts of the like amount are by law collectible]

Section 3 That section three of said act as amended by the act approved the twentieth day of April one thousand nine hundred and twenty-one (P. L. 107) is hereby further amended to read as follows

Section 3 The said board or their duly authorized agent may take and receive such bodies so delivered as aforesaid and shall upon receiving them distribute and deliver them proportionally and equitably to and among the medical and dental schools and medical and dental colleges of the Commonwealth [physicians and surgeons aforesaid in manner following Those bodies needed for lectures and demonstrations by the said schools and colleges corporated and unincorporated shall be first supplied the remaining bodies shall then be distributed proportionately and equitably preference being given to said schools and colleges the number assigned to each to be based upon the number of students in each dissecting or operative surgery class which number shall be reported to the board at such times as it may direct Instead of receiving and delivering said bodies themselves or through their agents or servants the board of distribution may from time to time either directly or by their authorized officer or agent designate physicians and surgeons who shall receive them and the number which each shall receive] If additional bodies are available beyond the needs of the medical and dental schools and colleges of the Commonwealth such bodies may be distributed upon request to physicians and surgeons and to other schools and colleges giving courses in science in which the use of cadaveric material would be advantageous or may be loaned for demonstration or examination purposes to the State Examining Boards and to recognized associations of licensed undertakers the cost of such bodies including preparation special handling and a proportionate share of the overhead cost of the board shall be collected by said board from such physicians surgeons schools colleges State Examining Boards and associations of licensed undertakers to whom or to which the bodies are distributed or loaned

Section 4 That section four of said act is hereby amended to read as follows

Section 4 The said board may employ a carrier or carriers for the conveyance of said bodies which bodies shall be well enclosed within a suitable encasement and carefully deposited free from public observation Said carrier shall [obtained receipts by] give a receipt containing the name of the person or if the person be unknown [by] a description of each body [delivered] received by him and shall deposit [said] a duplicate receipt with secretary of the said board

Section 5 That section five of the said act is hereby amended to read as follows

Section 5 No university school college physician [or] surgeon or association shall be allowed or permitted to receive any such bodies until a bond approved as to form by the Attorney General shall have been given to the [Commonwealth] board by such physician or surgeon or by or in behalf of such university school [or] college [to be approved by the prothonotary of the court of common pleas in and for the county in which such physician or surgeon shall reside or in which such school or college may be situated and to be filed in the office of said prothonotary or association which bond shall be in the penal sum of one thousand dollars conditioned that all such bodies which the said physician or surgeon or the said university school [or] college or association shall receive thereafter shall be used only for the promotion of medical science within this State and whosoever shall sell or buy such body or bodies or part or parts of such body or bodies or in any way traffic in the same or shall transmit or convey or cause to procure to be transmitted or conveyed said body or bodies or part or parts of such body or bodies to any place outside of this State shall be deemed guilty of a misdemeanor and shall on conviction be liable to a fine not exceeding two hundred dollars or be imprisoned for term not exceeding one year but this section shall not be construed as prohibiting any physician or dentist licensed to practice medicine in the Commonwealth of Pennsylvania or the members of the board from transporting human specimens outside of the State for their temporary use at scientific meetings or exhibits

Section 6 That section six of said act as last amended by the act approved the twenty-second day of May one thousand nine hundred nad thirty-three (P. L. 849) is hereby further amended to read as follows

Section 6 Neither the Commonwealth nor any county or municipality nor any almshouse prison morgue hospital or other public institution nor any officer agent or servant thereof nor any person or persons having possession of an unclaimed dead human body shall be at any expense by reason of the delivery or distribution of any such body but all the expenses thereof and of said board of distribution except as provided in section three of this act shall be paid equitably by [those] universities schools and colleges regularly receiving the bodies under such rules and regulations as the board may from time to time provide [On the first day of September one thousand nine hundred and thirty-six and quarterly thereafter it shall be the duty of the board to ascertain its full operating cost during the preceding three months and to bill each

school college physician or surgeon for such sum per cadaver furnished as will equal such cost except that the sum per cadaver shall never exceed twenty dollars] All moneys received or collected by the board under this act shall be used by the board for the payment of all expenses incurred in the performance of its duties under this act

Section 7 That sections five hundred seven and five hundred nine and clause (d) of section two thousand four hundred two and clauses (d) and (e) of section two thousand four hundred three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganizaiton of certain administrative departments boards commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" and the amendments thereto are hereby specifically repealed in so far as said sections and said clauses relate to the Anatomical Board

Section 8 All acts and parts of acts inconsistent herewith are hereby repealed

Section 9 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 742, as follows:

A Supplement to the act approved the twentieth day of July one thousand nine hundred thirty-five (Appropriation Acts page seventy-one) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five" providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-seven and making appropriations to the Legislative Department for the legislative session of one thousand nine hundred and thirty-seven

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following sums or as much thereof as may be necessary for deficiencies or for supplementary amounts in certain appropriations made to certain agencies in the Executive Legislative and Judicial departments by the act to which this is a supplement be and the same are hereby specifically appropriated to the several departments or agencies hereinafter named

EXECUTIVE DEPARTMENT

To the Department of Banking

For the payment of the deficiency in the appropriation for salaries wages or other compensation of the members and employes and for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania Securities Commission the sum of twelve thousand five hundred dollars ($12,500)

To the Department of Justice

For the payment of the deficiency in the appropriation for the payment of salaries wages or other compensation of deputy attorneys general special deputy attorneys general assistant deputy attorneys general special attorneys law clerks and other employes for the payment of compensation of attorneys employed by the several departments boards and commissions with the approval of the Attorney General for handling litigation or making collections or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for the payment of costs and witness fees for the purchase of law books for the law library of the department and for payment of general expenses necessary for the proper conduct of the work of the department and for the prosecution and defense of litigation to which the Commonwealth is a party or in which the Commonwealth is interested the sum of twenty thousand dollars ($20,000)

To the Department of Labor and Industry

For the payment of the deficiency in the appropriation for the statutory amounts of workmen's compensation and medical hospital surgical and burial expenses to injured employes and dependents of deceased employes of the various departments of the State government upon claims arising prior to June first one thousand nine hundred and twenty-nine under the Workmen's Compensation Act of one thousand nine hundred and fifteen its amendments and supplements the sum of two thousand dollars ($2.000)

To the Department of Military Affairs

For the payment of the deficiency in the appropriation for the purpose of placing at the disposal of the Governor and making the same available for replacement or repair such military stores and supplies issued to the Commonwealth of Pennsylvania by the Federal Government as may be destroyed or damaged in whole or in part by fire flood storm or any other unavoidable cause for the payment of transportation pay of officers and enlisted men horse hire subsistence quartermaster stores and other proper and necessary expenses incident to field service rendered by the Pennsylvania National Guard under orders of the Governor in repelling invasion subduing insurrection riot tumult or disorder or the prevention of the same and when such Pennsylvania National Guard may be placed on duty under orders of the Governor under extraordinary circumstances for the protection of property or human life and in the event of all or any portion of said Pennsylvania National Guard being called into active service of the United States by the President of the United States or in furnishing the quota of volunteers from the Commonwealth of Pennsylvania under a call made by the President of the United States and for the payment of mileage and lawful expenses of commissioners to take the vote of Pennsylvania Soldiers in Federal or State service when in the field or active duty for the payment of any and all expenses incident to furnishing men material and equipment to relieve unemployment or draught conditions throughout the State or when a disaster occurs for the payment of claims against the Commonwealth of Penn-

sylvania for damages incurred by the operation or training of the Pennsylvania National Guard as provided by law for the payment of all necessary expenses including annual allowances for maintenance and armory rent individual pay officers annual allowances passenger and freight transportation telegrams telephone toll-charges subscriptions to The Pennsylvania National Guardsmen for distribution to officers and men of the Pennsylvania National Guard the expenses of operating and maintaining automobiles and other motor equipment the payment of mileage charges to the Department of Property and Supplies for the use of automobiles and other expenses necessary for the maintenance training government discipline and equipment of the Pennsylvania National Guard for the payment of claims made by the War Department based upon approved reports of survey covering loss damage or destruction of Federal property for the payment of salaries of members of the Armory Board of the State of Pennsylvania and inspectors for the payment of salaries wages or other compensation or employes for the payment of general expenses necessary for the proper conduct of the work of the Armory Board of the State of Pennsylvania for the maintenance and repair of armories and for the expenses of inspection of armories the sum of ninety thousand dollars ($90,000)

To the Department of Property and Supplies

For the payment of the deficiency in the appropriation for the purchase of supplies including medicines medical surgical laboratory chemical biological and electrical supplies military stores and supplies stationery and office supplies for the purchase of food and forage and other animal foods for the purchase of furniture and equipment including office chemical laboratory medical surgical biological and electrical equipment furniture furnishings utensils military and police equipment fire arms and other accoutrements artificial appliances fire protection and fire fighting equipment for the purchase of animals poultry seedlings and transplants for the purchase of legal and other books periodicals maps charts manuscripts pamphlets exchanges records lantern slides archaelogical and historical markers and for the purchase of all other maticipated at the time of the making of said schedules of the Department of Property and Supplies or for which requisition is made but the want of which was not anticipated at the time of the making of said schedules for the cost of repairing office equipment for the cost of miscellaneous services for the payment of rental charges for telephones and other patented leased office devices for the payment of the cost of printing and printing processes such as binding ruling lithographing color printing and engraving for the purchase of paper envelopes cloth and other substances on which printing is done cuts electrotypes dies stamps and other printing and binding supplies as may be required for the Executive Mansion and the several administrative departments boards and commissions of the State government except the Department of Highways the Department of Banking and the Department of Revenue to the extent to which appropriations for these purposes shall have been made to them from special funds the Department of the Auditor General the Treasury Department the Board of Fish Commisioners the Board of Game Commissioners the State Farm Products Show Commission the Pennsylvania Liquor Control Board the Milk Control Board the State Workmen's Insurance Board the departmental administrative boards or commissions having control of State institutions or supervision over or the duty of planting for State parks harbors or canals for the payment of the cost of making tests of materials supplies and equipment whether purchased by the Department of Property and Supplies directly or as purchasing agency for the payment of the cost of preparation of plans designs and specifications including necessary tests or borings and the preparation of same required for the performance of the work of the Department of Property and Supplies (when said cost is not otherwise provided for) including those to be purchased or altered at the expense of a fund other than the General Fund and for the payment of expenses incident to condemnation proceedings in the event such expenses are not provided for in any act of the General Assembly authorizing the acquisition of land for the Commonwealth the sum of one hundred seventy-five thousand dollars ($175,000)

For the payment of the deficiency in the appropriation for the purchase of office supplies and equipment stationery printing printing supplies and printing processes for the purchase of legal books periodicals maps pamphlets for the purchase of all other materials supplies and equipment for the costs of repairing office equipment for the payment of rental charges of telephone and other leased devices for the payment of telephone toll charges and telegrams required by the General Assembly and the Judicial Department for the payment of costs including delivery expenses of documents and publications furnished to members and officers of the General Assembly for the payment of the costs of all printing incident to the sessions of General Assembly including the printing of the Pamphlet Laws for the payment of costs of printing the Pennsylvania State Manual and for the payment of the costs of postage freight express paper and printing of departmental documents distributed to members of the Legislature in accordance with law the sum of two hundred fifty thousand dollars ($250,000)

To the Department of Public Instruction

To supplement the appropriation for reimbursement to school districts for transportation of school children as required by law the sum of five hundred twenty-five thousand dollars ($525,000)

To supplement the appropriation for the cost of transportation investigation and necessary expenses involved in the education of blind children as required by law for the education of children placed in homes by the courts or other agencies as required by law for the award of scholarships to graduates of secondary schools to aid them in obtaining higher education as required by law for Cornplanter Indians as required by law for the expense of blind students in attendance at institutions of higher learning as provided by law and for the payment to school districts of annual fixed charges in lieu of taxes on State lands as required by law the sum of seventy thousand dollars ($70,000)

To supplement the appropriation for reimbursing school districts upon the salaries of school teachers and for closed schools and for non-resident high school tuition as required by law the sum of five million four hundred fifty-seven thousand nine hundred sixty-nine dollars ($5,457,969) Provided That the Superintendent of Public Instruction with the approval of the Governor may make payments from this appropriation in advance of the due dates prescribed by law to school districts which are financially handicapped whenever he shall deem it necessary to make such advanced payments to enable such school districts to keep their public schools open

To supplement the appropriation for the payment of compensation to former teachers principals supervising principals or superintendents who agree in writing to hold themselves ready under the direction of the board of school directors to advise and counsel with school officials to visit and counsel with new teachers to act as substitute teachers when able to examine and report on public school work to visit pupils' homes in the interest of child welfare to attend educational conferences and addresses and to be concerned with other educational work as may be deemed necessary and helpful to community school interest as provided by law the sum of forty-seven thousand dollars ($47,000)

To The Public Service Commission

For the payment of the deficiency in the appropriation for salaries wages or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the commission the sum of nineteen thousand dollars ($19,000)

For the payment of the deficiency in the appropriation for salaries wages or other compensation and for the payment of general expenses necessary for the revaluation of the Philadelphia Rapid Transit Company its underlier

and other necessary revaluations instituted on the motion of the Public Service Commission the sum of twenty-one thousand dollars ($21,000)

To the Department of Revenue

For the payment of the deficiency in the appropriation for salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department for the payment of costs of filing liens for the purchase of tax stamps and for the payment of costs of advertising required by any act of Assembly in connection with the escheat of moneys and property to the Commonwealth or in connection with the payment of unclaimed moneys into the State Treasury without escheat the sum of one hundred fifty thousand dollars ($150,000) Provided however That to the extent to which appropriations have been made to the department out of special funds for any of the foregoing purposes this appropriation shall not be used for such purposes

For the payment of the deficiency in the appropriation for costs in suits against delinquent dealers for mercantile and other license taxes the sum of five thousand dollars $5,000)

To the Department of State

For the payment of the deficiency in the appropriation for salaries wages or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the State Employes' Retirement Board the sum of five thousand six hundred dollars ($5,600)

To the Department of Welfare

For the payment of the deficiency in the appropriation for salaries wages or other compensation of the superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs for the purchase of equipment furniture and furnishings for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Ashland State Hospital at Ashland the Blossburg State Hospital at Blossburg the Coaldale State Hospital at Coaldale the Connellsville State Hospital at Connellsville the Hazleton State Hospital at Hazleton the Locust Mountain State Hospital at Shenandoah the Nanticoke State Hospital at Nanticoke the Philipsburg State Hospital at Philipsburg the Scranton State Hospital at Scranton and the Shamokin State Hospital at Shamokin as may be authorized and approved by the Secretary of Welfare the sum of thirty thousand dollars ($30,000)

LEGISLATIVE DEPARTMENT

To the Senate

For the payment of the salaries of the officers and employes of the Senate session of one thousand nine hundred and thirty-seven the sum of thirty-five thousand dollars ($35,000)

For the payment of the incidental expenses of the Senate for six months commencing December first one thousand nine hundred and thirty-six and for the entire period of the session of one thousand nine hundred and thirty-seven should the same extend beyond May thirty-first such sum as may be necessary to be expended by the chief clerk of the Senate who shall render to the Auditor General accounts from time to time with proper specifically itemized vouchers to be settled in the same manner as other accounts but said chief clerk shall at no time have in his hands more than two thousand dollars ($2,000) for which accounts have not been rendered and settled and the whole amount expended by the said chief clerk not exceed the sum of three thousand dollars ($3,000) out of which amount such necessary extra labor in the Senate shall be paid as shall be certified by the President pro tempore and the chief clerk

To the chief clerk of the Senate for the payment of the postage on the Legislative Journal bills and calendars session of one thousand nine hundred and thirty-seven the sum of one thousand dollars ($1,000)

For the payment of the mileage of fifty Senators session of one thousand nine hundred and thirty-seven the sum of twenty-five hundred dollars ($2,500)

To the House of Representatives

For the payment of the salaries of the officers and employes of the House of Representatives session of one thousand nine hundred and thirty-seven also for the payment of the session and recess salaries of all officers and employes whose positions are now or may be hereafter created and for the payment of which provision is not otherwise made also for the payment of any increase which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the House of Representatives whose present salaries are provided for in this section the sum of thirty-five thousand dollars ($35,000) for the two years ending May thirty-one one thousand nine hundred and thirty-seven

For the payment of the salary of the Chief Clerk of the House of Representatives for the two years beginning June first one thousand nine hundred and thirty-five the sum of five hundred dollars ($500)

For the payment of the incidental expenses of the House of Representatives for the six months commencing December first one thousand nine hundred and thirty-six and for the entire period of the session of one thousand nine hundred and thirty-seven should the same extend beyond May thirty-first those accounts are to be expended by the Chief Clerk who shall render to the Auditor General accounts from time to time with proper specifically itemized vouchers to be settled in the same manner as other accounts The whole amount thus expended by the Chief Clerk shall not exceed the sum of three thousand dollars ($3,000)

For the payment of the mileage of two hundred and eight members of the House session of one thousand nine hundred and thirty-seven the sum of twelve thousand five hundred dollars ($12,500)

JUDICIAL DEPARTMENT

Supreme and Superior Court

For the deficiency in the appropriation for the payment of the expenses of the Supreme Court in the middle district and the Superior Court of Harrisburg the sum of four hundred dollars ($400)

Common Pleas Courts

To supplement the appropriation for the payment of salaries of the judges of the courts of common pleas learned in the law in the several judicial districts of the Commonwealth the sum of eight thousand seven hundred fifty dollars ($8,750)

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Sloan,
Alimond,	Gerard,	Mellott,	Smith, James A.,
Arnold,	Gillette,	Merrell,	Smith, John A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T	Hagerty,	Moran,	Sproul,
Baker, J. J	Hall,	Moul,	Stackpole,
Balthaser	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boles,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,

Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Brd .d,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Corrigan,	Leisey,	Robinson,	Weiss, D. H.,
Costanzo,	Levy,	Rothenberger,	Weiss, S. A.,
Davies,	Lewis,	Royer,	Welliver,
Decker,	Long,	Ruffennach,	Welsh,
DeNote,	Longaker,	Rush,	Westrick,
Dickinson,	Lopresti,	Sarraf,	Whalen,
Donohoe,	Lovett,	Scanlon,	Whitenight,
Dougherty,	Mallen,	Schor,	Wilson,
Downey,	Marino,	Schrock,	Winner,
Dubbs,	Matthews, J. F.,	Schrope,	Wood,
Dyson,	McArdle,	Schumacher,	Woodside,
Eckels,	McCullough,	Serrill,	Wright,
Elpern,	McDermott,	Shaw,	Yanoshat,
Falkenstein,	McDevitt,	Shea,	Yeakel,
Finnerty,	McElroy,	Shepard,	Yourishin,
Fiss,	McFall,	Shoemaker,	Zappala,
Fitch,	McGee,	Siegel,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1157, as follows:

An Act to amend section one section three as amended and section four five and nine as added of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" extending said act to motor boats on boundary waters exempting out-board motor boats from licensure and regulating license fees for such motor boats providing for new license plates each license year and fixing license years and regulating the installation of mufflers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-eighth day of May one thousand nine hundred thirty-one (Pamphlet Laws 22) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal water of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" is hereby amended to read as follows

Section 1 Be it enacted etc That the following words and terms when used in this act shall have the meanings ascribed to them in this section

"Board" The Board of Fish Commissioners of the Commonwealth or its duly authorized representative

"Inland Waters" Any public stream river lake artificial or natural body of water [or non-tidal waters of any river] within or on the boundaries of the Commonwealth

"Motor Boat" Any boat propelled by any type of internal combustion motor of one or more cylinders [including any type of water craft propelled by] other than outboard motor except boats on boundary waters engaged wholly or partly in the transportation of freight and boats on boundary waters owned by non-residents which are not customarily housed or docked along shores in Pennsylvania

"Person" An individual copartnership association or corporation

The masculine shall include the feminine or neuter and the singular shall include the plural

Section 2 That section three of said act as amended by section one of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1122) is hereby further amended to read as follows

Section 3 Any person owning a motor boat and desiring to operate or navigate the boat or cause it to be operated or navigated on any inland water shall make a written application to the Department of Revenue for a license for such boat Such application shall be made on a form prescribed prepared and furnished by the Department of Revenue and together with such other information as the Department of Revenue may require shall state

(a) The name and address of the applicant and if the applicant is a partnership the names and addresses of all the partners and if the applicant is a corporation the names and addresses of its officers

(b) The size seating or other capacity gross weight and type of the boat

(c) The type number of cylinders the horse power and maximum speed of the motor and the type of muffler under-water exhaust used in connection with such motor

(d) The engine number of the motor which propels the boat

Upon receipt of an application and upon the payment of a license fee of one dollar for each cylinder of the motor built in [or attached to the boat] in the case of motor boats operated on inland waters and of a license fee of the same amount as required to be paid by residents of any other state abutting the boundary waters in case of motor boats operated on boundary waters the Department of Revenue shall issue to the applicant owner a license for his boat together with duplicate metallic license plates which plates shall contain a serial number [at least five inches on height] corresponding with the number on the license issued to the owner and shall be displayed conspicuously at all times one on each side of the bow of the boat [The owner may paint or stencil a facsimile of the license plates one on each side of the bow of the motor boat provided such license plates are stored in such motor boat] Such license plates [or facsimilie of such license plates] shall be used only on the boat the engine of which bears the number set forth in the application

Section 3 That sections four five and nine of said act as added by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1122) are hereby amended to read as follows

Section 4 Dealers' licence plates bearing the additional "X" may be used on any motor boat in the possession of manufacturer jobber or dealer when the boat is being used for demonstration purposes Application for dealers' licenses shall be made upon a form provided by the Department of Revenue and shall set forth the full name and business address of the applicant and such other information as the Department of Revenue shall require and shall be signed by such manufacturer jobber or dealer Upon receipt of the application and upon the payment of a license fee of [five] ten dollars for the initial set and five dollars for each additional set the Department of Revenue shall issue to the applicant manufacturer jobber or dealer a dealer's license together with duplicate metallic license plates which plates shall contain the letter "X" and a serial number corresponding with the number on the license issued to the dealer and shall be displayed

conspicuously one on each side of the bow of the boat being used by the dealer

Section 5 Dealers' and owners' license plates shall be valid [from year to year provided the license is renewed as hereinafter required If the license is not renewed it shall be the duty of the motor boat owner to forward the license plates in his possession to the Department of Revenue and remove the facsimile of such license plates immediately upon the expiration of his license In the event the license plates have been lost or destroyed a sworn statement to that effect shall be submitted to the Department of Revenue in lieu of the license plates Dealers' and owners' licenses shall be valid until the thirty-first day of December next following the date of their issuance and may be renewed from year to year upon application and payment of a fee as in the case of procurment of an original license] only for the license year April first of one year to March thirty-first of the succeeding year Upon the renewal of a license for any subsequent year new license plates shall be issued by the department

Section 9 No boat propelled by any type of internal combustion motor of one or more cylinders including boats propelled by out-board motors shall be operated on any of the inland waters unless the same is equipped with [an underwater exhaust or with a muffler having at least two baffle plates Such muffler and baffle plates shall be in good working order and of a type approved by the board No cut-outs or other devices shall be used to make such muffler ineffective] a muffling device supplied by the manufacturer of the motor for that particular model without modification to prevent excessive or unusual noise which shall at all times be maintained in good working order No person shall operate a motor boat with the cut-out open or muffler removed Provided That nothing contained in this section shall be construed to require motors to be so muffled when boats are engaged in legitimate racing contests or on preparation for the same The Board of Fish Commissioners shall have power to require the installation of any type of muffler if that supplied by a manufacturer is not deemed satisfactory to the board

Section 4 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Flanagan	McKinney,	Simon,
Alexander,	Flannery,	McShane,	Simpson,
Allen,	Flinchbaugh,	Melchiorre,	Sloan,
Allmond,	Ganser,	Mellott,	Smith, James A.,
Arnold,	Gerard,	Merrell,	Smith, John A.,
Atkins,	Gillette,	Mihm,	Snyder,
Aukerman,	Gorski,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Baker, F. T.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boies,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Corrigan,	Leisey,	Robinson,	Weiss, D. H.,
Costanzo,	Levy,	Rothenberger,	Weiss, S. A.,
Davies,	Lewis,	Royer,	Welliver,
Decker,	Long,	Ruffennach,	Welsh,
DeNote,	Longaker,	Rush,	Westrick,
Dickinson,	Loprestl,	Sarraf,	Whalen,
Donohoe,	Lovett,	Scanlon,	Whitenight,
Dougherty,	Mallen,	Schor,	Wilson,
Downey,	Marino,	Schrock,	Winner,
Dubbs,	Matthews, J. F.,	Schrope,	Wood,
Dyson,	McArdle,	Schumacher,	Woodside,
Eckels,	McCullough,	Serrill,	Wright,
Elpern,	McDermott,	Shaw,	Yanoshat,
Falkenstein,	McDevitt,	Shea,	Yeakel,
Finnerty,	McElroy,	Shepard,	Yourishin,
Fiss,	McFall,	Shoemaker,	Zappala,
Fitch,	McGee,	Siegel,	Furman,

NAYS—1

Habbyshaw,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

HOUSE BILL No. 1771 MADE A SPECIAL ORDER.

Mr. CLIFF PATTERSON. Mr. Speaker, I move that House Bill No. 1771, Senate Bill No. 231, Printer's No. 112, entitled:

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors where there is no evidence of fraud or conspiracy and to authorize ratify confirm and validate payments on such contracts by the school district.

on page 17 of today's calendar, bills on third reading be made a special order of business at 2:05 p. m. today.

The motion was agreed to.

SPECIAL ORDER ON HOUSE BILL No. 1771

The SPEAKER. This being the hour fixed for the special order on House Bill No. 1771, Senate Bill No. 231, the Chair now lays before the House that bill.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1771, (Senate Bill No. 231), entitled:

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors, where there is no evidence of fraud or conspiracy, and to authorize, ratify, confirm and validate, payments on such contracts by the school district.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, James A.,
Arnold,	Gillette,	Merrell,	Smith, John A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,

Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boles,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, S.,	Tumelty,
Brown,	Holstrom,	Patterson, W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Decker,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Mallen,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

HOUSE BILL No. 1571 MADE A SPECIAL ORDER

Mr. TURNER. Mr. Speaker, the gentleman from York, Mr. Cohen, also desires that House Bill No. 1571 be moved ahead I therefore move that House Bill No. 1571, Printer's No. 383, entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties

on page 16 of today's calendar, bills on third reading be made a special order of business on at 2:09 p. m. today.

The motion was agreed to.

SPECIAL ORDER ON HOUSE BILL No. 1571

The SPEAKER. This being the time fixed for the special order on House Bill No. 1571, the Chair now lays before the House that bill.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1571, entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, John A.,
Arnold,	Gillette,	Merrell,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boles,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Mallen,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

HOUSE BILL No. 794 MADE A SPECIAL ORDER

Mr. FLINCHBAUGH. Mr. Speaker, I move that House Bill No. 794, Printer's No. 420, entitled:

An Act to amend sections one and two as amended and sections four and six of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pam-

phlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" enlarging the powers of the Secretary of Banking authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof requiring licensees to file annual reports increasing fee reducing the rate of interest on loans increasing the penalty for operation without a license and bringing certain transactions within the scope of the act on page 9 of today's calendar, bills on third reading be made a special order of business on Monday March 29, 1937, at 9:30 p. m.

The motion was agreed to.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1040.

An Act to re-enact and amend the title and the act, approved the fourteenth day of June one thousand nine hundred thirty-five (P. L. 341), entitled "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties" by extending the provisions of the act for a further period of time and by making further provision for penalties.

HOUSE BILL No. 1041.

An Act to re-enact and amend the title and the act, approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. 208), entitled "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" as amended by extending the provisions of the act for a further period of time reducing the rate of tax further defining net income making further provision for filing reports on a fiscal year basis and for the filing of consolidated reports providing for the settlement and resettlement of taxes and review and appeal therefrom imposing duties and conferring powers on the Auditor General and making further provisions for the retention of records by corporations and for interest penalties.

HOUSE BILL No. 1045.

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149), entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commerically usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by imposing an additional tax on liquid fuels for a limited period of time and making further provision for the determination and payment of the tax.

HOUSE BILL No. 1046.

An Act to re-enact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six P. L. 13) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board by extending the provisions thereof for a further period of time and providing a method of ascertaining the amount of the tax for payment over to the Department of Revenue.

HOUSE BILL No. 1161.

An Act to amend section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the re-settlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision for the appointment of mercantile appraisers.

HOUSE BILL No. 1203.

An Act relating to counties of the first class and the duties of the recorders of deeds thereof in conection with the collection of certain fees and taxes payable to the Commonwealth and making provision for the disposition such recorders of deeds.

HOUSE BILL No. 1204.

An Act relating to counties of the first class and the duties of the treasurers thereof in conection with the collection of certain taxes fees license taxes and license fees payable to the Commonwealth and making provision for the disposition of the compensation therefore heretofore received by such treasurers With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed

that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives March 23, 1937.

Resolved (if the Senate concur), That the Chief Clerk be directed to have printed twelve hundred copies of the Report of the Joint Legislative Commission on Interstate Cooperation presented to the General Assembly on March 23, 1937; eight hundred of said copies to be for the use of the House of Representatives and four hundred copies for the use of the Senate.

HOUSE BILL No. 1415 MADE A SPECIAL ORDER

Mr. JAMES W. PATTERSON. Mr. Speaker, I move that House Bill No. 1415, (Senate Bill No. 77), Printer's No. 96, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes; and revising and consolidating the laws relating thereto," empowering counties of the second class to employ police officers at the expense of such counties; and defining their powers.

on page 15, of today's calendar, bills on third reading be made a special order of business at 2:15 p. m. today.

The motion was agreed to.

SPECIAL ORDER ON HOUSE BILL No. 1145

The SPEAKER. This being the time fixed for the special order on House Bill No. 1415, (Senate Bill No. 77), the Chair now lays that bill before the House.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1415, (Senate Bill No. 77), entitled:

An Act to amend the act aproved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third fourth fifth sixth seventh and eight classes and revising amending and consolidating the laws relating thereto" empowering counties of the second class to employ police officers at the expense of such counties and defining their powers.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

Yeas—202.

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, John A.,
Arnold,	Gillette,	Merrell,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. I.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Murrin,	Stewart,
Blank,	Harkins,	Munley,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boies,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Vallbus,
Burrows,	Horting,	Pearson,	VanAllsburg
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Wellliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Mallen,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,	McGee,		

Nays—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

BILL PASSED OVER

There being no objection House Bill No. 678 Printer's No. 304 was passed over at the request of Mr. SPROUL.

There being no objection House Bill No. 1156 Printer's No. 389 was passed over at the request of Mr. LOVETT.

There being no objection House Bill No. 991 Printer's No. 375 was passed over at the request of Mr. LEWIS.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1366, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section four A.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. STOCKMAN. Mr. Speaker and members of the House, I wish to direct the attention of this House to certain facts as relates to certain actions taking place in the United States Congress. In the Senate there is Senate Bill No. 1440 to provide for the control of the flood waters of the rivers of the United States for the improvement of navigabilty of such waters, for reforestration and conservation of natural resources and for other purposes. Now, this bill, I believe, has the President's endorsement and provides for seven authorities. The second authority is a corporation to be known as the Atlantic Sea-

board Authority which shall have jurisdiction over that area containing the navigable rivers and their tributaries around the Atlantic seaboard from Maine to Florida. This bill further sets forth the powers of the corporation and in section 4, part 6, it says, "May purchase or lease and hold or dispose of such real and personal property as it deems necessary or convenient in the transaction of its business." Under the same heading, in part 8, it says, "Shall have the power in the name of The United States of America to exercise the right of eminent domain for all purpose of this act and in the acquisition of real estate by condemnation proceedings or otherwise.

The title of such real estate shall be taken in the name of the United States of America and thereupon all such real estate shall be entrusted to the corporation as the agent of the United States to accomplish of this act." Nine says, "Shall have the power to provide for the construction maintenance and operation of dam, reservoirs, diversion canals, canals, and incidental works." Now, under the functions of this board, Mr. Speaker, it sets forth first, that they shall have the right to construct through the corps of engineers of the United States Army and to maintain and operate dams, reservoirs, canals, and incidental works to carry out the provisions of this act, to construct through the corps of engineers of the United States Army works and improvements for the regulation of the rivers and the improvement of navigation of such rivers, to study the question of reforestration and the proper use of marginal lands in such area and to acquire by gift, purchase or condemnation marginal lands for reforestration and preservation of wild life and natural resources, such lands to be set aside as timber and game reserves or utilized for public parks and recreational areas. Furthermore should any authority created by this act upon investigation deem it advisable to recommend the development of electric power in connection with any project under its jurisdiction, it may submit such recommendations to the Congress for approval.

Ladies and gentlemen of the House, I wish to direct your attention to these facts as thus far enumerated and to point out that this last one mentioned has to do with electric power. I believe in Pennsylvania this is one of the least of those elements with which we are concerned; that in our coal area the production of coal and its use for the development of electric power will be far more economical than that produced by water. I believe, futhermore, that this coal project as set forth by the United States Government will help this coal industry which is now so prostrate. I want to direct further to your attention the fact that the United States Government is approaching this whole subject with the view of not only building these works but buying the land and that they have set up not only the necessary plans for surveys and so forth, but they have also set up in this act a provision for the condemnation of land.

The bill that is now before us and upon which I am speaking has to do with the appropriation of $50,000,000 with the purpose that we purchase land by condemnation, and I would like to point out to you that this act of the Federal Congress makes that provision. The other evening I directed attention to the fact that we appropriated $8,000,000, that these provisions were being taken care of and I further pointed out to you that it was very essential that we in Pennsylvania should approach this subject, first, with a full knowledge of what the Federal Government was proposing to do and, secondly, with a full knowledge of what was being done in other sections of the country, that appropriations have already been made in other sections of the country for the purchase of land and that we were being discriminated against in the North if we were not provided for in the same fashion as were the states of the South and the West, and in this respect I have urged bringing upon the floor of this House a resolution that proposes that the Governor of this Commonwealth shall seek the aid and the help of the governors of the adjoining states involved in the development of the Susquehanna and the Delaware valleys to the end that this work may be directed properly and equitably and that we shall not need to invest these moneys in Pennsylvania, as is set forth in this provision.

It is very commendable, Mr. Speaker, that we do our part. It is a forward movement that we be prepared, but I think that the Commonwealth of Pennsylvania has a right, first, to know the plans of the Federal Government: secondly, to see how those plans are progressing until that time I believe it is inadvisable for us to enact this legislation.

MOTION TO RECOMMIT

Mr. STOCKHAM. Therefore, Mr. Speaker, I would move that this bill be recommitted to the Committee on Constitutional Amendments, there to be held until such time as that Committee or the sponsor of this bill may have secured all the information that relate to this great project set forth in United States Senate Bill No. 1440, and with all that information at hand we may then proceed intelligently in every way as may be related to this tremendous and far-reaching development of the river valleys of the State of Pennsylvania.

On the question,

Will the House agree to the motion?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SAMUEL A. WEISS. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. SAMUEL A. WEISS. Mr. Speaker, is it appropriate for me at this time or may I interrogate the gentleman from Bucks, Mr. Stockham, on a matter affecting the merits of the bill?

The SPEAKER. The merits of the bill are not debatable at this time as long as a motion to recommit is before the House. The gentleman may interrogate the gentleman upon that motion.

Mr. SAMUEL A. WEISS. Mr. Speaker, may I interrogate the gentleman from Bucks, Mr. Stockham?

The SPEAKER. Will the gentleman from Bucks permit himself to be interrogated?

Mr. STOCKHAM. Mr. Speaker, I will.

Mr. SAMUEL A. WEISS. Mr. Speaker, may I ask the gentleman from Bucks if the bill he mentioned, that was introduced in Congress, was a bill introduced or one that has been enacted into law?

Mr. STOCKHAM. Mr. Speaker, it is a bill that has been introduced by Senators Barkley and Buckley.

Mr. SAMUEL A. WEISS. It is not a law of these United States then, Mr. Speaker?

Mr. STOCKHAM. No, not yet, Mr. Speaker. It has the endorsement of the administration.

Mr. SAMUEL A. WEISS. Mr. Speaker, is the gentleman from Bucks, Mr. Stockham, familiar with the Copeland-Wilson bill, flood control bill introduced in the session of Congress.

Mr. STOCKHAM. I have no great familiarity with that bill, Mr. Speaker.

Mr. SAMUEL A. WEISS. Mr. Speaker, does the gentleman from Bucks recall that that bill was almost identical with the present Wheeler Bill, which I just mentioned?

Mr. STOCKHAM. I would not say it was that, Mr. Speaker.

Mr. SAMUEL A. WEISS. Mr. Speaker and members of the House, I ask that the entire membership vote against the recommitting of this bill. I am surprised that the gentleman on the other side of the House should be a party to a motion to recommit a measure as important as House Bill No. 1366 which is nothing more than a constitutional amendment, which must be voted upon by two assemblies and then submitted to the electorate of this Commonwealth, giving the Legislature the right to authorize the issuance of bonds in the amount of $50,000,000 to set up flood control projects to avert the devastations caused by the floods of 1936 and the flood of just a month or two ago. I need not repeat here that the floods of 1936 caused a loss and damage of tangible property in the amount of approximately $700,000,000 to the people and the industries of the State of Pennsylvania, a loss of over two hundred lives, and I say the State of Pennsylvania, one of the leading industrial states of the nation, has a right to assume a forward program in helping to control floods. In presenting this program of flood control, while it may not avert acts of God, it will certainly mitigate and reduce losses due to floods to a minimum, and I say this program is nothing more than the carrying out of a pledge made his party. What does the bill do? The motion of my friend from Bucks is to recommit this bill until Congress acts on the Wheeler Bill. That may be in June or July, after we adjourn sine die, and let me say here that if Congress should enact the present Wheeler Bill, there will no necessity for this present Assembly or the Assembly in the next session to re-enact this present constitutional amendment. There will be no necessity for the electorate to vote on such a measure, but I say Pennsylvania must protect the people of this Commonwealth and this Assembly has a responsibility to put upon the statute books, at least for the first time, an amendment that will give this Assembly the right to place a bond issue and to attempt to at least avert in the future the devastation caused by the floods of March, 1936, and the floods of a month or two ago.

The bond issue asked for in this amendment is only an infinitesimal part of the cost involved, and I say that we cannot permit the people of Johnstown, the people of Williamsport or Sunbury or the people of the great industrial area that I represent, the city of Pittsburgh, or Lock Haven as my good friend Mr. Simon says to be visited by such floods as we experienced in March of 1936. I say if the Republican Party were to attempt to recommit this bill until Congress acts it is only for the purpose of delaying and possibly pickling this bill.

The press of this whole State is fully behind this measure, and I ask the membership of this House in view of the good that may be done by this amendment, and in view of the fact that should Congress pass their bill there would be no necessity or need for this Assembly to re-enact this bill at the next Session—I ask the membership to vote down the motion of the gentleman from Bucks.

This is not passing a fifty million dollar appropriation bill. It is merely asking the people of this Commonwealth, after two sessions of the Legislature have passed this measure, to authorize the Assembly to issue bonds in the amount of $50,000,000 for the purpose of a flood control program. We owe it to the people of this Commnwealth, we owe it to our industry, we owe it to ourselves to carry out a pledge that we made at the last Session and in the last election.

I ask the entire membership of this House, even though I have talked about the merits of this bill, to vote against the motion to recommit the bill.

Mr. STOCKHAM. Mr. Speaker and members of the House, the gentleman from Allegheny was really out of order in speaking as he did, but I have no objection to his talking in that fashion and in the way that he addressed this House. This is not a party issue and he cannot make it such. I am not rising here to object to the enactment of this kind of legislation. I did not say "Wait until Congress had enacted its bill." I did say that we should delay as long as may be possible while we were in session the enactment of any such legislation until we know whether before we adjourn Congress may have enacted its bill.

I live in an area that is devastated by such floods, I am fully cognizant of that, and I do not have to be informed as to these conditions. I have seen these things happen in my own home town and so I do know—however patriotically as he would bring it to your attention and have it ring through the halls of this House—the great ravages of floods. I would also bring to your attention, if you please, the fact that we have something at issue here with the Federal Government and that it is a matter of policy: shall the funds that the states of the North pay into the Federal Treasury be given to the states of the South and the West for their flood control and for the purchase of land under condemnation and that we, in turn, be asked in addition to all we contribute to the Federal Treasury, to pay for these lands in this State. That is the issue. The three states of New York, Pennsylvania and New Jersey last year contributed to the Federal Treasury $1,300,891,000, twenty-six million people, and we are asked to pay for the land, while in the Tennessee area that takes in seven states with seventeen million people. their contribution was about $449,000,000. These three states I have just mentioned pay thirty-four per cent of the income of the Federal Treasury. This bill in the Senate is a just bill because it does provide that the property in Pennsylvania shall be purchased by the Federal Government. Therefore, Mr. Speaker and members of the House, there is nothing inconsistent in my making this motion. It is not a Republican move, it is not a matter that concerns party lines, it is a matter that concerns the pocketbook of Pennsylvania as relates to Federal policy.

I believe furthermore, my friends, that the Governor of this great Commonwealth can be placed in a position, and I hope he will be, by the enactment of such an appeal as may be made, particularly as I introduced in the early days of this session in the form of a resolution, so that

he can go to the Federal Authorities and to the President of the United States, to ask that this work be done expeditiously, quickly and with dispatch, so that recurring floods shall not take place and that we shall have an equitable standing with the states of the South. Now then my motion is simply to recommit it to a committee until we may know more of what is happening to bill No. 1440 in the Senate of the United States. Those are the motives, if you please, in back of my motion, and so I ask, members of this House, regardless of your party affiliation, that you vote for the conservation and the saving back of it, although we know it is a constitutional amendment, until such time as we may know more of what the Federal Congress proposes doing.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Weiss.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SAMUEL A. WEISS. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, this resolution says: "Irrespective of any debt may authorize the State to issue bonds to the amount of fifty millions of dollars for the purpose" and so forth. Does the gentleman interpret that to mean one issue of bonds?

Mr. SAMUEL A. WEISS. Mr. Speaker, one issue or several issues, so that the amount does not exceed fifty million dollars.

Mr. TURNER. Mr. Speaker, I understand that. I was not questioning whether they might issue ten or twenty and so forth but would fifty millions be the limit?

Mr. SAMUEL A. WEISS. Mr. Speaker, fifty million dollars would be the limit according to my interpretation.

Mr. TURNER. Mr. Speaker, would there be anything to prevent, after there was that one issue of fifty million, at some time to issue another fifty million as long as they issued it in the sum of fifty million?

Mr. SAMUEL A. WEISS. Mr. Speaker, I don't think there could be another issue. I might say, further, that the Attorney-General's office agrees with me in this opinion, together with the Legislative Reference Bureau and some of the Democratic counselors in this House.

Mr. TURNER. Mr. Speaker, I have the greatest respect for the Democratic counselors in this House and for the Attorney-General's office and for any other legal advice that the gentleman may have on the question, nevertheless the combination of all of those at times may be wrong. Why not clarify it?

Mr. SAMUEL A. WEISS. Mr. Speaker, I do not think there is any necessity for clarification, in my opinion. If there might be a word or two necessary to be inserted, I would be willing to go along with the gentleman to the Chairman of the committee in the Senate in order to expedite the passage of this measure.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, John A.,
Arnold,	Gillette,	Merrell,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boies,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Mallen,	Schrock,	Wiuner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1038, entitled:

An Act providing that in all cases where writs of habeas corpus are granted the judge may inquire into the facts of the case, including an examination into the record, proceedings and evidence produced against the person committed or detained before the committing judge, officer, magistrate or grand jury, and making such records, proceedings and evidence available for inspection by the petitioner or his counsel.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I apologize to the gentleman from Allegheny, Mr. Brown, the sponsor of this bill

I meant to ask to have it passed over but forgot to do so. I meant to speak to the gentleman with respect to it and to discuss the measure with him. I would like to interrogate the gentleman from Allegheny, Mr. Brown.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. BROWN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Allegheny to explain the purpose of this bill.

Mr. BROWN. Mr. Speaker and members of the House, this bill simply permits the judge before whom a matter on writ of habeas corpus has been brought to examine beyond the record.

Mr. TURNER. Mr. Speaker, does it not provide that the proceedings before the Grand Jury can be brought into the proceedings on habeas corpus before the judge in quarter sessions?

Mr. BROWN. That is correct. Mr. Speaker.

Mr. TURNER. Mr. Speaker, has it not been the policy that proceedings before the Grand Jury are secret and are retained as such?

Mr. BROWN. That has been the policy, Mr. Speaker, and a most dangerous and incorrect policy. The answer is, yes.

Mr. TURNER. For what reason, Mr. Speaker?

Mr. BROWN. Mr. Speaker, the reason is very obvious. The defendant has no way to protect himself in the Grand Jury Room. In many instances the Grand Jury room has become a sort of a star chamber proceedings. I should like to call to the attention of the gentleman from Delaware, Mr. Turner, that this is a discretionary matter with the courts and not mandatory.

Mr. TURNER. Mr. Speaker, would not the same testimony if it is essential to the habeas corpus proceedings, be available and could it not be brought before the judge in the proceedings in habeas corpus?

Mr. BROWN. Mr. Speaker, as I understand the law now,—and I have talked with several lawyers and judges throughout the western part of the State, the judge has no authority to bring into the proceedings the Grand Jury proceedings.

Mr. TURNER. That is not responsive to the question, Mr. Speaker, perhaps I did not make it clear. If the defendant in a case on his petition of habeas corpus on hearing before the court feels that there was some testimony before the Grand Jury which should be brought into his proceedings, wouldn't the court upon application bring those witnesses before the court?

Mr. BROWN. Mr. Speaker, on a writ of habeas corpus if the judge stands technically on the law as it stands today, he cannot. As I understand, and as I think the law stands today, the judge is bound by the record before him and nothing else on a writ of habeas corpus, although I might say that some judges have gone beyond the record, but they do so reluctantly because there is no authority for them so to do.

Mr. TURNER. What then, Mr. Speaker, in a habeas corpus proceedings that would happen in a Grand Jury room could be germane to the subject if the gentleman's hypothesis is correct.

Mr. BROWN. In many instances, Mr. Speaker, the Grand Jury could make a mistake. Not so long ago in a proceedings before the Court of Quarter Sessions of Allegheny County the Grand Jury, I presume on the correct evidence, brought in the wrong indictment or a true bill. The defendant had to stand trial, although if this bill had been law he might have brought the case up before trial on a writ of habeas corpus and examined the Grand Jury proceedings. And may I say to the gentleman from Delaware, Mr. Turner, that writs of habeas corpus are not sued out generally in matters that are before courts of record, but are sued out quite often in matters that come up on summary convictions, and there of course is a flagrant abuse of the law, as I have found out personally and as other lawyers, and I imagine the gentleman from Delaware has also found out, where committments have never been made out properly. The defendant has been thrown into jail; the time to appeal has expired because he didn't know the five day period, and you are brought before the court with no opportunity to examine the records in the proceeding prior to being brought before the court of record. May I say again to the gentleman from Delaware that this is a discretionary matter. The gentleman from Delaware was in favor of this measure when it passed in 1935, May 28, I believe, and said it was a good bill. I agree that he has a right to change his opinion, and I am happy to know that he now finds the bill dangerous in some respects.

Mr. TURNER. Mr. Speaker, the question which I raised here is one which has been raised by some of my colleagues, and as the gentleman from Allegheny perhaps well knows from past contact with me that I never believe two wrongs make a right or if I am in error in the first instance that I do not hestiate to say so. I am not certain that I was in error in the first instance or that the questions I am raising at the present time are entirely correct. However, among my colleagues there is a feeling that this is an invasion of the long established principle that proceedings before the Grand Jury are secret and that we are opening a door. In the second place it seems to me that there is this danger, that where the proceedings before the Grand Jury as we know are before men who are the peers of the defendant who are selected to hear the testimony and who decide whether an indicment shall be found or a true bill shall be found, that this would substitute the opinion of the court upon any question which the Grand Jury might have felt was worthy of consideration or upon which a true bill could be found. Therefore, it does raise a question, as I see it now, which should be approached very, very carefully.

Mr. BROWN. Mr. Speaker, may I interrogate the gentelman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. With a great deal of hesitancy, Mr. Speaker.

Mr. BROWN. Mr. Speaker, I should like to ask the gentleman from Delaware, Mr. Turner, why should the Grand Jury proceedings be so secret?

Mr. TURNER. I am very frank to say, Mr. Speaker, I do not know, except that it has been a long established practice, custom and law in the State.

Mr. BROWN. Mr. Speaker, may I ask the gentleman from Delaware, Mr. Turner, whether or not this long practice and procedure is in a custom that has simply grown up without any real reason, either in law or in good taste or in good judgment, in his opinion as a lawyer.

Mr. TURNER. That was a rather involved question, Mr. Speaker, to answer yes or no.

On the question, recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flinchbaugh,	McShane,	Simpson,
Alexander,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, John A.
Arnold,	Gillette,	Merrell,	Smith, James A.
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boies,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fitch,	McElroy,	Shepard,	Yourishin,
Fiss,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,	McKinney,	Simon,	

NAYS—1

Kane,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1081, entitled:

An Act to amend clause forty-two of section one thousand two hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs, by extending the provisions for appropriations to posts of veterans.

And said bill having been read at length the third time, considered and agreed to

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Simpson,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, John A.
Atkins,	Gorski,	Merrell,	Smith, James A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hindman,	O'Keefe,	Thompson,
Bradley,	Hirsch,	Ominsky,	Toole,
Brancato,	Holland,	O'Neill,	Trout,
Broad,	Holmes,	Ostroff,	Tumelty,
Brown,	Holstrom,	Patterson, C. S.,	Turner,
Brownfield,	Hontz,	Patterson, J. W.,	Valibus,
Burrows,	Horting,	Peale,	VanAllsburg,
Cadwalader,	Huntley,	Pearson,	VanSickle,
Caesar,	Imbrie,	Perry,	Vogt,
Caputo,	Jirolanio,	Pershing,	Wagner,
Chervenak,	Kane,	Piole,	Wall,
Coakley,	Keenan,	Powers,	Walsh,
Cohen, H. B.,	Kelso,	Preston,	Wampole,
Cohen, R. E.,	Kilroy,	Readinger,	Watkins,
Coleman,	Kline,	Reese,	Webster,
Coolahan,	Kroll,	Reising,	Weidemann,
Costanzo,	LaRue,	Richter,	Weiss, D. H.,
Davies,	Leisey,	Robinson,	Weiss, S. A.,
Decker,	Levy,	Rothenberger,	Welliver,
DeNote,	Lewis,	Royer,	Welsh,
Dickinson,	Long,	Ruffennach,	Westrick,
Donohoe,	Longaker,	Rush,	Whalen,
Dougherty,	Lopresti,	Sarraf,	Whitenight,
Downey,	Lovett,	Scanlon,	Wilson,
Dubbs,	Mallen,	Schor,	Winner,
Dyson,	Marino,	Schrock,	Wood,
Eckels,	Matthews, J. F.,	Schrope,	Woodside,
Elpern,	McArdle,	Schumacher,	Wright,
Falkenstein,	McCullough,	Serrill,	Yanoshat,
Finnerty,	McDermott,	Shaw,	Yeakel,
Fiss,	McDevitt,	Shea,	Yourishin,
Fitch,	McElroy,	Shepard,	Zappala,
Flanagan,	McFall,	Shoemaker,	Furman,

NAYS—1

Tronzo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1032, as follows:

An Act to amend section four hundred ninety-two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as added providing for country airports.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred ninety-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending

and consolidating the laws relating thereto" as added by the act approved the ninth day of June one thousand nine hundred and thirty-one (P. L. 401) is hereby amended to read as follows

Section 492 Acquisition and Use of Land [Now Owned] for Airports Any county shall have the right and authority to use any land within the county now owned by it for any aviation purposes when in the judgment of the county commissioners such use may be necessary for aviation purposes and may require by lease purchase or condemnation proceedings any land within the territorial limits of the county which in the judgment of the county commissioners may be necessary and desirable for the purpose of establishing operating and maintaining a county airport and the facilities connected therewith provided that no land shall be acquired by lease purchase condemnation proceedings or otherwise unless and until a prior written approval has been obtained from the Bureau of Aeronautics of the Commonwealth of Pennsylvania and the Bureau of Air Commerce of the United States

Proceedings for the condemnation of lands and for the assessment of property taken injured or destroyed shall be conducted as provided in article seven of this act.

Any county may lease any such airport or any part thereof to any individual or corporation desiring to use the same for aeronautical purposes on such terms and subject to such conditions and regulations as may be provided and may enter into any lease providing for the use of said airport by the Federal government for air mail delivery.

Any county may operate and maintain an airport jointly with any political subdivision upon such terms and conditions as may be agreed upon by the county commissioners and the corporate authorities of such political subdivision.

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, John A.,
Arnold,	Gillette,	Merrell,	Smith, James A.
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boles,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hindman,	Ominsky,	Toole,
Bradley,	Hirsch,	O'Neill,	Tronzo,
Brancato,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Vallbus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,

NAYS—1

Kane,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1304 Printer's No. 352 was passed over at the request of Mr. BROWN.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1131, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Sloan,
Allmond,	Gillette,	Mellott,	Smith, James A.,
Arnold,	Gorski,	Merrell,	Smith, John A.,
Atkins,	Habbyshaw,	Mihm,	Snyder,
Aukerman,	Haberlen,	Moomaw,	Sollenberger,
Baine,	Hagerty,	Mooney,	Spengler,
Baker, F. T.,	Hall,	Moran,	Sproul,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Stackpole,
Balthaser,	Hamilton, R. S.,	Muir,	Stank,
Bierly,	Harkins,	Munley,	Stewart,
Blank,	Harmuth,	Murrin,	Stockham,
Bohn,	Hays,	Nagel,	Strode,
Boles,	Hering,	O'Brien,	Terry,
Boltz,	Hess,	O'Connor,	Thomas,
Boose,	Hindman,	O'Keefe,	Thompson,
Boyer,	Hirsch,	Ominsky,	Toole,
Bradley,	Holland,	O'Neill,	Tronzo,
Brancato,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, C. S.,	Tumelty,
Brown,	Hontz,	Patterson, J. W.,	Turner,
Brownfield,	Horting,	Peale,	Vallbus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,

Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1143, entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State Employes receiving compensation from the State Stores Fund.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Sloan,
Allmond,	Gillette,	Mellott,	Smith, James A.,
Arnold,	Gorski,	Merrell,	Smith, John A.,
Atkins,	Habbyshaw,	Mihm,	Snyder,
Aukerman,	Haberlen,	Moomaw,	Sollenberger,
Baine,	Hagerty,	Mooney,	Spengler,
Baker, F. T.,	Hall,	Moran,	Sproul,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Stackpole,
Balthaser,	Hamilton, R. S.,	Muir,	Stank,
Bierly,	Harkins,	Munley,	Stewart,
Blank,	Harmuth,	Murrin,	Stockham,
Bohn,	Hays,	Nagel,	Strode,
Boles,	Hering,	O'Brien,	Terry,
Boltz,	Hess,	O'Connor,	Thomas,
Boose,	Hindman,	O'Keefe,	Thompson,
Boyer,	Hirsch,	Ominsky,	Toole,
Bradley,	Holland,	O'Neill,	Tronzo,
Brancato,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, S.,	Tumelty,
Brown,	Hontz,	Patterson, W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1080, entitled:

An Act authorizing cities of the first and second class and second class A and incorporated towns to make appropriations to organizations of ex-service men to aid in defraying the expenses of Memorial Day and Armistice Day.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Simpson,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hindman,	O'Keefe,	Thompson,
Bradley,	Hirsch,	Ominsky,	Toole,
Brancato,	Holland,	O'Neill,	Trout,
Broad,	Holmes,	Ostroff,	Tumelty,
Brown,	Holstrom,	Patterson, C. S.,	Turner,
Brownfield,	Hontz,	Patterson, J. W.,	Valibus,
Burrows,	Horting,	Peale,	VanAllsburg,
Cadwalader,	Huntley,	Pearson,	VanSickle,
Caesar,	Imbrie,	Perry,	Vogt,
Caputo,	Jirolanio,	Pershing,	Wagner,
Chervenak,	Kane,	Piole,	Wall,
Coakley,	Keenan,	Powers,	Walsh,
Cohen, H. B.,	Kelso,	Preston,	Wampole,
Cohen, R. E.,	Kilroy,	Readinger,	Watkins,
Coleman,	Kline,	Reese,	Webster,
Coolahan,	Kroll,	Reising,	Weidemann,
Costanzo,	LaRue,	Richter,	Weiss, D. H.,
Davies,	Leisey,	Robinson,	Weiss, S. A.,
Decker,	Levy,	Rothenberger,	Welliver,
DeNote,	Lewis,	Royer,	Welsh,
Dickinson,	Long,	Ruffennach,	Westrick,
Donohoe,	Longaker,	Rush,	Whalen,
Dougherty,	Lopresti,	Sarraf,	Whitenight,
Downey,	Lovett,	Scanlon,	Wilson,
Dubbs,	Mallen,	Schor,	Winner,
Dyson,	Marino,	Schrock,	Wood,
Eckels,	Matthews, J. F.,	Schrope,	Woodside,
Elpern,	McArdle,	Schumacher,	Wright,
Falkenstein,	McCullough,	Serrill,	Yanoshat,
Finnerty,	McDermott,	Shaw,	Yeakel,
Fiss,	McDevitt,	Shea,	Yourishin,
Fitch,	McElroy,	Shepard,	Zappala,
Flanagan,	McFall,	Shoemaker,	Furman,

NAYS—1

Tronzo.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1265, entitled:

An Act to further amend the title and section one of the act, aproved the eighth day of May, one thousand nine hundred and twenty-nine, (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury," extending said act to all political subdivisions.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Sloan,
Allmond,	Gillette,	Mellott,	Smith, James A.,
Arnold,	Gorski,	Merrell,	Smith, John A.,
Atkins,	Habbyshaw,	Mihm,	Snyder,
Aukerman,	Haberlen,	Moomaw,	Sollenberger,
Baine,	Hagerty,	Mooney,	Spengler,
Baker, F. T.,	Hall,	Moran,	Sproul,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Stackpole,
Balthaser,	Hamilton, R. S.,	Muir,	Stank,
Bierly,	Harkins,	Munley,	Stewart,
Blank,	Harmuth,	Murrin,	Stockham,
Bohn,	Hays,	Nagel,	Strode,
Boles,	Hering,	O'Brien,	Terry,
Boltz,	Hess,	O'Connor,	Thomas,
Boose,	Hindman,	O'Keefe,	Thompson,
Boyer,	Hirsch,	Ominsky,	Toole,
Bradley,	Holland,	O'Neill,	Tronzo,
Brancato,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, C. S.,	Tumelty,
Brown,	Hontz,	Patterson, J. W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1079, entitled:

An Act to amend section four hundred and thirty-one of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by extending the provisions for appropriations to veterans' organizations for expenses of Memorial Day and Armistice Day.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Simpson,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hindman,	O'Keefe,	Thompson,
Bradley,	Hirsch,	Ominsky,	Toole,
Brancato,	Holland,	O'Neill,	Trout,
Broad,	Holmes,	Ostroff,	Tumelty,
Brown,	Holstrom,	Patterson, C. S.,	Turner,
Brownfield,	Hontz,	Patterson, J. W.,	Valibus,
Burrows,	Horting,	Peale,	VanAllsburg,
Cadwalader,	Huntley,	Pearson,	VanSickle,
Caesar,	Imbrie,	Perry,	Vogt,
Caputo,	Jirolanio,	Pershing,	Wagner,
Chervenak,	Kane,	Piole,	Wall,
Coakley,	Keenan,	Powers,	Walsh,
Cohen, H. B.,	Kelso,	Preston,	Wampole,
Cohen, R. E.,	Kilroy,	Readinger,	Watkins,
Coleman,	Kline,	Reese,	Webster,
Coolahan,	Kroll,	Reising,	Weidemann,
Costanzo,	LaRue,	Richter,	Weiss, D. H.,
Davies,	Leisey,	Robinson,	Weiss, S. A.,
Decker,	Levy,	Rothenberger,	Welliver,
DeNote,	Lewis,	Royer,	Welsh,
Dickinson,	Long,	Ruffennach,	Westrick,
Donohoe,	Longaker,	Rush,	Whalen,
Dougherty,	Lopresti,	Sarraf,	Whitenight,
Downey,	Lovett,	Scanlon,	Wilson,
Dubbs,	Mallen,	Schor,	Winner,
Dyson,	Marino,	Schrock,	Wood,
Eckels,	Matthews, J. F.,	Schrope,	Woodside,
Elpern,	McArdle,	Schumacher,	Wright,
Falkenstein,	McCullough,	Serrill,	Yanoshat,
Finnerty,	McDermott,	Shaw,	Yeakel,
Fiss,	McDevitt,	Shea,	Yourishin,
Fitch,	McElroy,	Shepard,	Zappala,
Flanagan,	McFall,	Shoemaker,	Furman,

NAYS—1

Tronzo.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 904, as follows:

An Act relating to industrial police and corporation guards prohibiting municipal policeman from being employed or serving as industrial police and requiring their dismissal for so doing regulating their conduct at elections and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no person employed by any county city borough town or township as a policeman or member of the police department or police force or as a deputy sheriff shall during the continuance of such employment be employed by any person copartnership association or corporation in the capacity of industrial police nor shall he in anywise serve in such capacity Any person so employed by any such political subdivision who violates the provisions of this act shall be forthwith dismissed by the political subdivision

Section 2 No person employed in the capacity of industrial police or corporation guard shall whether or not in uniform loiter or stand except while in the course of marking and casting his ballot within one hundred (100) feet of any polling place during the conduct of any general municipal special or primary election

Section 3 Any person violating any of the provisions of this act shall on summary conviction thereof be sentenced to pay a fine not exceeding twenty-five dollars ($25) and in default of the payment of such fine and costs shall be sentenced to imprisonment for not more than ten (10 day Provided however That the provisions of this act shall not apply to the employment of policemen or members of a police department or police force by any person copartnership association or corporation to keep the public peace disperse mobs quell riots or preserve order at public exhibitions of baseball tennis polo water polo field hockey quoits horse-shoe pitching golf squash badminton croquet lacrosse swimming archery football soccer basket ball volley ball track and field sports boat racing horse racing ice skating yachting skiing ice hockey curling or shuffle board or at any canine or equine exhibition or show

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

Section 5 This act shall become effective thirty (30) days after its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Sloan,
Allmond,	Gillette,	Mellott,	Smith, James A.
Arnold,	Gorski,	Merrell,	Smith, John A.
Atkins,	Habbyshaw,	Mihm,	Snyder,
Aukerman,	Haberlen,	Moomaw,	Sollenberger,
Baine,	Hagerty,	Mooney,	Spengler,
Baker, F. T.,	Hall,	Moran,	Sproul,
Baker, J J.,	Hamilton, F. P.,	Moul,	Stackpole,
Balthaser,	Hamilton, R. S.,	Muir,	Stank,
Bierly,	Harkins,	Munley,	Stewart,
Blank,	Harmuth,	Murrin,	Stockham,
Bohn,	Hays,	Nagel,	Strode,
Boles,	Hering,	O'Brien,	Terry,
Boltz,	Hess,	O'Connor,	Thomas,
Boose,	Hindman,	O'Keefe,	Thompson,
Boyer,	Hirsch,	Ominsky,	Toole,
Bradley,	Holland,	O'Neill,	Tronzo,
Brancato,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, C. S.,	Tumelty,
Brown,	Hontz,	Patterson, J. W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Mallen,	Scher,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 999, entitled:

An Act providing for the appointment of a Commission to draft a report on a plan for the future government of the City of Philadelphia, in accordance with a proposed amendment to the Constitution, consolidating the City and County governments of the said City; providing for the employment of certain persons by the Commission; giving the Commission the power to subpoena witnesses, books, papers and records; to hold hearings:; and making an appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Sloan,
Allmond,	Gillette,	Mellott,	Smith, John A.,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Snyder,
Aukerman,	Haberlen,	Moomaw,	Sollenberger,
Baine,	Hagerty,	Mooney,	Spengler,
Baker, F. T.,	Hall,	Moran,	Sproul,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Stackpole,
Balthaser,	Hamilton, R. S.,	Muir,	Stank,
Bierly,	Harkins,	Munley,	Stewart,
Blank,	Harmuth,	Murrin,	Stockham,
Bohn,	Hays,	Nagel,	Strode,
Boles,	Hering,	O'Brien,	Terry,
Boltz,	Hess,	O'Connor,	Thomas,
Boose,	Hindman,	O'Keefe,	Thompson
Boyer,	Hirsch,	Ominsky,	Toole,
Bradley,	Holland,	O'Neill,	Tronzo,
Brancato,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Patterson, C. S.,	Turner,

Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1421 (Senate Bill No. 370), entitled:

An Act authorizing cities of the first class to set-off delinquent taxes and interest penalties and costs due thereon against claims and accounts due by such cities and prescribing the powers and duties of the city controller in such cases.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Sloan,
Allmond,	Gillette,	Mellott,	Smith, John A.,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hindman,	O'Keefe,	Thompson,
Bradley,	Hirsch,	Ominsky,	Toole,
Brancato,	Holland,	O'Neill,	Tronzo,
Broad,	Holmes,	Ostroff,	Trout,
Brown,	Holstrom,	Patterson, C. S.,	Tumelty,
Brownfield,	Hontz,	Patterson, W.,	Turner,
Burrows,	Horting,	Peale,	Valibus,
Cadwalader,	Huntley,	Pearson,	VanAllsburg,
Caesar,	Imbrie,	Perry,	VanSickle,
Caputo,	Jirolanio,	Pershing,	Vogt,
Chervenak,	Kane,	Piole,	Wagner,
Coakley,	Keenan,	Powers,	Wall,
Cohen, H. B.,	Kelso,	Preston,	Walsh,
Cohen, R. E.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Costanzo,	LaRue,	Richter,	Weidemann,
Davies,	Leisey,	Robinson,	Weiss, D. H.,
Decker,	Levy,	Rothenberger,	Weiss, S. A.,
DeNote,	Lewis,	Royer,	Welliver,
Dickinson,	Long,	Ruffennach,	Welsh,
Donohoe,	Longaker,	Rush,	Westrick,
Dougherty,	Lopresti,	Sarraf,	Whalen,
Downey,	Lovett,	Scanlon,	Whitenight,
Dubbs,	Mallen,	Schor,	Wilson,
Dyson,	Marino,	Schrock,	Winner,
Eckels,	Matthews, J. F.,	Schrope,	Wood,
Elpern,	McArdle,	Schumacher,	Woodside,
Falkenstein,	McCullough,	Serrill,	Wright,
Finnerty,	McDermott,	Shaw,	Yanoshat,
Fiss,	McDevitt,	Shea,	Yeakel,
Fitch,	McElroy,	Shepard,	Yourishin,
Flanagan,	McFall,	Shoemaker,	Zappala,
Flannery,	McGee,	Siegel,	Furman,

NAYS—1

Aukerman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 876 (Senate Bill No. 31), entitled:

A Joint Resolution proposing an amendment to Article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flannery,	McGee,	Simon,
Alexander,	Flinchbaugh,	McKinney,	Simpson,
Allen,	Ganser,	McShane,	Sloan,
Allmond,	Gerard,	Melchiorre,	Smith, John A.,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell,	Snyder,
Aukerman,	Habbyshaw,	Mihm,	Sollenberger,
Baine,	Haberlen,	Moomaw,	Spengler,
Baker, F. T.,	Hagerty,	Mooney,	Sproul,
Baker, J. J.,	Hall,	Moran,	Stackpole,
Balthaser,	Hamilton, F. P.,	Moul,	Stank,
Bierly,	Hamilton, R. S.,	Muir,	Stewart,
Blank,	Harkins,	Munley,	Stockham,
Bohn,	Harmuth,	Murrin,	Strode,
Boles,	Hays,	Nagel,	Terry,
Boltz,	Hering,	O'Brien,	Thomas,
Boose,	Hess,	O'Connor,	Thompson,
Boyer,	Hindman,	O'Keefe,	Toole,
Bradley,	Hirsch,	Ominsky,	Tronzo,
Brancato,	Holland,	O'Neill,	Trout,
Broad,	Holmes,	Ostroff,	Tumelty,
Brown,	Holstrom,	Patterson, C. S.,	Turner,
Brownfield,	Hontz,	Patterson, J. W.,	Valibus,
Burrows,	Horting,	Peale,	VanAllsburg,
Cadwalader,	Huntley,	Pearson,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,

Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Whitenight,
Downey,	Lovett,	Schor,	Wilson,
Dubbs,	Mallen,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, J. F.,	Schumacher,	Woodside,
Elpern,	McArdle,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,
Finnerty,	McDermott,	Shea,	Yeakel,
Fiss,	McDevitt,	Shepard,	Yourishin,
Fitch,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,

NAYS—1

Perry,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1284, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by prociding for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act: providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such turnpike shall become free; providing for condemnation; and authorizing the issuance of turnpike revenue refunding bonds.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz.:

YEAS—200

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Sloan,
Allmond,	Gillette,	Mellott,	Smith, John A.,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Snyder,
Aukerman,	Haberlen,	Moomaw,	Sollenberger,
Baine,	Hagerty,	Mooney,	Spengler,
Baker, F. T.,	Hall,	Moran,	Sproul,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Stackpole,
Balthaser,	Hamilton, R. S.,	Muir,	Stank,
Bierly,	Harkins,	Munley,	Stewart,
Blank,	Harmuth,	Murrin,	Stockham,
Bohn,	Hays,	Nagel,	Strode,
Boies,	Hering,	O'Brien,	Terry,
Boltz,	Hess,	O'Connor,	Thomas,
Boose,	Hindman,	O'Keefe,	Thompson,
Boyer,	Hirsch,	Ominsky,	Toole,
Bradley,	Holland,	O'Neill,	Tronzo,
Brancato,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, C. S.,	Tumelty,
Brown,	Hontz,	Patterson, J. W.,	Turner,
Brownfield,	Horting,	Peale,	Vallbus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 664, entitled:

An Act to amend section twenty-one of the act approved the thirteenth day of June one thousand eight hundred thirty-six (P. L. 551) entitled "An act relating to roads highways and bridges" providing for the vacation of parts of former State roads and turnpike roads where State highways are changed or relocated

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Sloan,
Allmond,	Gillette,	Mellott,	Smith, James A.,
Arnold,	Gorski,	Merrell,	Smith, John A.,
Atkins,	Habbyshaw,	Mihm,	Snyder,
Aukerman,	Haberlen,	Moomaw,	Sollenberger,
Baine,	Hagerty,	Mooney,	Spengler,
Baker, F. T.,	Hall,	Moran,	Sproul,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Stackpole,
Balthaser,	Hamilton, R. S.,	Muir,	Stank,
Bierly,	Harkins,	Munley,	Stewart,
Blank,	Harmuth,	Murrin,	Stockham,
Bohn,	Hays,	Nagel,	Strode,
Boies,	Hering,	O'Brien,	Terry,
Boltz,	Hess,	O'Connor,	Thomas,
Boose,	Hindman,	O'Keefe,	Thompson,
Boyer,	Hirsch,	Ominsky,	Toole,
Bradley,	Holland,	O'Neill,	Tronzo,
Brancato,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, C. S.,	Tumelty,
Brown,	Hontz,	Patterson, J. W.,	Turner,
Brownfield,	Horting,	Peale,	Vallbus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,

Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1303, entitled:

An Act abating certain tax penalties and interest on city and school taxes in cities of the first class and school districts of the first class

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Sloan,
Allmond,	Gillette,	Mellott,	Smith, Joh A.,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hindman,	O'Keefe,	Thompson,
Bradley,	Hirsch,	Ominsky,	Toole,
Brancato,	Holland,	O'Neill,	Tronzo,
Broad,	Holmes,	Ostroff,	Trout,
Brown,	Holstrom,	Patterson, C. S.,	Tumelty,
Brownfield,	Hontz,	Patterson, J. W.,	Turner,
Burrows,	Horting,	Peale,	Valibus,
Cadwalader,	Huntley,	Pearson,	VanAllsburg,
Caesar,	Imbrie,	Perry,	VanSickle,
Caputo,	Jirolanio,	Pershing,	Vogt,
Chervenak,	Kane,	Piole,	Wagner,
Coakley,	Keenan,	Powers,	Wall,
Cohen, H. B	Kelso,	Preston,	Walsh,
Cohen, R. E	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Costanzo,	LaRue,	Richter,	Weidemann,
Davies,	Leisey,	Robinson,	Weiss, D. H.,
Decker,	Levy,	Rothenberger,	Weiss, S. A.,
DeNote,	Lewis,	Royer,	Welliver,
Dickinson,	Long,	Ruffennach,	Welsh,
Donohoe,	Longaker,	Rush,	Westrick,
Dougherty,	Lopresti,	Sarraf,	Whalen,
Downey,	Lovett,	Scanlon,	Whitenight,
Dubbs,	Mallen,	Schor,	Wilson,
Dyson,	Marino,	Schrock,	Winner,
Eckels,	Matthews, J. F.,	Schrope,	Wood,
Elpern,	McArdle,	Schumacher,	Woodside,
Falkenstein,	McCullough,	Serrill,	Wright,
Finnerty,	McDermott,	Shaw,	Yeakel,
Fiss,	McDevitt,	Shea,	Yanoshat,
Fitch,	McElroy,	Shepard,	Yourishin,
Flanagan,	McFall,	Shoemaker,	Zappala,
Flannery,	McGee,	Siegel,	Furman,

NAYS—1

Aukerman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1130, as follows:

An Act to amend sections fifty and seventy-two as amended subsection (b) of section one hundred ninety-one section two hundred two sections two hundred twenty and two hundred twenty-six as amended sections two hundred twenty-eight and two hundred fifty-six and section two hundred eighty-five as amended of and to add section two hundred eighty-two and two hundred eighty-three to the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the taking of fish eliminating the right to use eel chutes changing certain penalties and providing new penalties requiring certain persons to possess fishing licenses providing for and regulating the revocation of fishing licenses providing for the payment over of fines collected and the return of fines erroneously collected vesting certain additional powers in the Board of Fish Commissioners eliminating certain restrictions on the use of license fees regulating closed seasons on boundary lakes and conferring additional police powers on fish wardens

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section fifty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as last amended by the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1145) is hereby further amended to read as follows

Section 50 Devices to Catch Game-fish Bait-fish and Fish-bait No person shall use any device means or method whatsoever except as in this article otherwise provided for taking fish from the waters within this Commonwealth except the following that is to say for

(a) Game-fish two rods and two lines and one hand line with not more than three hooks attached to either line

(b) Bait-fish and fish-bait two rods and two lines with not more than three hooks attached to each line a dip-net or minnow seine not over four feet square or four feet in diameter a minnow trap with not more than one opening which shall not exceed one inch in diameter The rods hooks and lines must be under the immediate control of the person using the same

(c) Pickerel not more than five tip-ups when fishing only through a hole in the ice

[(c)] (d) It shall be unlawful to take or attempt to take fish of any kind by the methods known as snatch-fishing foul hooking or snag-fishing or the taking or fishing for fish with hook or hooks baited or otherwise attached to rod or line or other device for the taking of or fishing with any device whatsoever which may be used to capture any fish by engaging such device in to or with any part of the body of a fish

(d) Eels in rivers of this Commonwealth in addition to such rods and lines eel chutes from the first day of August to the last day of November in each year Sundays excepted but only from four o'clock in the afternoon to eight o'clock in the morning on such days when a special license therefor in addition to the regular fishing license has been first secured Eel chutes to be lawful shall not have any wings of netting of any kind or any cloth or wire netting but shall be constructed of wooden slats or lath which shall not be closer than one-half inch in the bottom Eel chutes shall not be more than five feet long and the width of entrance of an eel chute shall not be more than ten feet A metal tag issued at the time the special license is secured shall be securely fastened to the eel chute in a conspicuous place

No wing walls of stone or other material shall be constructed for more than three-fourth of the distance across any river The heads of no two wing walls when constructed side by side shall be closer together than a distance of twenty feet

All eel chutes must be kept free of rubbish and all game fish found therein must be immediately returned to the water of the river uninjured

During the hours of each day and on Sunday when the operation and use of eel chutes is not legal under this section a portion of the bottoms of such chutes shall be removed to facilitate the unobstructed passage of fishes

(e) It shall be unlawful to take or attempt to take fish of any kind by trolling from a moving boat electrically propelled or propelled by an internal combustion motor

Section 2 That section seventy-two of said act as amended by the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1145) is hereby further amended to read as follows

Section 72 Closed Season No person shall catch take or have in possession the same being killed any game-fish from the first day of [November] December to the [twenty-ninth day of May] fourteenth day of June next ensuing both dates inclusive Provided however That pickerel may be caught and taken not exceeding the daily creel limits fixed by this act during the months of December and January but only when tip-ups are employed while fishing through a hole in the ice

Any person violating the provisions of sections seventy-one or seventy-two of this act shall on conviction in the manner provided in chapter fourteen of this act be subject to a penalty of five dollars for each and every fish caught killed or had in possession

In addition to such penalty the license of such person may be revoked for one year for the first offense and two or more years for the second offense at the discretion of the Board

Section 3 That subsection (b) of section one hundred ninety-one of said act which was added by the act approved the twenty-ninth day of May one thousand nine hundred and thirty-five (Pamphlet Laws 263) is hereby amended to read as follows

(b) Interference with Dams Deflectors and Retards Et Cetera Dams Deflectors retards or similar devices placed across or in any [stream] waters inhabited by fish with permission of the owner or owners of the land adjacent thereto or through which such [stream] water flows shall not be destroyed removed breached or disturbed except by written permission first obtained from the board Any person or persons violating the provisions of this subsection shall on conviction as provided in chapter fourteen of this act be sentenced to pay a fine of ten dollars for each dam deflector retard or similar device destroyed or removed or breached or disturbed

Section 4 That section two hundred two of said act is hereby amended to read as follows

Section 202 Penalty Any person violating the preceding provisions of this article shall be guilty of a misdemeanor and on conviction [as provided in chapter fourteen of this act] shall be sentenced to pay a fine of not less than one hundred dollars and if more than ten fish are killed as the result of such violation then the penalty shall be ten dollars for each fish killed and in the discretion of the court such person or the member of any partnership or association or the officer of the corporation responsible for such violation may be imprisoned for a term not exceeding six months Provided That if it be shown to the satisfaction of the Board of Fish Commissioners that the escape of the substances deleterious destructive or poisonous to fish was due to circumstances unavoidable or beyond control and without negligence then the Board of Fish Commissioners is authorized to accept settlement of the value of the fish destroyed in a sum equal to the cost of restocking the waters to the extent deemed necessary by the Board of Fish Commissioners and upon payment of said sum there shall be no prosecution hereunder

Section 5 That section two hundred twenty of said act as last amended by the acts approved the nineteenth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 349) and the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1145) is hereby further amended to read as follows

Section 220 Resident Fishing License Fees For the purposes of this article every person sixteen years of age and upward upon application to any county treasurer within the Commonwealth or to the Department of Revenue and the presentation of proof that he has been a bona fide resident of this Commonwealth for a period of thirty days preceding his application and was born in the United States and in the case of naturalized foreign-born residents the production of such applicants naturalization papers shall upon the payment to the county treasurer or the Department of Revenue of a license fee of one dollar and fifty cents for the use of the Commonwealth and in the event that the license is issued by a county treasurer a fee of ten cents for the use of the county treasurer be entitled to the license herein referred to as "a resident fishing license"

In case the license certificate is lost or destroyed duplicate can be secured from the county treasurer or the department by making affidavit to that effect In case the button is lost or destroyed the licensee can make a duplicate but in case both the license certificate and the button are lost or destroyed a new license and button must be purchased

Upon the making of an application by any person to the department or county treasurer for a special license to catch eels by the use and operation of eel chutes and the payment of a fee of one dollar for the use of the Commonwealth and ten cents for the use of the county treasurer where application is made to him such person shall be entitled to a special eel chute license and a special metal tag which shall give him the right to use and operate an eel chute in the Susquehanna River below the boundary line of the city of Pittston and the Duryea Borough Line on the north branch below the bridge at the Northumberland-Lycoming County line on the west branch in the Juniata River below Mount Union and in the Delaware River below Easton in accordance with the provisions of this act

Section 6 That section two hundred twenty-six of said act as amended by the act approved the tenth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 296) is hereby further amended to read as follows

Section 226 Unlawful to Fish Without License No person shall angle or fish in any of the waters within or bounding on or adjacent to this Commonwealth unless the license hereinbefore provided be at such time continually kept about the person of the licensee and exhibited upon the request of any fish warden sheriff constable or other officer of the Commonwealth No person shall angle or fish in any of the waters within or bounding on or adjacent to this Commonwealth unless the license button be at such time continually displayed on the outer garment in such manner that the license figures are plainly visible

The provisions of this section shall not apply to a person holding a fishing license issued pursuant to the laws of the State of New York when fishing by angling in that portion of the waters of the Delaware River lying between New York and Pennsylvania within the jurisdiction of this State if the persons holding angling licenses issued pursuant to the provisions of this act when fishing by angling in the waters of the Delaware River lying between New York and Pennsylvania within the jurisdiction of the State of New York are not required to have New York licenses nor shall the provisions of this section apply to a person holding a fishing license issued pursuant to the laws of the State of Ohio when fishing by angling in the waters of the Pymatuning Lake or reservoir within the jurisdiction of this State if the person holding licenses issued pursuant to the provisions of this act when fishing by angling in the waters of said lake within the jurisdiction of the State of Ohio are not required to have Ohio licenses Provided however That where the persons doing such fishing shall fish from the bank on lands in Pennsylvania then a Pennsylvania license shall be required And provided further That where such fishing is done by persons residing in Pennsylvania whether permanently or only temporarily a Pennsylvania license shall be required

Section 7 That section two hundred twenty-eight of said act is hereby amended to read as follows

Section 228 Penalty Revocation of Licenses Period of Revocation Any person violating any provisions of this article shall on conviction in the manner provided in chapter fourteen of this act be sentenced for each offense to pay a fine of twenty-five dollars It shall be unlawful for any person to obtain or use a fishing license during the period for which his license was revoked and any person violating this provision shall be subject to the penalty provided in this section In addition to [such] and penalty provided for any violation of this act the fishing license of any person convicted or signing an acknowledgment as hereinafter provided shall be void and the license and license button shall be surrendered by such person and immediately sent by the court making the conviction on the officer taking the acknowledgment to the [commissioner] board at Harrisburg In such cases and in cases where a person has been convicted of a violation of this act who does not possess a fishing license the board shall notify him of the time during which he shall not be eligible to possess a fishing license and during which period he may not apply for such a license but no such period shall exceed three years

Section 8 That section two hundred fifty-one of said act is hereby amended to read as follows

Section 251 Power of Commissioner and His Agent to Fish Rules and Regulations The Commissioner or his agent may catch fish in any of the waters of this Commonwealth at any season of the year and with any kind of nets or devices The Commissioner with the approval of the Board may promulgate such rules and regulations for the angling catching or removal of fish in or from any of the inland waters artificial or otherwise [wholly within] and the boundary lakes and boundary rivers of this Commonwealth as he may deem necessary To aid in the better protection of fish in any of the inland waters and boundary lakes and boundary rivers of this Commonwealth the Board may also reduce or increase open seasons and creel possession size and season limits or may close or open seasons as in its judgement may be necessary to conserve the future fish supply in any portion of the inland waters and boundary lakes and boundary rivers of this Commonwealth

To reduce or increase open seasons or creel limits or to open or close seasons for fishing in any portion of the inland waters or boundary lakes or boundary rivers of the Commonwealth the Board shall prepare and distribute such posters or notices as in its judgement may be necessary to give due notice of its regulations adopted hereunder

Any person violating any of said rules and regulations shall upon conviction as provided in chapter fourteen of this act be sentenced to pay a fine of twenty dollars

Section 9 That section two hundred fifty-six of said act is hereby amended to read as follows

Section 256 Powers of Fish Wardens A fish warden shall have power

(a) To enforce all laws of the Commonwealth relating to fish (b) to execute all warrants and search-warrants for the violation of the fish laws (c) to serve subpoenas issued for the examination investigation and trial of all offenses against the laws relating to fish (d) to carry firearms or other weapons in the performance of his duties (e) to search without warrant any boat conveyance vehicle fishbox bag coat basket or other receptacle for fish when he has reason to believe that any provision of any law of this Commonwealth relating to fish has been violated (f) to seize and take possesion of any and all fish which may have been caught taken or killed at any time in any manner or for any purpose or had in possession or under control or have been shipped or about to be shipped contrary to the laws of this Commonwealth fish so seized shall be disposed of in any manner as the Commissioner may direct (g) to enter upon any land or water in the performance of his duty (h) to demand and secure proper assistance in case of emergency (i) to purchase fish for the purpose of securing evidence (j) to stop and inspect or search at any time without warrant any vehicle or conveyace and its occupants or contents being operated or standing upon or along a public highway within this Commonwealth provided however such officer shall be in uniform and display his badge or other insignia of identity and shall state to the person in charge of said vehicle or conveyance the purpose of the inspection or search (k) to inspect or search at any time without warrant and examine any clothing worn by any person or any boat conveyance or vehicle of any type or kind whether attached or detached to another conveyance or vehicle or any creel or other receptacle for fish when such officer has made known his official identity and the cause for such inspection or search (l) to inspect or search at any time without warrant any camp tent cabin or detached automobile trailer or truck being used in whole or in part as a permanent or temporary abode for the purpose of fishing or a dwelling house tavern boarding house or hotel or the dwelling house or outbuildings of a caretaker of a camp or boarding house being used in whole or in part either temporarily or permanenently for the purpose of fishing or harboring fishermen when such officer has made known his official identity and the cause for such inspection or search to the person or persons in charge of such property

Section 10 That said act is hereby further amended by adding thereto after section two hundred eighty-one two new sections to read as follows

Section 282 Fines to be Forwarded to Commissioner All fines recovered in cases where the prosecutor is a salaried officer of the Commonwealth shall be immediately surrendered by the court receiving the same to the prosecutor who in turn as soon as may be shall forward or deliver such fines and penalties to the commissioner Where any officer of the Commonwealth other than a salaried officer is the prosecutor the fines and penalties shall as soon as the case is fully determined before him be forwarder by such magistrate alderman or justice of the peace to the commissioner at Harrisburg together with a statement of the cause for which such fines were collected the cost of which statement is hereby fixed at fifty cents and made a part of the costs of prosecution All fines received by the commissioner shall be paid into the State Treasury monthly by and through the Department of Revenue for the use of fish fund

Sworn statements of all fines and penalties so collected and all bail forfeited shall also be made by the magistrate alderman or justice of the peace imposing or receiving the same to the commissioner upon form furnished by the Department of Revenue such reports shall be made monthly not later than the tenth day of the following month

Any magistrate alderman or justice of the peace who shall fail to make such monthly reports and returns or either of them shall be guilty of a misdemeanor in office

and upon conviction thereof in a court of quarter sessions shall be sentenced to pay a fine of one hundred dollars and costs of prosecution or undergo imprisonment for not more than sixty days or suffer both such fine and imprisonment

Section 283 Return of Fine Erroneously Paid Whenever the board is satisfied that any fine paid into the State Treasury under the provisions of this act was erroneously collected and deposited the board within six months after such deposit may by resolution direct the commissioner to draw a requisition upon the fund into which fund such fine was deposited for the amount involved Upon the receipt of such requisition and an extract of the minutes of the board the Auditor shall draw his warrant upon the State Treasurer in favor of the person from whom such fine was erroneously collected

Section 11 That section two hundred eighty-five of said act as last amended by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-five (Pamphlet Laws 205) is hereby amended to read as follows

Section 285 Fish License Fund Established All fees fines penalties and other moneys paid received recovered and collected (a) under the provisions of any law repealed and replaced by this act now held in the State Treasury as a fund or any part of a fund separate and apart from the various purposes designated by law or (b) that may be hereafter paid recovered received and collected under the provisions of any act repealed and replaced by this act or (c) that may be paid received recovered and collected under the provisions of this act shall be placed in a separate fund by the State Treasurer to be known as "The Fish Fund" and shall be used solely for the payment of all expenses incurred by the Department of Revenue in procuring issuing or supervising the issuance of resident and non-resident fishing licenses and license buttons and under the direction of the board for the following purposes

(a) The payment of the salaries wages or other compensation of the Commissioner of Fisheries such deputies directors superintendents bureau or division chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticans clerks stenographers bookkeepers messengers fish wardens laborers and other assistants and employes as may be required for the work of the board and such special deputy attorneys general assistant deputy attorneys general as may be assigned by the Attorney General to the board or for handling any legal business pertaining to its work

(b) The payment of the traveling and other expenses of the members officers and employes of the Board of Fish Commissioners

(c) The purchase through the Department of Property and Supplies as purchasing agency of such furniture furnishings stationery supplies materials equipment fuel motor vehicles and printing and binding as may be necessary in the conduct of the work of the board and the payment of premiums on surety bonds for such officers or employes of the board as may be required to furnish them policies of Workmen's Compensation Insurance and policies of liability insurance covering the aforesaid motor vehicles and persons operating same which bonds or insurance policies shall have been contracted for by the Department of Property and Supplies as agent of the board

(d) The payment of postage telegrams telephone rentals telephone toll charges and rentals for patented leased office devices or machines

(e) Rentals for any offices outside of the Capitol Buildings or any other grounds buildings or quarters necessary for the work of the board

(f) The propagation protection and distribution of fish and the stocking of waters within this Commonwealth as provided by law

(a) Necessary repairs and improvements to fish hatcheries or other buildings offices or quarters used in the work of the board

(h) Field work gathering spawn and transferring fish

(i) The maintenance and operation of a boat on Lake Erie and the cruiser "Anna" at Torresdale on the Delaware River and

(j) Any contingent incidental or other expenses of any kind or description reasonably necessary in carrying on the work of the board

(k) With the consent of the Governor for the purchase of lands and waters and for the impounding of waters and to make the same available for use by the citizens of the Commonwealth for fishing hunting and forest purposes and said lands and waters so purchased shall be under the supervision direction and control of the board and

(l) The purchase and acquisition of additional lands for State fish hatcheries the purchase acquisition and erection of buildings ponds and other extensions incidental to fish hatcheries and for the propagation and protection of fish and hatcheries hereafter established and for the distribution of fish from hatcheries and the stocking of waters within this Commonwealth [All moneys received from license fees in any fiscal year in excess of three hundred and fifty thousand ($350,000) dollars shall be expended solely and exclusively for the purposes set forth in this clause]

All moneys in such separate fund from time to time are hereby specifically appropriated to the Department of Revenue and the board and may be expended for the purposes hereinbefore enumerated All printing buttons and other supplies or materials purchased by the Department of Revenue for the purpose of performing its duties under the provisions of this act shall be purchased through the Department of Property and Supplies as purchasing agency

Estimates of the amounts to be expended under this act from time to time by the Department of Revenue and the Board of Fish Commissioners respectively shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be lawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Department of Revenue or by the Board of Fish Commissioners in excess of the estimates approved by the Governor Subject to the foregoing provisions the Auditor General shall from time to time upon requisition of the Secretary of Revenue or of the Commissioner draw his warrant on the State Treasurer for the amount specified in such requisition not exceeding however the amount in such fund at the time of making such requisition

Section 12 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. PERRY. Mr. Speaker and members of the House before voting upon this bill I would like to read to you the one section of this bill that if passed will impose upon every fish warden in the Commonwealth of Pennsylvania this power:

"(j) to stop and inspect or search at any time without warrant any vehicle or conveyance and its occupants or contents being operated or standing upon or along a public highway within this Commonwealth provided however such officer shall be in uniform and display his badge or other insignia of identity and shall state to the person in charge of said vehicle or conveyance the purpose of the inspection or search (k) to inspect or search at any time without warrant and examine any clothing worn by any person or any boat conveyance or vehicle of any type or kind whether attached or detached to another conveyance or vehicle or any creel or other receptacle

for fish when such officer has made known his official identity and the cause for such inspection or search (1) to inspect or search at any time without warrant any camp tent cabin or automobile trailor or truck being used in whole or in part as a permanent or temporary abode for the purpose of fishing or a dwelling house tavern boarding house or hotel or the dwelling house or outbuildings of a caretaker of a camp or boarding house being used in whole or in part either temporarily or permanently for the purpose of fishing or harboring fishermen when such officer has made known his official identity and the cause for such inspection or search."

That is a section of the bill that is now up for your consideration.

Mr. SIEGEL. Mr. Speaker and members of the House, the fish wardens are required to be in uniform, and unless they are uniformed they cannot search. I ask the support of the members of the House for this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	Flanagan,	McGee,	Shoemaker,
Alexander,	Flannery,	McKinney,	Siegel,
Allen,	Flinchbaugh,	McShane,	Simon,
Allmond,	Ganser,	Melchiorre,	Simpson,
Arnold,	Gerard,	Mellott,	Sloan,
Atkins,	Gillette,	Merrell,	Smith, James A.,
Aukerman	Gorski,	Mihm,	Smith, John A.,
Baine,	Haberlen,	Moomaw,	Snyder,
Baker, F.	Hagerty,	Mooney,	Sollenberger,
Baker, J.	Hall,	Moran,	Spengler,
Balthaser	Hamilton, F. P.,	Moul,	Sproul,
Bierly,	Hamilton, R. S.,	Muir,	Stackpole,
Blank,	Harkins,	Munley,	Stank,
Bohn,	Harmuth,	Murrin,	Stewart,
Boles,	Hays,	Nagel,	Stockham,
Boltz,	Hering,	O'Brien,	Strode,
Boose,	Hess,	O'Connor,	Terry,
Boyer,	Hindman,	O'Keefe,	Thomas,
Bradley,	Hirsch,	Ominsky,	Thompson,
Brancato,	Holland,	O'Neill,	Toole,
Broad,	Holmes,	Ostroff,	Tronzo,
Brown,	Holstrom,	Patterson, C. S.,	Tumelty,
Brownfield,	Hontz,	Patterson, J. W.,	Turner,
Burrows,	Horting,	Peale,	Valibus,
Cadwalader,	Huntley,	Pearson,	VanAllsburg,
Caesar,	Imbrie,	Pershing,	VanSickle,
Caputo,	Jirolanio,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Walsh,
Cohen, R. E.,	Kline,	Reese,	Wampole,
Coleman,	Kroll,	Reising,	Watkins,
Coolahan,	LaRue,	Richter,	Webster,
Costanzo,	Leisey,	Robinson,	Weidemann,
Davies,	Levy,	Rothenberger,	Weiss, D. H.,
Decker,	Lewis,	Royer,	Weiss, S. A.,
DeNote,	Long,	Ruffennach,	Welliver,
Dickinson,	Longaker,	Rush,	Welsh,
Donohoe,	Lopresti,	Sarraf,	Westrick,
Dougherty,	Lovett,	Scanlon,	Whalen,
Downey,	Mallen,	Schor,	Whitenight,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wright,
Eckels,	McArdle,	Schumacher,	Yanoshat,
Elpern,	McCullough,	Serrill,	Yeakel,
Falkenstein,	McDermott,	Shaw,	Yourishin,
Finnerty,	McDevitt,	Shea,	Zappala,
Fiss,	McElroy,	Shepard,	Furman,
Fitch,	McFall,		

NAYS—7

Habbyshaw,	Perry,	Wilson,	Woodside,
Kane,	Trout,	Wood,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 662, entitled:

An Act to amend sections four hundred thirteen and seven hundred ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds"; changing the registration year and adjusting registration fees.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. REISING. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—91

Achterman,	Haberlen,	McKinney,	Snyder,
Alexander,	Hall,	Mihm,	Sollenberger,
Aukerman,	Hamilton, R. S.,	Moomaw,	Spengler,
Baine,	Harkins,	Moul,	Sproul,
Baker, F. T.,	Hays,	Murrin,	Stackpole,
Baker, J. J.,	Hess,	Nagel,	Stank,
Bohn,	Holland,	O'Connor,	Stewart,
Boyer,	Holstrom,	Perry,	Thomas,
Bradley,	Hontz,	Pershing,	Tronzo,
Broad,	Horting,	Reese,	Trout,
Brownfield,	Huntley,	Robinson,	Turner,
Burrows,	Kane,	Rothenberger,	Vogt,
Cadwalader,	Kelso,	Royer,	Wagner,
Chervenak,	Kline,	Ruffennach,	Watkins,
Coakley,	LaRue,	Sarraf,	Webster,
Coolahan,	Leisey,	Schrock,	Weidemann,
Dickinson,	Longaker,	Schumacher,	Westrick,
Dyson,	Lopresti,	Shaw,	Wilson,
Fiss,	Matthews, J. F.,	Shoemaker,	Winner,
Ganser,	McArdle,	Siegel,	Wood,
Gerard,	McCullough,	Simon,	Woodside,
Gorski,	McDermott,	Simpson,	Wright,
Habbyshaw,	McFall,	Sloan,	Furman,

NAYS—55

Bierly,	Hagerty,	Mooney,	Shea,
Boltz,	Hindman,	Moran,	Shepard,
Brancato,	Hirsch,	O'Brien,	Smith, James A.,
Caputo,	Holmes,	Ominsky,	Tumelty,
Cohen, H. B.,	Imbrie,	O'Neill,	Valibus,
Cohen, R. E.,	Jirolanio,	Patterson, W.,	VanAllsburg,
Coleman,	Keenan,	Powers,	VanSickle,
Donohoe,	Kilroy,	Preston,	Walsh,

Dougherty,	Lewis,	Readinger,	Wampole,
Downey,	Long,	Reising,	Weiss, D. H.,
Dubbs,	Lovett,	Rush,	Welsh,
Elpern,	Marino,	Scanlon,	Whalen,
Falkenstein,	McGee,	Schor,	Yanoshat,
Finnerty,	McShane,	Schrope,	Yourishin,
Fitch	Melchiorre,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative, and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 77, as follows:

An Act to amend section two thousand eight hundred and nineteen of the act approved the eighteenth day of May one thousand nine hundred an deleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together wtih the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any part thereof that are or may be inconsistent therewith" extending the provisions of said section relating to clauses and stipulations in and proposals for certain contracts to all school districts and eliminating the requirements therein as to preparation and cutting of stone for school buildings

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand eight hundred and nineteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 2819 All contracts hereafter awarded and entered into by any school district [of the first class] shall contain a clause or stipulation requiring that no person shall be employed to do work under such contract except competent and first-class workmen and mechanics and no workmen shall be regarded as competent and first-class within the meaning of this act except those who are duly skilled in their respective branches of labor and who shall be paid not less than such rates of wages and for such hours' work as shall be the established and current rates of wages paid for such hours by employers of organized labor in doing of similar work in the district where work is being done

And said bill having been read at length the third time considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Sloan,
Allmond,	Gerard,	Mellott,	Smith, James A.,
Arnold,	Gillette,	Merrell,	Smith, John A.,
Atkins	Gorski,	Mihm,	Snyder,
Aukerman,	Haberlen,	Moomaw,	Sollenberger,
Baine,	Hagerty,	Mooney,	Spengler,
Baker, F. T.,	Hall,	Moran,	Sproul,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Stackpole,
Balthaser,	Hamilton, R. S.,	Muir,	Stank,
Bierly,	Harkins,	Munley,	Stewart,
Blank,	Harmuth,	Murrin,	Stockham,
Bohn,	Hays,	Nagel,	Strode,
Boies,	Hering,	O'Brien,	Terry,
Boltz,	Hess,	O'Connor,	Thomas,
Boose,	Hindman,	O'Keefe,	Thompson,
Boyer,	Hirsch,	Ominsky,	Toole,
Bradley,	Holland,	O'Neill,	Tronzo,
Brancato,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, S.,	Tumelty,
Brown,	Hontz,	Patterson, W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffenach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Wright,
Elpern,	McCullough,	Serrill,	Yanoshat,
Falkenstein,	McDermott,	Shaw,	Yeakel,
Finnerty,	McDevitt,	Shea,	Yourishin,
Fiss,	McElroy,	Shepard,	Zappala,
Fitch,	McFall,	Shoemaker,	Furman,
Flanagan,	McGee,	Siegel,	

NAYS—2

Habbyshaw,	Woodside,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1344, entitled:

An Act to amend sections five hundred and fifty-one, six hundred and seventy-five and six hundred and seventy-six of the act, approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto" by extending authority therein granted to include leasing of real property.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Sloan,
Allmond,	Gillette,	Mellott,	Smith, James A.,
Arnold,	Gorski,	Merrell,	Smith, John A.,
Atkins,	Habbyshaw,	Mihm,	Snyder,
Aukerman,	Haberlen,	Moomaw,	Sollenberger,
Baine,	Hagerty,	Mooney,	Spengler,
Baker, F. T.,	Hall,	Moran,	Sproul,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Stackpole,

Balthaser,	Hamilton, R. S.,	Muir,	Stank,
Bierly,	Harkins,	Munley,	Stewart,
Blank,	Harmuth,	Murrin,	Stockham,
Bohn,	Hays,	Nagel,	Strode,
Boles,	Hering,	O'Brien,	Terry,
Boltz,	Hess,	O'Connor,	Thomas,
Boose,	Hindman,	O'Keefe,	Thompson,
Boyer,	Hirsch,	Ominsky,	Toole,
Bradley,	Holland,	O'Neill,	Tronzo,
Brancato,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, S.,	Tumelty,
Brown,	Hontz,	Patterson, W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1289, entitled:

An Act to amend sections seventy-two, seventy-eight, eighty-two, ninety-two and ninety-six and repeal section eighty-seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," relieving counties of the liability to pay the expenses of county officers and employes attending certain State conventions.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Flannery,	McFall,	Shepard,
Alexander,	Flinchbaugh,	McGee,	Shoemaker,
Allen,	Ganser,	McKinney,	Siegel,
Allmond,	Gerard,	McShane,	Simon,
Arnold,	Gillette,	Melchiorre,	Simpson,
Atkins,	Gorski,	Mellott,	Sloan,
Aukerman,	Habbyshaw,	Merrell,	Smith, James A.,
Baine,	Haberlen,	Mihm,	Smith, John A.,
Baker, J. J.,	Hagerty,	Moomaw,	Snyder,
Balthaser,	Hall,	Mooney,	Sollenberger,
Bierly,	Hamilton, F. P.,	Moran,	Spengler,
Blank,	Hamilton, R. S.,	Moul,	Stackpole,
Bohn,	Harkins,	Muir,	Stank,
Boles,	Harmuth,	Munley,	Stewart,
Boltz,	Hays,	Murrin,	Stockham,
Boose,	Hering,	Nagel,	Strode,
Boyer,	Hess,	O'Brien,	Terry,
Bradley,	Hindman,	O'Connor,	Thomas,
Brancato,	Hirsch,	O'Keefe,	Thompson,
Broad,	Holland,	Ominsky,	Toole,
Brown,	Holmes,	O'Neill,	Tronzo,
Brownfield,	Holstrom,	Ostroff,	Trout,
Burrows,	Hontz,	Patterson, S.,	Tumelty,
Cadwalader,	Horting,	Patterson, W.,	Valibus,
Caesar,	Huntley,	Peale,	VanAllsburg,
Caputo,	Imbrie,	Pearson,	VanSickle,
Chervenak,	Jirolanio,	Perry,	Vogt,
Coakley,	Kane,	Pershing,	Wagner,
Cohen, H. B.,	Keenan,	Piole,	Wall,
Cohen, R. E.,	Kelso,	Powers,	Walsh,
Coleman,	Kilroy,	Preston,	Wampole,
Coolahan,	Kline,	Readinger,	Watkins,
Costanzo,	Kroll,	Reese,	Webster,
Davies,	LaRue,	Reising,	Weiss, D. H.,
Decker,	Leisey,	Richter,	Weiss, S. A.,
DeNote,	Levy,	Robinson,	Welliver,
Dickinson,	Lewis,	Rothenberger,	Welsh,
Donohoe,	Long,	Royer,	Westrick,
Dougherty,	Longaker,	Ruffennach,	Whalen,
Downey,	Lopresti,	Rush,	Whitenight,
Dubbs,	Lovett,	Sarraf,	Wilson,
Dyson,	Mallen,	Scanlon,	Winner,
Eckels,	Marino,	Schor,	Wood,
Elpern,	Matthews, J. F.,	Schrock,	Wright,
Falkenstein,	McArdle,	Schrope,	Yanoshat,
Finnerty,	McCullough,	Schumacher,	Yeakel,
Fiss,	McDermott,	Serrill,	Yourishin,
Fitch,	McDevitt,	Shaw,	Zappala,
Flanagan,	McElroy,	Shea,	Furman,

NAYS—4

Sproul,	Turner,	Weidemann,	Woodside,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1322, entitled:

An Act to repeal sections two thousand ninety, two thousand ninety one, two thousand nintey-two, two thousand ninety-three, two thousand ninty-four, two thousand ninety-five, and two thousand ninety-six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," by abolishing the right of taxpayers to furnish all the materials and labor necessary for opening, making, amending and repairing the public highways and bridges of townships by petition and contract.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

Yeas—200.

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Sloan,
Allmond,	Gillette,	Mellott,	Smith, James A.,
Arnold,	Gorski,	Merrell,	Smith, John A.,
Atkins,	Habbyshaw,	Mihm,	Snyder,
Aukerman,	Haberlen,	Moomaw,	Sollenberger,
Baine,	Hagerty,	Mooney,	Spengler,
Baker, F. T.,	Hall,	Moran,	Sproul,

Baker, J. J.,	Hamilton, F. P.,	Moul,	Stackpole,
Balthaser,	Hamilton, R. S.,	Muir,	Stank,
Bierly,	Harkins,	Munley,	Stewart,
Blank,	Harmuth,	Murrin,	Stockham,
Bohn,	Hays,	Nagel,	Strode,
Boies,	Hering,	O'Brien,	Terry,
Boltz,	Hess,	O'Connor,	Thomas,
Boose,	Hindman,	O'Keefe,	Thompson,
Boyer,	Hirsch,	Ominsky,	Toole,
Bradley,	Holland,	O'Neill,	Tronzo,
Brancato,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, S.,	Tumelty,
Brown,	Hontz,	Patterson, W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

Nays—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1320, entitled:

An Act to amend section five hundred twenty, section five hundred thirty as amended and sections seven hundred three and two thousand twelve of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto," providing for the election of auditors, for vacancies in office of commissioners, for compensation to township commissioners, and fixing the width of public roads, streets, lanes and alleys.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

Yeas—200.

Achterman,	Flannery,	McGee,	Simon,
Alexander,	Flinchbaugh	McKinney,	Simpson,
Allen,	Ganser,	McShane,	Sloan,
Allmond,	Gerard,	Melchiorre,	Smith, James A.,
Arnold,	Gillette,	Mellott,	Smith, John A.,
Atkins,	Gorski,	Merrell,	Snyder,
Aukerman,	Habbyshaw	Mihm,	Sollenberger,
Baine,	Haberlen,	Moomaw,	Spengler,
Baker, F. T.,	Hagerty,	Mooney,	Sproul

Baker, J. J.,	Hall,	Moran,	Stackpole,
Balthaser	Hamilton, F. P.,	Moul,	Stank,
Bierly,	Hamilton, R. S.,	Muir,	Stewart,
Blank,	Harkins,	Munley,	Stockham,
Bohn,	Harmuth,	Murrin,	Strode,
Boies,	Hays,	Nagel,	Terry,
Boltz,	Hering,	O'Brien,	Thomas,
Boose,	Hess,	O'Connor,	Thompson,
Boyer,	Hindman,	O'Keefe,	Toole,
Bradley,	Hirsch,	Ominsky,	Tronzo,
Brancato,	Holland,	O'Neill,	Trout,
Broad,	Holmes,	Ostroff,	Tumelty,
Brown,	Holstrom,	Patterson, C. S.,	Turner,
Brownfield,	Hontz,	Patterson, J. W.,	Valibus,
Burrows,	Horting,	Peale,	VanAllsburg,
Cadwalader,	Huntley,	Pearson,	VanSickle,
Caesar,	Imbrie,	Perry,	Vogt,
Caputo,	Jirolanio,	Pershing,	Wagner,
Chervenak,	Kane,	Piole,	Wall,
Coakley,	Keenan,	Powers,	Walsh,
Cohen, H. B.,	Kelso,	Preston,	Wampole,
Cohen, R. E.,	Kilroy,	Readinger,	Watkins,
Coleman,	Kline,	Reese,	Webster,
Coolahan,	Kroll,	Reising,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Whitenight,
Downey,	Lovett,	Schor,	Wilson,
Dubbs,	Mallen,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, J. F.,	Schumacher,	Woodside,
Elpern,	McArdle,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,
Finnerty,	McDermott,	Shea,	Yeakel,
Fiss,	McDevitt,	Shepard,	Yourishin,
Fitch,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 1321, entitled:

An Act to amend section one thousand eight hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," as amended, by abolishing the right of taxpayers to prevent the letting of certain contracts and eliminating certain general regulations in the making of insurance contracts by townships.

And said bill having been read at length the third time, considered and agreed to.

On the question.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200.

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Sloan,
Allmond,	Gillette,	Mellott,	Smith, James A.,
Arnold,	Gorski,	Merrell,	Smith, John A.,
Atkins,	Habbyshaw,	Mihm,	Snyder,
Aukerman,	Haberlen,	Moomaw,	Sollenberger,
Baine,	Hagerty,	Mooney,	Spengler,
Baker, F. T.,	Hall,	Moran,	Sproul,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Stackpole,
Balthaser	Hamilton, R. S.,	Muir,	Stank,
Bierly	Harkins	Munley	Stewart

Blank,	Harmuth,	Murrin,	Stockham,
Bohn,	Hays,	Nagel,	Strode,
Boles,	Hering,	O'Brien,	Terry,
Boltz,	Hess,	O'Connor,	Thomas,
Boose,	Hindman,	O'Keefe,	Thompson,
Boyer,	Hirsch,	Ominsky,	Toole,
Bradley,	Holland,	O'Neill,	Tronzo,
Brancato,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, C. S.,	Tumelty,
Brown,	Hontz,	Patterson, J. W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsbu.
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1302, entitled:

An Act to amend sections two and three, paragraph (c) of section seven and section eight of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1041), entitled "An act to safeguard human health and life in counties of the second class by providing for the licensing and regulation of persons, municipalities and entities engaged in the transportation of garbage and in the disposal of garbage through the construction, keeping, maintenance or conduct of garbage disposal plants; conferring powers and imposing duties on the county commissioners of such counties; and otherwise providing for the administration of the act; and imposing penalties," by excepting from its provisions in certain cases the need for securing a license.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Sloan,
Almond,	Gillette,	Mellott,	Smith, James A.,
Arnold,	Gorski,	Merrell,	Smith, John A.,
Atkins,	Habbyshaw,	Mihm,	Snyder,
Auderman,	Haberlin,	Moore,	Soltenberger,
Baine,	Hagerty,	Mooney,	Spengler,
Baker, F. T.,	Hall,	Moran,	Sproul,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Stackpole,
Balthaser	Hamilton, R. S.,	Muir,	Stank,
Bierly,	Harkins,	Munley,	Stewart,
Blank,	Harmuth,	Murrin,	Stockham,
Bohn,	Hays,	Nagel,	Strode,
Boles,	Hering,	O'Brien,	Terry,
Boltz,	Hess,	O'Connor,	Thomas,
Boose,	Hindman,	O'Keefe,	Thompson,
Boyer,	Hirsch,	Ominsky,	Toole,
Bradley,	Holland,	O'Neill,	Tronzo,
Brancato,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, C. S.,	Tumelty,
Brown,	Hontz,	Patterson, J. W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsbu
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 64 Printer's No. 164 was passed over at the request of Mr. HOLLAND.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 964.

An Act to amend section five A of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended by changing the number and method of appointment of the civil service commissioners in said cities

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 1, page 2, lines 13 and 14 by striking out the following: "and failing to do so the Governor shall appoint such fifth member"

On the question,

Will the House concur in the amendment made by the Senate?

SENATE MESSAGE AND BILL LAID ON TABLE

Mr. McGEE. Mr. Speaker, I move that the Senate message, the bill and the amendment be laid upon the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 561.

An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 6, by striking out the word "recording" and inserting in lieu thereof the words "filing of the records."

Amend section two, page 3, line 9, by inserting ofter the word "taking" the words "of the larger part of the low water flow"; also in line 14, by inserting after the word "taking" the words "of the larger part of the low water flow"; also in line 17, by inserting after the word "effect" the words "except as to that part thereof actually taken."

Amend section three, page 3, line 22, by striking out the word and figure "six (6)" and inserting in lieu thereof the word and figure "twelve (12)"; also in the same line by inserting after the word "months" the words "or such further time as the board may grant"; also on page 4, lines 4 to 6 inclusive by striking out the following: "the recorder of deeds of the county or the several counties as the case may be in which the water claimed to have been appropriated flows" and inserting in lieu thereof the following:" "the Water and Power Resources Board In case where the water has been acquired otherwise than by condemnation the municipality corporation copartnership or person shall file with the board a statement setting forth the manner in which the water has been applied or on what its claim therefore is based".

Amend section four, page 4, line 16, by inserting after the word "desiring" the words "to condemn or oppropriate new or"; also on page 5, line 5, by striking out the words "locations and"; also same page, line 7, by inserting before the word "owners" the words "lower riparian".

Amend section six, page, by striking out all of lines 21 to 28 inclusive as follows:

"Section 6 No permit to acquire such waters of this Commonwealth appropriated by this act hereafter granted by the Water and Power Resources Board under this or any other law of this Commonwealth for public water supply purposes shall be for a longer term than fifty (50) years and such permit shall be subject to such terms conditions and stipulations as the board shall deem to be necessary and proper to protect the present and future"; also on page 6, by striking out all of lines 1 and 2 as follows "interests of the Commonwealth in the use and distribution of its water resources" and inserting in lieu thereof the following: "All permits to acquire such waters of this Commonwealth appropriated by this act hereafter granted by the Water and Power Resources Board under this or any other law of this Commonwealth for public water supply purposes shall be for such term or terms and shall embody such conditions and stipulations as the board may deem necessary and proper to protect the present and future interests of the Commonwealth and its people in the use and distribution of its water resources"

Amend page 6, section 7, line 14, by striking out after the word "at" the word "the" and inserting in lieu thereof the word "a"; also in the same line by striking out after the word "rate" the word "of"; also in the same line by striking out after thhe word "not the words "less than" and inserting in lieu thereof the word "exceeding"; also in line 15 by striking out the words and figures "nor more than five dollars ($5.00)".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200.

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Sloan,
Allmond,	Gillette,	Mellott,	Smith, James A.,
Arnold,	Gorski,	Merrell,	Smith, John A.,
Atkins,	Habbyshaw,	Mihm,	Snyder,
Aukerman,	Haberlen,	Moomaw,	Sollenberger,
Baine,	Hagerty,	Mooney,	Spengler,
Baker, F. T.,	Hall,	Moran,	Sproul,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Stackpole,
Balthaser	Hamilton, R. S.,	Muir,	Stank,
Bierly,	Harkins,	Munley,	Stewart,
Blank,	Harmuth,	Murrin,	Stockham,
Bohn,	Hays,	Nagel,	Strode,
Boies,	Hering,	O'Brien,	Terry,
Boltz,	Hess,	O'Connor,	Thomas,
Boose,	Hindman,	O'Keefe,	Thompson,
Boyer,	Hirsch,	Ominsky,	Toole,
Bradley,	Holland,	O'Neill,	Tronzo,
Brancato,	Holmes,	Ostroff,	Trout,
Bread,	Holstrom,	Patterson, C. S.,	Tumolty,
Brown,	Hontz,	Patterson, J. W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yohn,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 916.

An Act to amend section one of the act approved the seventeenth day of June one thousand nine hundred nineteen (P. L. 1025), entitled "A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184), entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 2, by striking out the word "June" and inserting in lieu thereof the word "July".

Amend section 1, page 1, line 5, by striking out the word "June" and inserting in lieu thereof the word "July".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200.

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Sloan,
Allmond,	Gillette,	Mellott,	Smith, James A.,
Arnold,	Gorski,	Merrell,	Smith, John A.,
Atkins,	Habbyshaw,	Mihm,	Snyder,
Aukerman,	Haberlen,	Moomaw,	Sollenberger,
Baine,	Hagerty,	Mooney,	Spengler,
Baker, F. T.,	Hall,	Moran,	Sproul,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Stackpole,
Balthaser	Hamilton, R. S.,	Muir,	Stank,
Bierly,	Harkins,	Munley,	Stewart,
Blank,	Harmuth,	Murrin,	Stockham,
Bohn,	Hays,	Nagel,	Strode,
Boles,	Hering,	O'Brien,	Terry,
Boltz,	Hess,	O'Connor,	Thomas,
Boose,	Hindman,	O'Keefe,	Thompson,
Boyer,	Hirsch,	Ominsky,	Toole,
Bradley,	Holland,	O'Neill,	Tronzo,
Brancato,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, C. S.,	Tumelty,
Brown,	Hontz,	Patterson, J. W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 257.

An Act to amend clause (b) of section four article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth as amended changing the order in which officers of such cities shall act as mayor in case of a vacancy or disability of the mayor to act.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 1, page 2, line 17, by striking out the word "health" and inserting in lieu thereof the word "work."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200.

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Sloan,
Allmond,	Gillette,	Mellott,	Smith, James A.,
Arnold,	Gorski,	Merrell,	Smith, John A.,
Atkins,	Habbyshaw,	Mihm,	Snyder,
Aukerman,	Haberlen,	Moomaw,	Sollenberger,
Baine,	Hagerty,	Mooney,	Spengler,
Baker, F. T.,	Hall,	Moran,	Sproul,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Stackpole,
Balthaser	Hamilton, R. S.,	Muir,	Stank,
Bierly,	Harkins,	Munley,	Stewart,
Blank,	Harmuth,	Murrin,	Stockham,
Bohn,	Hays,	Nagel,	Strode,
Boles,	Hering,	O'Brien,	Terry,
Boltz,	Hess,	O'Connor,	Thomas,
Boose,	Hindman,	O'Keefe,	Thompson,
Boyer,	Hirsch,	Ominsky,	Toole,
Bradley,	Holland,	O'Neill,	Tronzo,
Brancato,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, C. S.,	Tumelty,
Brown,	Hontz,	Patterson, J. W.,	Turner,

Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, that the Clerk inform the Senate accordingly.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1204.

An Act relating to counties of the first class and the duties of the treasurers thereof in connection with the collection of certain taxes fees license taxes and license fees payable to the Commonwealth and making provision for the disposition of the compensation therefor heretofore received by such treasurers

HOUSE BILL No. 1040.

An Act to re-enact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-five (P. L. 341) entitled "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties" by extending the provisions of the act for a further period of time and by making further provision for penalties.

HOUSE BILL No. 1045.

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by imposing an additional tax on liquid fuels for a limited period of time and making further provision for the determination and payment of the tax.

HOUSE BILL No. 1046.

An Act to re-enact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six P. L. 13) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" by extending the provisions thereof for a further period of time and providing a method of ascertaining the amount of the tax for payment over to the Department of Revenue

HOUSE BILL No. 1041.

An Act to re-enact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. 208) entitled "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" as amended by extending the provisions of the act for a further period of time reducing the rate of tax further defining net income making further provision for filing reports on a fiscal year basis and for the filing of consolidated reports providing for the settlement and resettlement of taxes and review and appeal therefrom imposing duties and conferring powers on the Auditor General and making further provisions for the retention of records by corporations and for interest penalties.

HOUSE BILL No. 1161.

An Act to amend section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belong to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision for the appointment of mercantile appraisers

HOUSE BILL No. 1203.

An Act relating to counties of the first class and the duties of the recorders of deeds thereof in connection with the collection of certain fees and taxes payable to the

Commonwealth and making provision for the disposition of the compensation therefor heretofore received by such recorders of deeds

Whereupon,

The SPEAKER in the presence of the House signed the same.

BILLS INTRODUCED AND REFERRED

By Mr. WATKINS. HOUSE BILL No. 2048.

An Act making an appropriation to the Department of Public Instruction for the purpose of awarding a scholarship to the high school student writing the best essay on the subject: "More Safety on the Public Highways."

Referred to the Committee on Appropriations.

By Messrs. McARDLE, PIOLE and PEARSON. HOUSE BILL No. 2049.

An Act providing minimum salaries for employes of the Commonwealth.

Referred to the Committee on State Government.

By Messrs. JOHN A. SMITH, MOUL, DYSON and SARRAF. HOUSE BILL No. 2050.

An Act creating a Milk Investigating Commission; defining its powers and duties; and making an appropriation.

Referred to the Committee on State Government.

By Mr. WELSH. HOUSE BILL No. 2051.

An Act to amend clause (b) of section twenty-three of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled, as amended, "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers, providing penalties; and repealing existing acts;" as re-enacted and amended, further regulating the time during which licensees may sell, trade or barter in beverages.

Referred to the Committee on State Boards.

By Mr. WELSH. HOUSE BILL No. 2052.

An Act to amend section four hundred eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of fees; and imposing penalties," as re-enacted and amended; further regulating the time during which licensees may sell liquor and malt or brewed beverages.

Referred to the Comittee on State Boards.

By Mr. COLEMAN. HOUSE BILL No. 2053.

An Act abolishing poll taxes in cities of the second class A.

Referred to the Committee on Cities.

By Mr. SOLLENBERGER. HOUSE BILL No. 2054.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Blair.

Referred to the Committee on Highways.

By Mr. SAMUEL A. WEISS. HOUSE BILL No. 2055.

An Act authorizing any county and city, in any county in which the county seat is within the limits of such city, to agree upon the joint management and control of all city hospitals and institutions and all county hospitals and institutions within the city; and providing for the appointment of a board of managers, and for professional staffs and employes, and for the apportionment of costs and expenses.

Referred to the Committee on Municipal Corporations.

By Messrs. LEWIS and OSTROFF. HOUSE BILL No. 2056.

An Act requiring retail dealers in liquid fuels to secure a permit from the Department of Revenue before commencing business; and prescribing penalties.

Referred to the Committee on Judiciary Special.

By Messrs. LEWIS AND OSTROFF. HOUSE BILL No. 2057.

An Act to protect the public against fraud and deception; regulating the business of selling liquid fuels; imposing duties on the Department of Revenue; and prescribing penalties.

Referred to the Committee on Judiciary Special.

By Messrs. LEWIS and OSTROFF. HOUSE BILL No. 2058.

An Act to amend sections one and two of the act, approved the fifth day of June, one thousand nine hundred and thirty-five (P. L. 266), entitled "An act to protect trade-mark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trademark, brand or name," by authorizing the several departments, boards and commissions of the State government having control of the regulation of the sale of any commodity to fix resale prices for such commodity.

Referred to the Committee on Judiciary General.

By Messrs. LEWIS and OSTROFF.

HOUSE BILL No. 2059.

An Act to add section one thousand thirty-two to the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibusses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, alderman, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within this Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneuos receipts; making an appropriation; and providing for refunds," by prohibiting carrying gasoline in other than standard gas tank.

Referred to the Committee on Motor Vehicles.

By Messrs. LEWIS and OSTROFF.

HOUSE BILL No. 2060.

An Act to prevent monopolies and combinations in restraint of trade; prohibiting any direct or indirect discriminations in price, services, facilities, rebates, discounts, or advertising service charges; imposing duties on the Department of Internal Affairs; and prescribing penalties.

Referred to the Committee on Judiciary General.

By Messrs. READINGER and HESS.

HOUSE BILL No. 2061.

An Act making an appropriation to the Saint Joseph's Hospital, Reading, Pennsylvania.

Referred to the Committee on Appropriations.

By Messrs. McGEE and BRIGERMAN.

HOUSE BILL No. 2062.

An Act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registrations of corporations, engaging in the embalming of the bodies of deceased persons; and providing penalties.

Referred to the Committee on State Boards.

By Messrs. OSTROFF, LEWIS and REUBEN E. COHEN. (By Request). HOUSE BILL No. 2063.

An Act providing for the appointment of court stenographers to take depositions.

Referred to the Committee on Judiciary General.

By Mr. CLIFF S. PATTERSON.

HOUSE BILL No. 2064.

An Act to amend section five hundred forty of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," as amended; providing for additional compensation to the secretary for preparing the tax duplicate.

Referred to the Committee on Townships.

By Messrs. VAN SICKLE, COAKLEY, JIROLANIO and McFALL. HOUSE BILL No. 2065.

An Act making it unlawful to write, print, post or distribute, or cause to be written, printed, posted or distributed, circulars or posters designed to injure or defeat any candidate for nomination or election to public office, unless the person or organization responsible therefor is shown thereon; and providing penalties.

Referred to the Committee on Elections.

By Messrs. McGEE and WALSH.

HOUSE BILL No. 2066.

An Act to amend subsection (b) of section two by inserting a new subsection (b) therefor, and sections three and eleven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1260), entitled "An act regulating the business of assisting employers to obtain employes, and persons to secure employment; providing for the licensing, registration, bonding, and regulation of certain individuals and entities engaged in such business; conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth, and of said department; and prescribing penalties," by further defining the meaning of theatrical managers, exempting certain organizations from license requirements, and restricting foreign theatrical employment agencies.

Referred to the Committee on Judiciary Special.

By Mr. SPROUL. HOUSE BILL No. 2067.

An Act to amend section five hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class, and amending, revising, consolidating and changing the law relating thereto." prohibiting auditors from becoming surety for certain officers.

Referred to the Committee on Townships.

By Mr. SPROUL. HOUSE BILL No. 2068.

An Act to amend the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class, and amending, revising, consolidating and changing the law relating thereto," providing for consolidating and changing the law relating thereto," providing for the illuminating of the highways by the use of general fund moneys.

Referred to the Committee on Townships.

By Mr. BALTHASER. HOUSE BILL No. 2069.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways conferring certain powers upon the Department of Highways, and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing additional routes in the County of Berks.

Referred to the Committee on Highways.

By Mr. SPROUL. HOUSE BILL No. 2070.

An Act to repeal the act, approved the twenty-ninth day of April, one thousand nine hundred and twenty-nine (P. L. 851), entitled "An act fixing the time of holding elections on questions submitted to electors of boroughs."

Referred to the Committee on Elections.

By Mr. JIROLANIO. HOUSE BILL No. 2071.

An Act creating an independent administrative board to be known as the Pennsylvania Gasoline and Oil Control Board.

Referred to the Committee on State Government.

By Mr. WELLIVER. HOUSE BILL No. 2072.

An Act to amend article three of the act, approved the second day of May, one thousand nine hundred and twenty nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," by adding thereto sections ninety-eight and ninety-nine; authorizing county auditors to organize themselves into a State Association and to provide for the payment of certain expenses incident to their annual convention by the counties.

Referred to the Committee on Counties.

By Mr. OMINSKY. HOUSE BILL No. 2073.

An Act limiting the duration of any franchise given or granted by any city of the first class.

Referred to the Committee on Cities.

By Mr. MELCHIORE. HOUSE BILL No. 2074.

An Act to amend paragraph six of section thirteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," as amended, further regulating the reinstatement of certain policemen and firemen under the civil service regulations.

Referred to the Committee on Cities.

By Mr. MELCHIORRE. HOUSE BILL No. 2075.

An Act to amend article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by adding thereto section eighteen and one-tenth, regulating the procedure to be followed when such cities find it necessary to reduce the number of police officers or firemen.

Referred to the Committee on Cities.

By Mr. MELCHIORRE. HOUSE BILL No. 2076.

An Act requiring the corporate authorities of cities of the first class to ascertain the will of the electors as to the compensation, hours and working conditions of firemen; and providing the form and manner in which the question shall be submitted to the vote of the people.

Referred to the Committee on Cities.

By Mr. MELCHIORRE. HOUSE BILL No. 2077.

An Act to further amend section six hundred and nineteen of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties on the Department of Revenue, the Department of Highway, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, wtihin the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees. and miscellaneous receipts, making an appropriation and providing for refunds," by imposing liability on school and poor districts for negligence of their employes, and on municipalities in connection with motor vehicles, police vehicles and fire apparatus operated by paid employes of their police and fire departments and by volunteer firemen.

Referred to the Committee on Motor Vehicles

By Mr. DECKER. HOUSE BILL No. 2078.

An Act prohibiting the manufacture, sale and use of electrical appliances not filtered so as to prevent interference with satisfactory radio reception; and prescribing penalties.

Referred to the Committee on Manufactures.

By Messrs. COAKLEY, VAN SICKLE and McFALL. HOUSE BILL No. 2079.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways, and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing additional routes in the County of Northampton.

Referred to the Committee on Highways.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 586. (HOUSE BILL No. 2080).

An Act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class.

Referred to the Committee on Cities.

SENATE BILL No. 587. (HOUSE BILL No. 2081).

An Act to further amend section five and to partly repeal sections one two three and four of the act, approved the twenty-third day of June one thousand nine hundred and eleven (Pamphlet Laws 1123), entitled "An act establishing in each county a board of viewers prescribing their duties providing for their appointment as

viewers road juries juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof" by providing for the appointment of boards of view from the board of revision of taxes and abolishing the board of viewers in counties of the first class.

Referred to the Committee on Cities.

SENATE BILL No. 588. (HOUSE BILL No. 2082).

An Act to amend the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes.

Referred to the Committee on Cities.

SENATE BILL No. 589. (HOUSE BILL No. 2083).

An Act fixing the number qualifications manner of appointment organization and salaries of members of the board of revision of taxes in counties of the first class providing for the appointment and compensation of a chief deputy appraiser assistant appraisers and other employes of the board abolishing the present assessors and repealing general local and special laws.

Referred to the Committee on Cities.

SENATE BILL No. 590. (HOUSE BILL No. 2084).

An Act relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of revision of taxes and its agents and employes and repealing general local and special law.

Referred to the Committee on Cities.

BILLS INTRODUCED AND REFERRED

By Mr. BURROWS. HOUSE BILL No. 2085.

An Act to amend section one of the act, approved the twelfth day of May, one thousand nine hundred and twenty-five (P. L. 603), entitled "An act concerning conditional sales; and to make uniform the law relating thereto," as amended, changing the definition of conditional sale.

Referred to the Committee on Judiciary General.

By Mr. LaRUE. HOUSE BILL No. 2086.

An Act relating to the fiscal affairs of counties of the fourth class; imposing certain duties on the county controllers, and the officers, departments and institutions of such counties receiving county revenues; requiring the appointment of revenue clerks to perform certain duties; and prescribing penalties.

Referred to the Committee on Counties.

By Mr. RUFFENNACH. HOUSE BILL No. 2087.

An Act to amend section three of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 284), entitled as amended "An act imposing a State tax, payable by those herein defined as manufacturers and by others, on malt or brewed beverages used, sold, transported, or delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, or in the transportation of malt or brewed beverages taxable hereunder; and providing penalties," as re-enacted and amended; increasing the tax on malt or brewed beverages manufactured outside this Commonwealth and shipped or transported into this Commonwealth.

Referred to the Committee on State Boards.

By Messrs. DONOHOE and O'BRIEN. HOUSE BILL No. 2088.

An Act to amend section three of the act, approved the eleventh day of May, one thousand nine hundred and eleven (P. L. 275), entitled "An act to provide for the appointment of county and city inspectors of weights and measures; providing for their compensation and expenses; perscribing their duties; prohibiting vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof," as amended, by increasing the fines for violations of the act.

Referred to the Committee on Municipal Corporations.

By Mr. McCULLOUGH. HOUSE BILL No. 2089.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporation for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes in the County of Armstrong.

Referred to the Committee on Highways.

By Mr. O'BRIEN. HOUSE BILL No. 2090.

An Act to define real estate appraisers, and providing for the licensing, regulation and supervisions of real estate appraisers; and providing penalties.

Referred to the Committee on State Boards.

By Mr. O'CONNOR. HOUSE BILL No. 2091.

An Act to add section ninety-seven to the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" providing for a State association of coroners.

Referred to the Committee on Counties.

By Mr. O'CONNOR. HOUSE BILL No. 2092.

An Act to amend section one thousand two hundred one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the

Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, providing that actions brought charging violations of the summary provisions of said act shall be brought before the nearest magistrate.

Referred to the Committee on Motor Vehicles.

By Mr. HERING. HOUSE BILL No. 2093.

An Act to further amend section seventy of the act, approved the seventh day of June, one thousand nine hundred and eleven (P. L. 680), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the first class, and imposing fines, penalties, and forfeitures for the violation thereof," by modifying the penal provisions thereof.

Referred to the Committee on Cities.

By Messrs. BRIGERMAN and McGEE. HOUSE BILL No. 2094.

An Act requiring all persons receiving garments for cleaning, pressing or tailoring, to issue receipts therefor specifying the extent of liability for the failure to return such garments; and providing penalties.

Referred to the Committee on Judiciary Special.

By Messrs. CHERVENAK and LOPRESTI. HOUSE BILL No. 2095.

An Act to establish as a State highway a certain section of public road in the County of Cambria, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Messrs. CHERVENAK and LOPRESTI. HOUSE BILL No. 2096.

An Act to establish as a State highway a certain section of public road in the County of Cambria, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. DAVIES. HOUSE BILL No. 2097.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes in the County of Lackawanna.

Referred to the Committee on Highways.

By Mr. KANE. HOUSE BILL No. 2098.

An Act to further amend section two hundred eighty of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising amending and consolidating the laws relating thereto," by providing for fixing the compensation of the county detective in counties of the sixth class.

Referred to the Committee on Counties.

By Mr. KANE. HOUSE BILL No. 2099.

An Act to further amend sections two hundred forty-six, two hundred fifty-six, and two hundred sixty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" fixing the salary of the district attorney, and providing for the appointment and compensation of assistant district attorneys, stenographers and clerks, in counties of the sixth and seventh classes.

Referred to the Committee on Counties.

By Mr. KANE. HOUSE BILL No. 2100.

An Act regulating the selection of personnel in the Department of Highways by placing said department under civil service; and vesting certain powers and duties in the Department of Public Instruction.

Referred to the Committee on State Government.

By Mr. KANE. HOUSE BILL No. 2101.

An Act requiring all places of business where gasoline is sold to the traveling public for use in motor vehicles, to maintain adequate and sanitary toilet and washroom facilities for their customers; providing for enforcement of the act by the Department of Health; and fixing fees and penalties.

Referred to the Committee on Public Health and Sanitation.

By Mr. KANE. HOUSE BILL No. 2102.

An Act to add section 491.1 to the act, approved the second day of May, one thousand nine hundred and twenty-nine(P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing counties of the sixth, seventh and eighth classes to pay bounties for the destruction of rattlesnakes and porcupines.

Referred to the Committee on Counties.

By Mr. KANE. (By Request). HOUSE BILL No. 2103.

An Act to amend section one of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 89), entitled "An act granting authority to the courts of common pleas, in the several counties of this Commonwealth, to issue writs of estrepement to stay waste upon lands sold for taxes, during the time provided for redemption," by extending the provisions thereof to seated lands.

Referred to the Committee on Judiciary General

By Mr. KANE. HOUSE BILL No. 2104.

An Act to add clause (d) to section twelve of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensing places;

permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justices, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," as amended, further regulating the granting of retail dispenser licenses.

Referred to the Committee on State Boards.

By Mr. KANE. HOUSE BILL No. 2105.

An Act to amend section nine, fifteen and sixteen of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on non-payment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or herafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," as amended, by extending the period of redemption to six years where land has been, or is hereafter purchased by the county, and abolishing the fifteen per centum penalty payable thereon in such cases.

Referred to the Committee on Municipal Corporations.

By Mr. KANE. HOUSE BILL No. 2106.

An Act relating to justices of the peace in townships of the first and second classes and alderman in cities of the third class; prescribing the qualifications of candidates for such offices; and providing for the removal from office by the Governor of such justices of the peace or alderman in certain cases.

Referred to the Committee on Judiciary General.

By Mr. KANE. HOUSE BILL No. 2107.

An Act to amend section four hundred and one of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in connection with, and transaction in such beverages by licensees and others; making disposition of the receipts from States stores and of fees; and imposing penalties," as re-enacted and amended, further regulating the issuance of hotel, restaurant and club liquor licenses.

Referred to the Committee on State Boards.

By Mr. KANE. HOUSE BILL No. 2108.

An Act to carry into effect section eleven of Article one of the Constitution of the Commonwealth of Pennsylvania by designating the manner, the courts, and the cases, in which suits may be brought against the Commonwealth; defining the procedure in such cases, and providing for the payment of judgment, interest and cost by the Commonwealth.

Referred to the Committee on Judiciary General.

By Mr. KANE. HOUSE BILL No. 2109.

An Act to further amend section one of the act, approved the twenty-sixth day of April, one thousand eight hundred fifty-five (P. L. 309), entitled "An act relating to damages for injuries producing death," by making any amount recovered liable for the payment of expenses of last illness and funeral expenses; and authorizing executors and administrators to sue in certain cases.

Referred to the Committee on Judiciary General.

By Mr. KANE. HOUSE BILL No. 2110.

An Act to amend section four hundred one, and to further amend section one thousand two hundred eight of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated town, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds," by requiring proof of financial responsibility as a prerequisite to registration of motor vehicles; and providing further remedies in civil actions for damages arising from the use and operation of any vehicle.

Referred to the Committee on Motor Vehicles.

By Mr. KANE. HOUSE BILL No. 2111.

An Act increasing the amount below which judgments of justices of the peace and aldermen in civil cases shall be final.

Referred to the Committee on Judiciary General.

My Mr. McDEVITT. HOUSE BILL No. 2112.

An Act relating to political subdivisions; requiring political subdivisions against which civil suits are brought to notify owners or occupants of real property who are personally liable thereon on pain of losing the right to indemnity.

Referred to the Committee on Municipal Corporations.

By Mr. TURNER. HOUSE BILL No. 2113.

An Act providing for the reciprocal enforcement of violations of the fishing laws in boundary waters between Pennsylvania and the States of New York and New Jersey.

Referred to the Committee on State Government.

By Mr. TURNER. HOUSE BILL No. 2114.

An Act relating to trust indentures, deeds of trusts or similar instruments relating to real estate mortgages and

interests therein; regulating and supervising the appointment, creation, powers and duties of trustees, bondholders' protective committees, depositories management companies, voting trustees and other persons administering, holding in custody, or otherwise concerned with real estate mortgages and interests therein; imposing certain powers and duties on courts of common pleas; and prescribing penalties.

Referred to the Committee on Judiciary General.

By Mr. McDEVITT. HOUSE BILL No. 2115.

An Act relating to criminal prosecutions; limiting the effect of demurrers by defendants at the close of the cases of the Commonwealth.

Referred to the Committee on Judiciary General.

By Mr. McDEVITT. HOUSE BILL No. 2116.

An Act to amend section one of the act, approved the tenth day of April, one thousand nine hundred and twenty-nine (P. L. 479), entitled as amended "An act to regulate procedure where a defendant desires to have joined, as additional defendants, persons whom he alleges are alone liable or liable over to him, or jointly or severally liable with him, for the cause of action declared on, and providing for entry of judgments against such additional defendants," as amended; providing that persons alone liable to defendants may be joined as additional defendants within a certain time, notwithstanding the statute of limitations may have run or shall run during such period.

Referred to the Committee on Judiciary General.

REPORTS FROM COMMITTEES

Mr. MORAN, from the Committee on Boroughs, reported as committed, House Bill No. 1685, entitled:

An Act to amend section one thousand fifty-seven of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" further defining the powers of controllers with respect to accounts of borough departments, bureaus and officers; and imposing certain duties in reference thereto on banks, banking institutions and trust companies.

Mr. JOHN A. SMITH, from the Committee on State Government, reported as committed, House Bill No. 911, entitled:

An Act to amend section twenty of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," as amended; by providing for the payment of all fees to local registrars of vital statistics from funds appropriated to the Department of Health of the Commonwealth.

Mr. FINNERTY, from the Committee on Motor Vehicles, reported as committed, House Bill No. 2021, entitled:

An Act to amend clause (b) of section five hundred one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds;" by providing for the issuance of special registration plates to members of the General Assembly.

Mrs. HORTING, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1419, (Senate Bill No. 316), entitled:

An Act providing a method through payroll deductions for the payment of delinquent taxes, penalties and interest and costs due to political subdivisions by public officers and employes paid from moneys in the treasury thereof; and conferring powers and imposing duties on the city controller, city treasurer, receiver of taxes and bonded paymasters.

Mr. SCHOR, from the Committee on State Government, reported as amended House Bill No. 782, (Senate Bill No. 22), entitled:

An Act to amend section one of, and to add sections two and three to, the act, approved the nineteenth day of July, one thousand nine hundred thirty-five (P. L. 1348), entitled "An act creating a commission to compile, edit, publish and distribute pamphlets descriptive of scenic and historic interest; and making an appropriation;" amplifying the powers of said commission to include the industrial and agricultural interest and other facilities, advantages and attractions of the Commonwealth, to provide for programs of advertising and publicity, to coordinate advertising activities, and to provide for exhibits at fairs, expositions and celebrations.

Mr. BROWN, from the Committee on State Government, re-reported as amended, House Bill No. 917, entitled:

An Act providing for the licensing of all persons engaged as blasters, except in anthracite or bituminous coal mines or on farms; requiring examination for such license; providing for the payment of a fee for examination and for the issuance and renewal of licenses; and providing penalties.

Mr. ACHTERMAN, from the Committee on Welfare, re-reported as amended, House Bill No. 647, entitled:

An Act to promote public health, morals, safety and welfare by providing for the supervision and encouragement of housing; creating a State Board of Housing, a departmental administrative board within the Department of Health; providing for the organization of the board, the appointment and removal of its members; enumerating its duties and powers, including the powers to conduct investigations, issue subpoenas, apply to courts for punishment of contempts, make orders, rules and regulations, prescribe forms, require reports, supervise

the operations of limited dividend housing companies and housing authorities and their members and employes, commence actions to prevent violations of law and to surcharge members of authorities, supervise rentals charged by limited dividend companies, charge fees for services; providing for the selection and removal of the board's employes, providing for appeals from its orders; and making an appropriation.

Mr. OSTROFF, from the Committee on Welfare, re-reported as amended, House Bill No. 753, entitled:

An Act to promote public health, safety, morals, and welfare, by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers including the acquisition of property by purchase, gift, or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds and other obligations and giving security therefor; prescribing the remedies of obligees of housing authorities, authorizing housing authorities to enter into agreements including agreements with the United States, the Commonwealth and political subdivisions and municipalities thereof; defining the application of zoning, sanitary and building laws and regulation to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments.

Mr. MARINO, from the Committee on Mines and Mining, re-reported as amended, House Bill No. 1164, (Senate Bill No. 4), entitled:

An Act prohibiting the employment of mine workers in the bituminous coal mines unless certificated by a miner's examining board providing for the appointment of such boards and defining their powers and duties and providing penalties

RESOLUTION

SYMPATHY EXTENDED TO STATE OF TEXAS

Mr. DAVID H. WEISS offered a resolution which was read by the Clerk as follows:

In the House of Representatives, March 24, 1937.

The people of the nation were shocked to learn of the sudden calamity which happened recently in the State of Texas where hundreds of school children were killed by an explosion. On such occasions the hearts of the people of a nation are one with those who grieve for those they loved.

Resolved, (if the Senate concur), That the members of the General Assembly of the Commonwealth of Pennsylvania extend to the people of the State of Texas, through the Governor of that state, their sincere sympathy in the loss which the people of that state have sustained in the death of so many children in the recent calamity.

Resolved, That a copy of this resolution be transmitted to the Governor of the State of Texas by the Chief Clerk of the House of Representatives.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Ways and Means will meet next Monday evening, March 29, at 8.00 p. m.

There will be a public hearing on Tuesday, April 6, at 11.00 a. m. on House Bill No. 1055, before the Committee on Banking, in the House Caucus Room.

ADJOURNMENT

Mr. SHAW. Mr. Speaker, out of respect to the memory of the late Hon. Edwin S. Stuart, former Governor of this State, I move you that this House do now adjourn until Monday, March 29, at 9.00 p. m.

The motion was agreed to, and (at 4.30 p. m.) the House adjourned until Monday, March 29, 1937, at 9.00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., MONDAY, MARCH 29, 1937. No. 35.

SENATE

MONDAY, March 29, 1937

The Senate met at 9 o'clock p. m.

The PRESIDENT PRO-TEMPORE (Mr. Harvey Huffman) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, L. L. D. offered the following prayer.

To Thee we come our Father, in the name of Thy Herald of human brotherhood; and lest we fall into a slump of relaxation from the Easter climax, help us to to be steadfast, unmovable, always abounding in Thy work; for we know we labor not in vain.

May our love for humanity flame into a passion of sympathy and devotion; may these men present here, because of the confidence of their neighbors and fellow-citizens, and those of us associated with them, realize that in honest service here we are serving Thee.

We would write Thy wisdom into law, transcribe Thy righteousness into life, and mediate Thy goodness to a confused and distressed world. To this holy end do Thou bless and guide us. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. McGINNIS, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

OPPOSING THE PASSAGE OF HOUSE BILL No. 99

The Chair cleared his table and laid before the Senate the following:

Communication from the Laundry Owners Association of Pittsburgh, Pa., opposing the pasage of House Bill No. 99.

PROTEST AGAINST THE PASSAGE OF SENATE BILL No. 199.

Communication from Mrs. Abram Wills, Mont Alto, Pa., protesting against the passage of Senate Bill No. 199.

PROTEST AGAINST THE 18 YEAR AGE LIMIT OF OPERATORS OF MOTOR VEHICLES

Communication from the Philadelphia Automobile Trade Association of Philadelphia, Pa., protesting against the 18 Year Age Limit for operators of motor vehicles.

OPPOSING THE CHAIN STORE TAX

Communication from 'Craig Ridgway and Son company, of Coatesville, Pa., protesting against the passage of the bill to tax the chain stores.

URGING SUPPORT OF CHAIN STORE TAX

Telegram from "Baccarria Township and Coalport Borough Teachers, urging support of the Chain Store Tax.

OPPOSING PASSAGE OF SENATE BILL NO. 534

Communication from Harriet Darrin, Sterling Run. Pa., protesting against the passage of Senate Bill No. 534.

PROTEST AGAINST THE PASSAGE OF SENATE BILL NO. 109

A petition containing the names of 1280 working women of Pittsburgh, opposing the passage of Senate Bill 199.

HOUSE MESSAGES

CONCURRENT RESOLUTION CONVEYING SYMPATHY TO THE GOVERNOR OF TEXAS ON THE DEATH OF SCHOOL CHILDREN IN RECENT DISASTER.

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House, which read as follows:

In the House of Representatives, March 24, 1937

The people of the nation were shocked to learn of the sudden calamity which happened recently in the State of Texas where hundreds of school children were killed by an explosion. On such occasions the hearts of the people of a nation are one with those who grieve for those they loved.

Resolved, (if the Senate concur), That the members of the General Assembly of the Commonwealth of Pennsylvania extend to the people of the State of Texas, through the Governor of that state, their sincere sympathy in the loss which the people of that state have sustained in the death of so many children in the recent calamity.

Resolved, That a copy of this resolution be transmitted to the Governor of the State of Texas by the Chief Clerk of the House of Representatives.

Mr. ROBERTS. Mr. President, I move that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered that the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 257.

He also presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 257, entitled:

An Act to amend clause (b) of section four Article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled First Class City Charter Law as amended changing the order in which officers of such cities shall act as mayor in case of a vacancy or disability of the mayor to act.

He also presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 561, entitled:

An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the recording of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto; providing for future condemnation and appropriations of waters by and allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board.

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 916, entitled:

An Act to amend section one of the act, approved the seventeenth day of June, one thousand nine hundred nineteen (Pamphlet Laws, one thousand twenty-five), entitled "A supplement to an act, approved the second day of May, one thousand eight hundred and ninety-nine (Pamphlet Laws, one hundred and eighty-four), entitled "Mercantile License Tax Law." by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 77, (Senate Bill No. 711), entitled:

An Act to amend section two thousand eight hundred and nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," extending the provisions of said section relating to clauses and stipulations in and proposals for certain contracts, and to the preparation of cut stone for use in buildings, to all school districts.

Which was committed to the Committee on Education.

House Bill No. 664, ((Senate Bill No. 712) entitled:

An Act to amend section twenty-one of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 551) entitled "An act relating to roads highways and bridges" providing for the vacation of parts of former state roads and turnpike roads where state highways are changed or relocated.

Which was committed to the Committee on Highways.

House Bill No. 904, (Senate Bill No. 713), entitled:

An Act prohibiting municipal policemen from being employed or serving as industrial police; requiring their dismissal for so doing; and providing penalties.

Which was committed to the Committee on Municipal Government.

House Bill No. 999, (Senate Bill No. 714), entitled:

An Act providing for the appointment of a Commission to draft a report on a plan for the future government of the City of Philadelphia, in accordance with a proposed amendment to the Constitution, consolidating the City and County government of the said City; providing for the employment of certain persons by the Commission; giving the Commission the power to subpoena witnesses, books, papers and records; to hold hearings; and making an appropriation.

Which was committed to the Committee on City Government.

House Bill No. 1032, (Senate Bill No. 715), entitled:

An Act to amend section four hundred ninety-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law" as added, providing for county airports.

Which was committed to the Committee on Aeronautics.

House Bill No. 1038, (Senate Bill No. 716), entitled:

An Act providing that in all cases where writs of habeas corpus are granted, the judge shall inquire into the facts of the case, including an examination into the record, proceedings and evidence produced against the persons committed or detained before the committing judge, officer, magistrate or grand jury, and making such records, proceedings and evidence available for inspection by the petitioner or his counsel.

Which was committed to the Committee on Judiciary Government.

House Bill No. 1079, (Senate Bill No. 717), entitled:

An Act to amend section four hundred and thirty-one of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by extending the provisions for appropriations to veterans' organizations for expenses of Memorial Day and Armistice Day.

Which was committed to the Committee on County Government.

House Bill No. 1080, (Senate Bill No. 718), entitled:

An Act authorizing cities of the first and second class and second class A and incorporated towns to make appropriations to organizations of ex-service men to aid in defraying the expenses of Memorial Day and Armisitice Day.

Which was committed to the Committee on Military Affairs.

House Bill No. 1081, (Senate Bill No. 719), entitled:

An Act to amend clause forty-two of section one thousand two hundred two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519, entitled "General Borough Act" by extending the provisions for appropriations to posts of veterans.

Which was committed to the Committee on Municipal Government.

House Bill No. 1130, (Senate Bill No. 720), entitled:

An Act to amend sections fifty and seventy-two as amended, sub-section (b) of section nine hundred ninety-one, section two hundred-two, sections two hundred twenty and two hundred twenty-six as amended, sections two hundred twenty-eight and two hundred fifty-six, and section two hundred eighty-five as amended, of, and to add sections two hundred eighty-two and two hundred eighty-three to, the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled, "Fish Law of 1925," further regulating the taking of fish; eliminating the right to use eel chutes, changing certain penalties and providing new penalties; requiring certain persons to possess fishing licenses; providing for and regulating the revocation of fishing licenses; providing for the payment over of fines collected, and the return of fines erroneously collected; vesting certain additional powers in the Board of Fish Commissioners; eliminating certain restrictions on the use of license fees; regulating closed seasons in boundary lakes; and conferring additional police powers on fish wardens.

Which was committed to the Committee on Game and Fisheries.

House Bill No. 1131, (Senate Bill No. 721), entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1143, (Senate Bill No. 722), entitled:

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "Insurance Company Law of 1921," prohibiting discrimination against physically handicapped persons desiring motor vehicle liability insurance.

Which was committed to the Committee on Appropriations.

House Bill No. 1157, (Senate Bill No. 723), entitled:

An Act to amend section one, section three as amended, and sections four, five and nine as added, of the act approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream, artificial or natural body of water, or non-tidal waters of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties," extending said act to motor boats and boundary waters; increasing license fees; providing for new license plates each license year, and fixing license years; and regulating the installation and use of mufflers.

Which was committed to the Committee on Game and Fisheries.

House Bill No. 1265, (Senate Bill No. 724), entitled:

An Act to further amend the title and section one of the act, approved the eighth day of May one thousand nine hundred and twenty-nine, (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury," extending said act to all political subdivisions.

Which was committed to the Committee on County Government.

House Bill No. 1284, (Senate Bill No. 725), entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this Act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances prescribing conditions upon which such turnpike shall become free; providing for condemnation; and authorizing the issuance of turnpike revenue refunding bonds.

Which was committed to the Committee on Highways.

House Bill No. 1289, (Senate Bill No. 726), entitled:

An Act to amend section seventy-two, seventy-eight, eighty-two, ninety-two and ninety-six and repeal section eighty-seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," relieving counties of the liability to pay the expenses of county officers and employes attending certain state conventions.

Which was committed to the Committee on Municipal Government.

House Bill No. 1302, (Senate Bill No. 727), entitled:

An Act to amend sections two and three, paragraph (c) of section seven and section eight of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1041)), entitled "Garbage Disposal in Second Class Counties Law," by excepting from its provisions in certain cases the need for securing a license.

Which was committed to the Committee on Municipal Government.

House Bill No. 1303, (Senate Bill No. 728), entitled:

An Act abating certain tax penalties and interest on city and school taxes in cities of the first class and school districts of the first class.

Which was committed to the Committee on City Government.

House Bill No. 1320, (Senate Bill No. 729), entitled:

An Act to amend section five hundred twenty, section five hundred thirty as amended and sections seven hundred three and two thousand twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law" providing for the election of auditors, for vacancies in office of commissioners for compensation to township commissioners, and fixing the width of public roads, streets, lanes and alleys.

Which was committed to the Committee on Municipal Government.

House Bill No. 1321, (Senate Bill No. 730), entitled:

An Act to amend section one thousand eight hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law," as amended,

by abolishing the right of taxpayers to prevent the letting of certain contracts.

Which was committed to the Committee on Municipal Government.

House Bill No. 1322, (Senate Bill No. 731), entitled:

An Act to repeal sections two thousand ninety, two thousand ninety-one, two thousand ninety-two, two thousand ninety-three, two thousand ninety-four, two thousand ninety-five, and two thousand ninety-six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law," by abolishing the right of taxpayers to furnish all the materials and labor necessary for opening, making, amending and repairing the public highways and bridges of townships by petition and contract,

Which was committed to the Committee on Judiciary General.

House Bill No. 1344, (Senate Bill No. 732), entitled:

An Act to amend Sections five hundred and fifty-one, six hundred and seventy-five and six hundred and seventy-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by extending authority therein granted to include leasing of real property.

Which was committed to the Committee on County Government.

House Bill No. 1366, (Senate Bill No. 733), entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section four A.

Which was committed to the Committee on Constitutional Changes.

House Bill No. 1571, (Senate Bill No. 734), entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief, and expenses; defining the purposes for which such moneys can be expended; prescribing the powers and duties of the State Emergency Relief Board and certain State departments; prohibiting political activity by employes of the State Emergency Relief Board; and prescribing penalties.

Which was committed to the Committee on Appropriations.

AMENDMENTS TO HOUSE BILL No. 742 RECALLED FROM THE GOVERNOR

He also presented for concurrence House Bill No. 742, entitled:

A Supplement to the act, approved the twentieth day of July, one thousand nine hundred thirty-five(Appropriation Acts, page seventy-one), entitled 'An act to provide for the ordinary expenses of the Executive Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-five, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five" providing for deficiences or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first, one thousand nine hundred and thirty-seven.

Said Bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the House and the bill amended.

HOUSE CONCURS IN SENATE BILL No. 31

He also returned to the Senate, Senate Bill No. 31 entitled.

A Joint Resolution proposing an amendment to Article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 77

He also returned to the Senate, Senate Bill No. 77 entitled.

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled 'An act relating the counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," empowering counties of the second class to employ police officers at the expense of such counties; and defining their powers.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 231

He also returned to the Senate, Senate Bill No. 231, entitled.

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors, where there is no evidence of fraud of conspiracy, and to authorize, confirm and validate, payments on such by the school district.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 370

He also returned to the Senate, Senate Bill No. 370, entitled.

An Act authorizing cities of the first class to set-off delinquent taxes and interest, penalties and costs due thereon, against claims and accounts due by such cities; and prescribing the powers and duties of the city controller in such cases.

with the information that the House has passed the same without amendment.

BILLS SIGNED

The PRESIDENT PRO-TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 31, entitled:

A Joint Resolution proposing an amendment to Article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

Senate Bill No. 77, entitled.

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws re-

lating thereto,'" empowering counties of the second class to employ police officers at the expense of such counties; and defining their powers.

Senate Bill No. 231, entitled:

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors, where there is no evidence of fraud or conspiracy, and to authorize, confirm and validate, payments on such contracts by the school district.

Senate Bill No. 370, entitled.

An Act authorizing cities of the first class to set-off delinquent taxes and interest, penalties and costs due thereon, against claims and accounts due by such cities; and prescribing the powers and duties of the city controller in such cases.

House Bill No. 257, entitled:

An Act to amend clause (b) of section four, Article two of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "First Class City Charter Law" as amended, changing the order in which officers of such cities shall act as mayor in case of a vacancy or disability of the mayor to act.

House Bill No. 561, entitled:

An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations co-partnerships or persons providing for ascertainment of the validity and the recording of certain condemnations and appropriations of water by municipalities corporations co-partnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto; providing for furture condemnations and appropriations of waters by and allocation of waters to municipalities corporations co-partnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board.

House Bill No. 916, entitled:

An Act to amend section one of the act, approved the seventeenth day of June, one thousand nine hundred nineteen (P. L. 1025), entitled "A supplement to an act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled 'Mercantile License Tax Law,'" by providing for the annual appointment by the Auditor General, of mercantile appraisers in cities of the first class.

House Bill No. 1040, entitled:

An Act to re-enact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred thirty-five (Pamphlet Laws three hundred forty-one) entitled "Cigarette Tax Act" by extending the provisions of the act for a further period of time, and by making further provisions for penalties.

House Bill No. 1041, entitled:

An Act to re-enact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (Pamphlet Laws two hundred eight), entitled "Corporate Net Income Tax Act" as amended, by extending the provisions of the act for a further period of time; reducing the rate of tax; further defining net income; making further provisions for filing reports on a fiscal year basis and for the filing of consolidated reports; providing for the settlement and resettlement of taxes and review and appeal therefrom; imposing duties and conferring powers on the Auditor General; and making further provision for the retention of records by corporations and for interest penalties.

House Bill No. 1045, entitled:

An Act to further amend section four of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine), entitled "Liquid Fuels Tax Law," by imposing an additional tax on liquid fuels for a limited period of time, and making further provision for the determination and payment of the tax.

House Bill No. 1046, entitled:

An Act to re-enact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six, P. L. 13) entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," by extending the provisions thereof for a further period of time.

House Bill No. 1161, entitled:

An Act to amend section four hundred six of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "Fiscal Code," by making further provision for the appointment of mercantile appraisers.

House Bill No. 1204, entitled:

An Act relating to counties of the first class, and the duties of the treasurers thereof in connection with the collection of certain taxes, fees, license taxes and license fees payable to the Commonwealth, and making provision for the disposition of the compensation thereof heretofore received by such treasurers.

House Bill No. 1203, entitled:

An Act relating to counties of the first class, and the duties of the recorders of deeds thereof in connection with the collection of certain fees and taxes, payable to the Commonwealth, and making provision for the disposition of the compensation therefor, heretofore received by such recorders of deeds.

Whereupon,

The PRESIDENT PRO-TEMPORE, (Mr. Harvey Huffman) in the presence of the Senate signed the same.

TIME OF NEXT MEETING

Mr. KAHLE. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KAHLE offered the following resolution which was twice read considered and agreed to:

In the Senate, March 29, 1937.

RESOLVED (if the House of Reprcsentatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 5th, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 5th, at nine o'clock.

Ordered, That the Clerk present the same to the House Representatives for concurrence.

REPORT FROM COMMITTEE

Mr. CHAPMAN, from the Committee on Forests and

Waters, reported as committed, Senate Bill No. 330, (House Bill No. 737), entitled:

An Act to amend clauses (a) and (c) of section one thousand eight hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended; providing for the acquisition, holding, management, control, protection, maintenance, utilization and regulation of additional lands to extend State forests so as to prevent soil erosion, the silting up of reservoirs, to control stream flow, to extinguish interior holdings and for the establishment of fire observation towers and stations.

BILLS INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 735, entitled:

An Act restricting the granting of licenses to marry to divorced persons.

Which was committed to the Committee on Judiciary General.

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 736, entitled:

An Act to promote the public welfare by providing circumstances under which sterilization of certain types of individuals may be performed without civil or criminal liability on the physician or surgeon performing such operation or on other persons connected therewith; and providing penalties.

Which was committed to the Committee on Public Health.

Mr. HOWELL read in his place and presented to the Chair Senate Bill No. 737, entitled:

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

Which was committed to the Committee on Highways.

Mr. BUCKMAN read in his place and presented to the Chair Senate Bill No. 738, entitled:

An Act to amend section four, as amended, and section seventeen of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation;" providing for refund of the tax paid by political subdivisions.

Which was committed to the Committee on Highways.

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 739, entitled:

An Act regulating the time for appeals in cases where petitions have heretofore been or shall hereafter be presented for reconsideration of or re-argument on judgments and decrees.

Which was committed to the Committee on Judiciary General.

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 740, entitled:.

An Act to re-enact and amend the act, approved the tenth day of March, one thousand nine hundred and thirty-seven (Act No. 21), entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages; providing standard weights and measurements for coal mined, and prohibiting the use of other standards; providing methods for the ascertainment of proper weights and measurements through checkweighmen and checkmeasures elected by the miners; imposing duties and liabilities upon operators; and imposing penalties;" clarifying the provisions of said act; providing for the filing of complaints with the court of common pleas and for the procedure thereon; and providing additional penalties.

Which was committed to the Committee on Mines and Mining.

Mr. REED read in his place and presented to the Chair Senate Bill No. 741, entitled:

An Act to provide for contribution among tortfeasors.

Which was committed to the Committee on Judiciary General.

Also read in his place and presented to the Chair Senate Bill No. 742, entitled:

An Act providing for the adoption from time to time and enforcement of general rules prescribing the forms of action and procedure therein, to be used in civil proceedings at law or in equity in the courts of this Commonwealth.

Which was committed to the Committee on Judiciary General.

Mr. FREY read in his place and presented to the Chair Senate Bill No. 743, entitled:

An Act to amend sections five, six and twelve of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and

payment of all moneys and securities in existing funds in similar boards superseded by the fund and board created," by providing for a secretary-treasurer in lieu of a secretary, and a vice president of the board; and establishing a method for determining classication of beneficiaries.

Which was commitee to the Committee on City Government.

Mr. PYTKO read in his place and presented to the Chair Senate Bill No. 744, entitled:

An Act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair Senate Bill No. 745, entitled:

An Act to amend sections six hundred and sixteen and six hundred and seventeen of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds asociations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," prohibiting the issuance of policies of accident and health insurance to be issued before they are approved by the Insurance Commissioner; defining non-cancellable health and accident insurance.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair Senate Bill No. 746, entitled:

An Act to amend section two hundred and two of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance, amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," as amended, by extending the purposes for which companies may be incorporated to include insurance glass against all risk; insuring any goods or premises against any and all loss caused by water; and insuring moneys and securities against all risk.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair Senate Bill No. 747, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 6621, entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing the manner in which dividends on contributory group insurance policies are to be apportioned.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair Senate Bill No. 748, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including inusrance carried by the State Workmen's Insurance Fund; providing penalties ;and repealing existing laws," so that sections 541 to 551 inclusive are repealed and two new sections to be known as sections five hundred and forty-one (541), five hundred and forty-two A (542A) and five hundred and forty-two B (542B) are added establishing one or more rating bureaus subject to supervision and to examination by the Insurance Commissioner and requiring the filing by insurance of a sworn report of premium and loss experience with the Insurance Commissioner.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair Senate Bill No. 749, entitled:

An Act to Amend Sections Four Hundred Ten and Four Hundred Eleven of the Act approved the Seventeenth Day of May, One Thousand Nine Hundred and Twenty-One, (Pamphlet Laws Six Hundred Eighty-two), entitled "An Act relating to insurance, amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds asociations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," requiring companies of other states and foreign governments to make a provision for loans in policies of life insurance; prohibiting any provision by which a policy of life insurance would take effect before the original application was made.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair Senate Bill No. 750, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and five insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by adding one new article consisting of eight new sections providing for the incorporation, regulation and supervision of hospital service companies.

Which was committed to the Committee on Insurance.

Mr. MUNDY read in his place and presented to the Chair Senate Bill No. 751, entitled:

An Act to prevent fraud and deception; regulating the sale or exchange, offering for sale or exchange, possession with intent to sell or exchange, and the advertising for sale of second-hand watches, as herein defined; and prescribing penalties.

Which was committed to the Committee on Judiciary General.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 752, entitled:

An Act to amend Section 624 of the Act approved the 17th day of May one thousand nine hundred and twenty-one (Pamphlet laws seven hundred eighty-nine) entitled "An act relating to insurance; establishing an Insurance Department; and amending, revising and consolidating the law relating to the licensing, qualification, regulation, examination, and dissolution of insurance companies. Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations. or exchanges; providing penalties, and repealing existing laws." (And all amendments thereto).

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair Senate Bill No. 753, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled 'An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds asociations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, asociations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws."

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair Senate Bill No. 754, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies. Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," so that two new sections to be known as sections six hundred and seventy-six (676), six hundred and seventy-seven A (677A) and six hundred and seventy-seven B (677B) are added establishing one or more rating bureaus for the clasification or risks, underwriting rules, premium rates, and schedule or merit rating plans for insurance of owners and operators of motor vehicles and requiring filing of annual reports of premium and loss experienced by insurers.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair Senate Bill No. 755, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws."

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair Senate Bill No. 756, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws."

Which was committed to the Committee on Insurance.

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 757 entitled:

An Act to provide for the establishment in the courts in the several judicial districts of this Commonwealth a division or branch therein to be known as Small Claims Division, prescribing, defining, and regulating the jurisdiction of said divisions, empowering the judges thereof to make the necessary rules for the commencement of actions for small claims and for the hearing thereof; and providing also for fees, costs and for appeals.

Which was committed to the Committee on Judiciary General.

MOTION TO RECOMMIT

Mr. FREY. Mr. President, I move that Senate Bill No. 13, on third reading, entitled:

An Act to amend section five and to repeal section fifteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-six (P. L. 37), entitled "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties; authorizing the Department of Welfare to co-operate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts," by changing the qualifications for assistance and by removing the liability of beneficiaries and their estates for repayment of assistance received.

be recommitted to the Committee on Pensions.

Mr. RODGERS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HALUSKA. Mr. President and members of the Senate, Senate Bill No. 13 has been in committee since the first day of this session. We have all had the opportunity

to study it. For the last four legislative days I have had it go over in its order, for any possible amendment.Up until the present moment I still feel the bill should be amended. I am against sending the bill back to committee for pickling purposes or for any further amendment. I would like to ask the members of this Senate to go along with me to keep this bill on the calendar, to go over in its order for one or two days, and I will be glad to take any suggestions for amending the bill to put it in the proper form to pass.

This is a very simple bill but a very important bill. As I stated last week, the bill discriminates a great deal. We have today the aged, over seventy ears old or upward and they are applying for assistance; and if they should have a property, an old homestead, under the present Act they are compelled to assign that property back to the State for the payment of any pensions or assistance they might receive. The man or woman who has nothing to do can apply for assistance and receive it, and go on and be happy.

I believe Section 15 of the original Act should be taken out, and any person who is indigent, and applies for assistance, should receive same.

I do believe, however, that Section 5, as the bill now stands, should be repealed; and I would like to ask the members of this Senate to pass this bill over in its order, and put back in it Section 5, and then I believe the bill will be in proper form to be passed.

Mr. FREY. Mr. President, I desire to assure the members of the Senate that there is no intention whatever to pickle this bill in the event it goes back to the committee from which it came.

Mr. HALUSKA. Mr. President, I wish to interrogate the Senator from Allegheny, Mr. Frey.

The PRESIDENT. Will the Senator from Allegheny, Mr. Frey, permit himself to be interrogated?

Mr. FREY. Mr. President, surely.

Mr. HALUSKA. Mr. President, if the Senator from Allegheny feels that the bill will not be pickled in committee, why does he not consent to having the bill amended on the floor tomorrow or the next day?

Mr. FREY. Mr. President, I feel the bill needs further consideration to get it in shape. Last week we made several efforts to amend the bill, and, by doing so, make it Constitutional. If this bill goes back to committee, it will receive further consideration.

Mr. HALUSKA. Mr. President, I do not see that any further consideration can be given the bill than I have given it. I have contacted a number of the Senators, and I have asked them for suggestions. Each and every member now has an opportunity to amend the bill, or to offer suggestions as to amendments; but if the bill goes back to committee the number of members who will have an opportunity to suggest amendments will be limited; and if the Senator from Allegheny is sincere, I cannot see why he should object to having this bill go over in its order until we can amend it.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. HALUSKA and Mr. RODGERS and were as follows, viz:

YEAS—16.

Frey,	McCreesh,	Rankin,	Rupp,
Gilson,	McGinnis,	Rice,	Ruth,
Kahle,	Mundy,	Roberts,	Shapiro,
Law,	Pytko,	Rodgers,	Sipe,

NAYS—30.

Bean,	Ealy,	Kilgallen,	Scarlett,
Buckman,	Eroe,	Kunkel,	Sones,
Cavalcante,	Gelder,	Lanius,	Stiefel,
Chapman,	Haluska,	Mallery,	Thompson,
Dando,	Heyburn,	Owlett,	Wolfenden,
Deitrick,	Homsher,	Reed,	Woodward,
Dent,	Howell,	Salus,	Huffman,
DiSilvestro,	Jaspan,		

So the question was determined in the negative.

BILL POSTPONED

Mr. HALUSKA. Mr. President, I move that the question, together with the further consideration of the bill, be postponed for the present.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 99, entitled:

An Act to amend sections thirty-two and thirty-eight of the act approved the nineteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred forty-three) entitled as amended "An act relating to the sale of goods and choses in action" by providing for the negotiation of documents of title

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43.

Bean,	Gelder,	Mallery,	Rupp,
Buckman,	Gilson,	McCreesh,	Ruth,
Cavalcante,	Haluska,	McGinnis,	Scarlett,
Chapman,	Heyburn,	Mundy,	Sipe,
Dando,	Homsher,	Owlett,	Sones,
Deitrick,	Howell,	Pytko,	Stiefel,
Dent,	Jaspan,	Rankin,	Thompson,
DiSilvestro,	Kahle,	Reed,	Wolfenden,
Ealy,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,	Roberts,	Huffman,
Frey,	Lanius,	Rodgers,	

NAYS—2.

Law,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 219, entitled:

An Act to amend section two hundred and seventy-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as amended; providing for the appointment and compensation of a detective to the district attorney in counties of the fifth class.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Gilson,	Mallery,	Rupp,
Buckman,	Haluska,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Howell,	Owlett,	Sipe,
Deitrick,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Ealy,	Kilgallen,	Reed,	Thompson,
Eroe,	Kunkel,	Rice,	Wolfenden,
Frey,	Lanius,	Roberts,	Woodward,
Gelder,	Law,	Rodgers,	Huffman,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILLS RECOMMITTED

Mr. RANKIN. Mr. President, I move that Senate Bill No. 242, (House Bill No. 441), on third reading, entitled:

An Act licensing and regulating the business of pawnbrokers providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations limiting the interest and charges on loans and prescribing penalties for the violation of this act

be recommitted to the Committee on Banking.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Mr. FREY. Mr. President, I move that Senate Bill No. 337, on third reading, entitled:

An Act relating to memorial halls in counties of the second class erected in honor of the veterans of the wars of the United States and providing for the use up-keep and management and control of such halls.

be recommitted to the Committee on County Government for the purpose of a public hearing.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 396 (House Bill No. 733), entitled:

An Act to amend section one thousand seven hundred and five of and to add section one thousand seven hundred and ten to the act, approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven)„ entitled "An act providing for and re-organizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating re-organizing or authorizing the re-organization of certain administrative departments boards and commsisions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other asssitants and employes of certain departments boards and commissions shall be determined" imposing certain additional powers and duties upon the Department of Agriculture.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading,

Mr. BUCKMAN. Mr. President, I desire to interrogate the Chairman of the Committee on Agriculture with reference to the bill now under consideration.

The PRESIDENT. Will the Senator from Delaware, Mr. Heyburn, permit himself to be interrogated?

Mr. HEYBURN. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Delaware if he is entirely familiar with all the provisions of this bill; and, if so, if he will explain them to the Senate. Otherwise, I will move that this bill go over in its order, for further study and consideration.

Mr. HEYBURN. Mr. President, the main change in this Act from the old is the part of the bill to seize food products which are considered unhealthy and unfit for human consumption. I believe, under the present Act, they do it by process of law; and while they are getting into motion, naturally, the store-keeper will do away with the spoiled food. This gives them the power to seize on sight food which is unfit for human consumption, to be used as evidence.

I believe the bill has been sponsored by the Department of Agriculture. That is the reason they have had it introduced,—to give them more power over food which is unfit for human consumption.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator if this bill does not delegate to the Department of Agriculture functions of the Legislature, in that it permits them to promulgate rules and regulations the violation of which will constitute a criminal offense.

Mr. HEYBURN. Mr. President, I believe it does.

Mr. BUCKMAN. Mr. President, it seems to me that is entirely an unconstitutional provision, and that it has been so held by our courts from time to time, in that the Legislature may not delegate to any of its departments the function of creating crimes and misdemeanors; and in view of the answer of the Senator from Delaware, I ask unanimous consent that the bill go over in its order.

The PRESIDENT. Is there objection?

Mr. REED. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. CAVALCANTE. Mr. President, I am inclined to agree with the Senator from Bucks, Mr. Buckman, that this bill, although the framers of it had good intentions, yet I am afraid that they have made it so far reaching that the bill is in danger of running into a Constitutional limitation.

Now, nowhere in the bill is it said that the power con-

ferred is merely that to seize all articles of food produced, manufactured, sold or offered for sale if it be found unwholesome or corrupt and unfit for human consumption; the way the bill is drawn it gives the Department of Agriculture the power also to seize articles of food that are absolutely wholesome but which may be misbranded or mislabeled by the owner of those goods; and the Act does not give him any recourse, does not give him his day in court; for, if the food is wholesome and is merely misbranded, or is kept in violation of some regulation, then, if you take it away from him you are siezing personal property, which it is lawful to possess, without due compensation; and I feel that is a very serious defect in this bill—that if it is intended to cover solely food that is unfit for human consumption, the Act should be limited to that, but, as it is, it is not limited to that, and I am afraid that it does run in to that Constitutional limitation.

If the bill does go to a vote here, I shall vote for the bill, because I think the aim of the bill is absolutely good—that is, to seize food that may be found to be unfit for human consumption. But it goes further than that, and I will vote for it and leave the construction of it properly to the courts of the Commonwealth.

Mr. OWLETT. Mr. President, I would just like to call the attention of the Senate to one further thing in this bill. This bill gives the Department the right to adopt standards, and then provides that they may seize any food that is produced, even though it is not offered for sale, that does not come up to the standards set forth by the Department. In other words, there is not a thing in this Act, if the Department sets up a standard for potatoes and provides they should be over a certain size, the farmer would be guilty of a crime if he possessed potatoes under the size set up as standard by this Department.

It seems to me this bill cannot be sustained. There is no reason for it. It does not provide—as the Senator from Fayette very properly said—it does not provide that only food on sale can be seized, or if unfit for human consumption; if it is not up to the standard set up by the Department of Agriculture, it can be seized even though not offered for sale, even though in the possession of the farmer who produced it.

I cannot believe that the Senate will support a bill like that.

Mr. SHAPIRO. Mr. President, I believe that the Senators who suggested amendments to this bill are not reading the bill in its entirety. Section D does give to the Department the right to set up definitions and standards, but those definitions and standards are such as shall be necessary according to the provisions for the enforcement of the laws of this Commonwealth.

The laws of the Commonwealth to which this bill is an amendment set up the definitions as to what is and what is not proper food. The standards and definitions to be set up by the Department under the amendment—and that is the only purpose of this amendment—are such as shall be necessary to enforce the law. No standard and no definition can be set up in violation or contravention of the present or original definitions of impure food as set up in the original Act! and it seems to me this Senate can safely vote for the bill without any fear of its being in violation for contravention of the existing laws.

And the question recurring,

Will the Senate agree to the bill on third reading?

MOTION TO RECOMMIT BILL

Mr. BUCKMAN. Mr. President, I move to recommit is bill to the Committee on Agriculture for the purpose further consideration.

Mr. GELDER. Mr. President, I second that motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. REED and were as follows, viz:

YEAS—19

Bean,	Ealy,	Howell,	Scarlett,
Buckman,	Frey,	Mallery,	Sones,
Cavalcante,	Gelder,	McGinnis,	Wolfenden,
Chapman,	Haluska,	Owlett,	Woodward,
Deitrick,	Homsher,	Salus,	

NAYS—26

Dando,	Kilgallen,	Rankin,	Ruth,
DiSilvestro,	Kunkel,	Reed,	Shapiro,
Eroe,	Lanius,	Rice,	Sipe,
Gilson,	Law,	Roberts,	Stiefel,
Heyburn,	McCreesh,	Rodgers,	Thompson,
Jaspan,	Mundy,	Rupp,	Huffman,
Kahle,	Pytko,		

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Cavalcante,	Jaspan,	Mundy,	Ruth,
Dando,	Kahle,	Pytko,	Shapiro,
DiSilvestro,	Kilgallen,	Rankin,	Sipe,
Eroe,	Kunkel,	Reed,	Sones,
Frey,	Lanius,	Rice,	Stiefel,
Gilson,	Law,	Roberts,	Thompson,
Haluska	McCreesh,	Rupp,	Huffman,
Heyburn,	McGinnis,		

NAYS—14

Bean,	Ealy,	Mallery,	Scarlett,
Buckman,	Gelder,	Owlett,	Wolfenden,
Chapman,	Homsher,	Salus,	Woodward,
Deitrick,	Howell,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 397 (House Bill No. 734), entitled:

An Act relating to consumer credit in amounts of one thousand dollars ($1,000.) or less, requiring licenses from the Secretary of Banking, restricting licenses to domestic business corporations; fixing minimum capital requirements, conferring certain powers on the Secretary of Banking, limiting interest and other charges, providing certain exemptions and imposing penalties.

And said bill having been read at length the third time,

and agreed to, and the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Gelder,	Law,	Rupp,
Buckman,	Gilson,	McCreesh,	Ruth,
Cavalcante,	Haluska,	McGinnis,	Salus,
Chapman,	Heyburn,	Mundy,	Scarlett,
Dando,	Homsher,	Owlett,	Sipe,
Deitrick,	Howell,	Pytko,	Sones,
Dent,	Jaspan,	Rankin,	Stiefel,
DiSilvestro,	Kahle,	Reed,	Thompson,
Ealy,	Kilgallen,	Rice,	Wolfenden,
Eroe,	Kunkel,	Roberts,	Woodward,
Frey,	Lanius,	Rodgers,	Huffman,

NAYS—2

Mallery,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. MALLERY. Mr. President, in the absence of the sponsor, I ask unanimous consent that Senate Bill No. 409 on third reading, entitled:

An Act to amend section one thousand and thirty-five as amended and section one thousand and sixty-two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" further regulating reports of auditors and controllers

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 422, entitled:

An Act to amend section three hundred and seventy-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties to omit the imposition of taxes on occupations

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Cavalcante,	Haluska,	McCreesh,	Rupp,
Dando,	Heyburn,	McGinnis,	Ruth,
Deitrick,	Jaspan,	Mundy,	Shapiro,
Dent,	Kahle,	Pytko,	Sipe,
DiSilvestro,	Kilgallen,	Reed,	Sones,
Eroe,	Kunkel,	Rice,	Stiefel,
Frey,	Lanius,	Roberts,	Thompson,
Gelder,	Law,	Rodgers,	Huffman,
Gilson,	Mallery,		

NAYS—11

Bean,	Ealy,	Owlett,	Wolfenden,
Buckman,	Homsher,	Salus,	Woodward,
Chapman,	Howell,	Scarlett,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 489 (House Bill No. 177), entitled:

An Act to amend section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred eighty-two) entitled as amended "An act relating to domestic animals and providing for their appraisement when condemned to prevent the spread of disease and regulating payments by the Commonwealth in such cases and the payment of salvage by butchers" as amended by changing the amount of compensation in certain cases

And said bill having been read at length the third time.

On the question,

Will the Senate agree to the bill on third reading?

Mr. BUCKMAN. Mr. President, this being a very important bill to the farmers of this Commonwealth, I ask unanimous consent that it go over in its order, so that we may have a chance to give it some further consideration.

Mr. EROE. Mr. President, I object.

Mr. BUCKMAN. Mr. President, I would like to interrogate the Senator from Beaver, Mr. Eroe.

The PRESIDENT. Will the Senator from Beaver, Mr. Eroe, permit himself to be interrogated?

Mr. EROE. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like the Senator from Beaver, Mr. Eroe, to explain to the Senate the terms of this bill.

Mr. EROE. Mr. President, this bill provides that part of the appropriation be used for the eradication of—or, for the reimbursing of farmers for cattle that have Bang's Disease. Heretofore they have had no money to reimburse farmers whose cattle had Bang's Disease; they used it for cattle that had tuberculosis.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator if it is not a fact that this represents a decrease in the amount paid to farmers of the Commonwealth for cattle diseased through tuberculosis.

Mr. EROE. Mr. President, that is true.

Mr. BUCKMAN. Mr. President, to what extent?

Mr. EROE. Mr. President, from forty dollars to thirty-two fifty.

Mr. BUCKMAN. Mr. President, how about the registered stock? To what extent does it reduce the amount paid for that?

Mr. EROE. Mr. President, I am not a farmer. I do not know.

Mr. BUCKMAN. Mr. President, why does the Senator from Beaver, then, object to this bill's going over in its

order? The Senator does not know what is in the bill? does he?

Mr. EROE. Mr. President, is the Senator from Bucks interrogating me, or arguing with me? I have not answered the Senator's question yet.

MOTION TO RECOMMIT

Mr. BUCKMAN. Mr. President, when I made this request that the bill go over in its order I did it after consultation with a farmer, the Senator from Delaware, Mr. Heyburn, who is an expert farmer. He agreed with me that this bill was probably not in the best shape it could be gotten into; and for the sake of the farmers of the State I thought it best to give an opportunity for further study; that is why I made the request that the bill go over in its order, that it may have further consideration. Now the Senator from Beaver objects to the bill's going over in its order—which is his right—and in order that it may consider further consideration, I move that it be recommitted to the Committee on Agriculture.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I object to this bill's going over in its order, because I think the Senator from Beaver was perfectly justified in his objecting to it. This bill was considered in caucus, and everybody understood that it was to be acted upon and voted on tonight; and if the Senator from Bucks saw fit to make such a motion, he should have done it before tonight.

Mr. EROE. Mr. President, I will finish my answer to the questions of the Senator from Bucks. Tuberculosis in this State is almost eradicated from cattle. There is not, according to the Secretary of Agriculture, much of it left; and they feel they should start to eradicate Bang's Disease. Bang's disease is communicable to human beings—

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, my point of order is that a motion to recommit is not debatable.

The PRESIDENT. The point of order is well taken. The question before the Senate is on the motion to recommit.

Mr. HEYBURN. Mr. President, I suggest that the objection to the bill's going over in its order be withdrawn.

The PRESIDENT. The question before the Senate is on the motion to recommit, and not on the request that the bill go over in its order.

And the question recurring?

Will the Senate agree to the motion?

MOTION TO RECOMMIT WITHDRAWN

Mr. BUCKMAN. Mr. President, I withdraw my motion, for the present, at the suggestion of the Chairman of the Committee on Agriculture.

The PRESIDENT. Will the seconder of the motion withdraw his seconding of it?

Mr. OWLETT. Mr. President, I withdraw my seconding of the motion.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. HEYBURN. Mr. President, I would like to justify my position as an expert farmer, for the benefit of the polished Senator from Bucks. This appropriation for grade cattle was at one time forty dollars. That was reduced in the House to twenty-five dollars, which is too low. We got it up to thirty-two fifty for a grade cow, which is matched by the Federal Government, making a total of fifty-seven fifty plus the price of the carcas which is used. I admit this is not a sufficient amount for a grade cow, but the Department of Agriculture insists they have no money; they say the State is very short of money.

Now, I am willing, in view of the fact that this is a very important bill to the farmers of the Commonwealth, to have it go over in its order, and that a sub-committee be appointed to confer with the Department of Agriculture and see if there cannot be something done to raise this indemnity a few dollars at least, which, to my mind, will replace a grade cow. I do not think fifty-seven fifty plus the price of the carcas will replace a grade cow or bull, whichever it may be.

Mr. SHAPIRO. Mr. President, I should like to press my objection to this bill's going over in its order. I am stating that, while I am not an expert farmer—

The PRESIDENT. The question before the Senate is, will the Senate agree to the bill on third reading?

And the question recurring,

Will the Senate agree to the bill on third reading?

MOTION TO RECOMMIT

Mr. BUCKMAN. Mr. President, I renew my motion to recommit this bill to the Committee on Agriculture.

Mr. OWLETT. Mr. President, I second the motion.

The yeas and nays were required by Mr. BUCKMAN and Mr. OWLETT, and were as follows, viz:

YEAS—20

Bean,	Frey,	Mallery,	Scarlett,
Buckman,	Gelder,	Owlett,	Sipe,
Chapman,	Heyburn,	Pytko,	Sones,
Deitrick,	Homsher,	Rodgers,	Wolfenden,
Ealy,	Howell,	Salus,	Woodward,

NAYS—26

Cavalcante,	Jaspan,	McGinnis,	Rupp,
Dando,	Kahle,	Mundy,	Ruth,
Dent,	Kilgallen,	Rankin,	Shapiro,
DiSilvestro,	Kunkel,	Reed,	Stiefel,
Eroe,	Lanius,	Rice,	Thompson,
Gilson,	Law,	Roberts,	Huffman,
Haluska,	McCreesh,		

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. GILSON. Mr. President, I move that the question, together with further consideration of the bill, be postponed for the present.

Mr. DiSILVESTRO. Mr. President, I second the motion.

Motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 577 (House Bill No. 988), entitled:

An Act to amend section eight hundred seventy-four of the act, approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight), entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties to rent and lease road machinery.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Gilson,	Mallery,	Rupp,
Buckman,	Haluska,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Howell,	Owlett,	Sipe,
Deitrick,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Ealy,	Kilgallen,	Reed,	Thompson
Eroe,	Kunkel,	Rice,	Wolfenden,
Frey,	Lanius,	Roberts,	Woodward,
Gelder,	Law,	Rodgers,	Huffman,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING POSTPONED FOR THE PRESENT

Mr. DENT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 385 (House Bill 721), on third reading, postponed for the present, entitled:

An Act to amend the title and sections two and twelve and to repeal section five of the act, approved the second day of May one thousand nine hundred twenty-nine (P. L. 1518), entitled "An act regulating the construction equipment maintenance operation and inspection of elevators outside of cities of the first and second and second A classes granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by extending the provisions of said act to elevators located in cities of the first second and second A classes.

Mr. THOMPSON. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. DENT. Mr. President, I ask unanimous consent to amend title, page 1 ,line 1 of title, by inserting after the word "amend" the following: "S and re-enact": amend title, page 1, lines 1 and 2 of title, by striking out the words S "sections two and twelve and to repeal section five of"; amend section 1, page 2, line 4, by striking out the word S "of" where it first appears in said line, and inserting in lieu thereof "and"; amend section 1, page 2, line 13, by inserting after the word "act" the following: "S as amended by the act approved the twenty-fourth day of May, one thousand nine hundred and thirty-three, (P. L. 999)"; amend section 1, page 2, line 13, by striking out the words S 'is hereby amended" and inserting in lieu thereof "are hereby further amended and re-enacted"; amend section 1 (title) page 2, line 21, by inserting after the word "plans]" the following: "S providing fees for inspection of elevators, certificates of operation and approval of plans"; amend section 1 (Sec. 2), page 2, by striking out S all of lines 24 and 25; amend section 2 (Section 2), page 3, by striking out S lines 1 to 11; amend section 2 (Section 12), page 4, by striking out S lines 3 to 18, and insert in lieu thereof:

Section 1. Definitions.—Be it enacted, etc., That, as used in this act, "Department" shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania.

"Elevator" shall mean all the machinery, construction, apparatus, and equipment used in raising and lowering a car, cage or platform vertically between permanent rails or guides, and shall include all elevators, dumb-waiters, escalators, gravity elevators, hoists and other lifting or lowering apparatus.

"Establishment" shall mean any room, building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind, to whomever payable, and any place of business to which the public access except private dwellings.

"Freight elevator" shall mean an elevator constructed and used for the carrying of materials.

"Inspector" shall mean an inspector examined and authorized by the Department of Labor and Industry to inspect elevators and lifting apparatus in this Commonwealth.

"Passenger elevators" shall mean an elevator constructed and used for carrying persons.

"Person" shall mean ny individual, firm, partnership, unincorporated association, corporation or municipality.

Wherever the singular is used in this act, it shall include the plural, and wherever the masculine gender is used it shall include the feminine and neuter.

Section 2. General Requirement.—Every elevator, as described in section one of this act, shall be so constructed, equipped, maintained and operated, with respect to the supporting members, elevator car, shaftway, guides, cables, doors and gates, safety stops and mechanisms, locking mechanisms, electrical apparatus and wiring, mechanical apparatus, counterweights, and all other appurtenances, as to safely sustain the load which the said elevator is designed and intended to carry. [Provided, That nothing in this act shall be construed to apply to elevators located in cities of the first, second, and second A classes]

Section 3. Rules and Regulations.—To carry out the provisions and the intent and purpose of this act, the department shall have power, and its duty shall be, to make, alter, amend or repeal rules and regulations for the construction, installation, maintenance, operation and inspection of elevators used or destined for use in this Commonwealth, and shall make specifications for the construction and equipment of such elevators. No elevator shall be permitted to be installed and used in this Commonwealth which does not comply with the rules and regulations herein provided for.

Section 4. Examination of Inspectors and Fees Therefor.—No person shall inspect elevators unless he has passed a written examination prescribed by the department. Applications for examination shall be made in

writing, upon a form furnished by the department, and shall be accompanied by an examination fee of ten dollars. If the applicant is successful in passing the said examination, a certificate of competency and a commission shall be issued upon the payment of an additional fee of five dollars. All inspectors shall be required to secure a new credential card each year, by application to the department, which application shall be accompanied by a fee of two dollars. The Secretary of Labor and Industry may suspend any commission for due cause, but no commission may be revoked until the inspector has been granted a hearing.

Section 5. Inspection of Insured Elevators.—If an elevator is insured by a company authorized to insure elevators in this Commonwealth against loss from accident, the inspeciton may be made by an employe of such company, and the only fee collectible by the Commonwealth shall be the certificate fee of one dollar hereinafter provided for in this act.

Section 6. Inspection of Uninsured Elevators.—If such elevator is not so insured, the inspection shall be made by an inspector in the employ of the department, and there shall be a fee charged for each inspection as hereinafter provided for in this act.

Section 7. Frequency of Inspections.—Every passenger elevator and escalator shall be inspected four times in every twelve months; freight elevators, including gravity elevators, shall be inspected at least twice in every twelve months; dumb-waiters, hoists and other lifting apparatus shall be inspected at least once in every twelve months: building hoists shall be inspected at the time of erection at each and every building

Section 8. Issuance of Certificates.—Every inspector shall forward to the department a full report of each and every inspection made of any elevator, showing the exact condition of the said elevator. If this report indicates that the said elevator is in a safe condition to be operated, the department shall issue a certificate of operation for a capacity not to exceed that named in the said report of inspection, which certificate shall be valid for thirteen months after the date of inspection. No elevator may be lawfully operated without having such a certificate conspicuously posted in the elevator car, cage or platform.

Section 9. Discontinuance of Operation.—If any elevator be found, which, in the judgment of an inspector in employ of the Department, is dangerous to life and property, or is being operated without the operating certificate required by this act, such inspector may require the owner or user of such elevator to discontinue its operation within twenty-four hours, and such inspector shall immediately report all facts in connection with such elevator to the department, and he shall place a notice in the elevator car to this effect. In the event a certificate has been issued for such elevator, the said certificate shall be suspended, and not renewed until such elevator shall have been placed in a safe condition. In such case, where an elevator has been placed out of service, the owner or user of such elevator shall not again operate the same, until repairs have been made and permission given by the said inspector to resume operation of the said elevator.

Section 10. Fees for Inspection.—The fee for the certificate of operation for all insured and uninsured elevators shall be one dollar. When elevators are inspected by inspectors of the department, the following fees shall be charged in addition to the certificate fee:

For passenger elevators, fees not exceeding twelve dollars per annum.

For freight elevators, including gravity elevators, fees not exceeding six dollars per annum.

For dumb-waiters, hoists and other lifting apparatus, fees not exceeding three dollars per annum.

For building hoists, fees not exceeding three dollars for each inspection.

Section 11. Approval of Plans.—Before any elevator shall be erected and installed or undergo repairs amounting to one-half or more of the original value of the said elevator, detailed plans and specifications of the said apparatus, in duplicate, shall be submitted to the department for approval. The application for the approval of plans of elevators shall be accompanied by the following fees: Dumb-waiters, five dollars; freight elevators, seven dollars and fifty cents; and passenger elevators, ten dollars. If the said plans are approved, a permit for the erection or repair of such elevator shall be issued by the department, and a final inspection shall be made of the apparatus when installed or repairs completed, before final approval shall be given by the department. The elevator shall not be operated until such final inspection and approval be given, unless a temporary permit be granted by the department.

Section 12. Registration of Elevators.—The owner or user of every elevator in this Commonwealth, except [as exempted from the provisions of this act in Section 2] elevators located in cities of the first, second and second A classes shall, prior to December thirty-first, one thousand nine hundred and twenty-nine, register with the Department of Labor and Industry every elevator operated by him, giving the type, capacity and description, name of manufacturer, and purpose for which each is used. Such registration shall be made on forms to be furnished by the department.

The owner or user of every elevator located in cities of the first, second and second A classes shall register such elevator as provided in this section, prior to December thirty-first, one thousand nine hundred and thirty-seven.

Section 13. Disposition of Fees Collected.—All fees provided for by this act shall be paid by cash, money order or certified check to the Department of Labor and Industry, who shall transmit the same to the State Treasurer, through the Department of Revenue.

Section 14. Enforcement.—It shall be the duty of the Department of Labor and Industry to enforce the provisions of this act.

Section 15. Procedure in Prosecutions.—Prosecutions for violations of the provisions of this act, or the rules and regulations of the department, may be instituted by the department, and shall be in the form of summary proceedings before an alderman, magistrate or justice of the peace. Upon conviction, after a hearing, the penalties hereinafter provided for shall be imposed, and shall be final, unless an appeal be taken to a court of proper jurisdiction in the manner prescribed by law.

Section 16. Penalties.—Any person who shall violate any of the provisions of this act, or the rules and regulations of the department as herein provided for, or who shall fail or neglect to pay the fees herein provided for, shall, for the first offense, be penalized by a fine of not more than one hundred dollars and costs, and, upon nonpayment thereof, imprisonment in the county jail for not more than ten days, and for each subsequent offense shall be penalized by a fine of not more than two hundred dollars and costs, and, upon nonpayment thereof, imprisonment in the county jail for not more than thirty days. Any person who shall continue to operate his elevator or other lifting apparatus after notice to discontinue its use as set forth in section nine of this act, shall be penalized in a like action by a fine of five dollars for each day the said elevator or lifting apparatus has been operated after the service of the said notice, in addition to the fines above set forth.

All fines collected under this act shall be forwarded to the Department of Labor and Industry, who shall transmit the same to the State Treasury, through the Department of Revenue.

The PRESIDENT. Is there objection?

Mr. RODGERS. Mr. President, I would like to interrogate the Senator from Westmoreland, Mr. Dent.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. Mr. President, I will.

Mr. RODGERS. Mr. President, the amendments, as I un-

derstand, exclude all elevators that are now being inspected by authorized insurance agencies, is that correct?

Mr. DENT. Mr. President, yes.

Mr. SHAPIRO. Mr. President, not having had an opportunity to examine these amendments, in view of the fact that this bill involves a situation in Philadelphia, which the members of the legislature are attempting to correct, I shall be obliged to object to immediate consideration of these amendments, in order to discuss them with the sponsor.

Mr. DENT. Mr. President, may I add that these amendments are amendments ordered by the Committee on Labor and Industry and after the bill was put on the postponed calendar as amended by the Committee, it was found that certain language in it had to be changed in order to make the bill constitutional. These amendments do not alter the provisions of the act whatsoever but only qualify certain sections. I will be glad to consider that after the amendments are included.

Mr. SHAPIRO. Mr. President, under those circumstances, I withdraw my objection.

The PRESIDENT. Is there any objection to the amendment? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Appropriations will meet immediately in Room 251.

The Committee on Executive Nominations will meet immediately in the office of the President Pro Tempore.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. I there objection? The Chair hears none.

Mr. CAVALCANTE from the Committee on Appropriations reported as committed, Senate Bill No. 694 (House Bill No. 1154) entitled:

An Act making an appropriation to the General State Authority.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on Appropriations reported as amended, Senate Bill No. 363 entitled:

An act making an appropriation to the Department of Revenue for payment to counties and county officers in order to relieve counties of certain fees and charges for the keeping of records and making of reports by county officers for the better collection of State taxes on personal property.

Mr. THOMPSON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON from the Committee on Appropriations reported as committed, Senate Bill No. 734 (House Bill No. 1571) entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief, and expenses; defining the purposes for which such moneys may be expended; prescribing the powers and duties of the State Emergency Relief Board and certain State departments; prohibiting political activity by employes of the State Emergency Relief Board; and prescribing penalties.

Mr. McCREESH. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH from the Committee on Appropriations reported as committed, Senate Bill No. 578 (House Bill No. 1128) entitled:

An Act requiring unemployment relief orders to be presented for payment within a certain period otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation for unemployment relief purposes.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

APPROVAL OF SENATE BILLS 52, 68 AND 276

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg,
March 24, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 52, Printer's No. 39, entitled "An Act Relating to interstate cooperation creating the Pennsylvania Commission on Interstate Cooperation as well as committees on interstate cooperation of the Senate and of the House of Representatives defining the powers and duties of said commission and of said committees and imposing duties on the Governor and the Secretary of the Commonwealth."

Senate Bill No. 68, Printer's No. 107, entitled "An Act Limiting the time in which proceedings may be begun to open revive or strike off the satisfaction of judgments satisfied by prothonotaries under the provisions of the act approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred and forty-three) entitled 'An act to protect the owner of mortgaged property during the present emergency by limiting the amount of deficiency judgments during a certain period' and the act approved the first day of July one thousand nine hundred and thirty-five (Pamphlet Laws five hundred and three) entitled 'An act to

protect the obligors or guarantors of bonds and mortgages and owners of property affected thereby and others indirectly liable for the payment thereof and owners of mortgaged property affected thereby by restricting the right to proceed against certain property and persons limiting the amount of deficiency judgments and continuing rights duties and obligations established or forfeited under prior laws relating to deficiency judgments.'"

Senate Bill No. 276. Printer's No. 63, entitled 'An Act Making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number 102 approved January thirteenth one thousand nine hundred thirty-seven."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 29, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Wm. G. Horne, 600 2d Ave., Pittsburgh.
Albert E. Payne, 401 Warrington Ave., Pittsburgh.
James K. Stuckert, 152 S. 18th St., Pittsburgh.

BEAVER COUNTY

Mrs. Christine C. Groth, Monaca.
Mrs. Louise M. Howell, Aliquippa.

BRADFORD COUNTY

John P. Vallilee, Towanda.

BUTLER COUNTY

Larry J. Kemmer, Butler Twp., Butler R. D. 6.

CARBON COUNTY

Andrew J. Dobosh, Lansford.

CHESTER COUNTY

John R. Yost, Phoenixville.

LANCASTER COUNTY

Milton S. Falck, Lancaster.
Harold Keneagy, Paradise Twp., Kinzers.
Miss Anna S. Musser, Lancaster.

LEBANON COUNTY

Louis Sundel, Lebanon.

LUZERNE COUNTY

Miss Rebecca L. Howell, Kingston.
Mrs. Edith M. Somers, West Hazleton.
Constantine Yonelunas, Pittston.

NORTHAMPTON COUNTY

Mrs. Alice L. Engler, Wilson.
Chas. P. Warner, Easton.

PHILADELPHIA COUNTY

Rea Eastwood, 1737 Chestnut St., Phila.
Miss Rena E. Felberg, N. E. Cor. 2d and Green Sts., Phila.
Mrs. Claire S. Felix, 1416 S. Penn Sq., Phila.
Miss Mary McCalla, 1511 Arch St., Phila.
Thomas McGowan, Jr., 813 E. Allegheny Ave., Phila.
Ervin D. Sacks, 12 N Broad St., Phila.

WESTMORELAND COUNTY

O. C. Harrold, Greensburg.
Miss Catherine J. Richardson, Jeannette.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 29, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

PHILADELPHIA COUNTY

Walter S. Hartley, 15, W. Highland Ave., Phila., March 29, 1937.
Albert J. Mayer, 400 N. Broad St., Phila., March 29, 1937.

ALLEGHENY COUNTY

Morris Levy, 309 Plaza Bldg., Pittsburgh, March 30, 1937.

BERKS COUNTY

A. A. Lesher, Greenwich Twp., Lenhartsville, April 4, 1937.

PHILADELPHIA COUNTY

R. Lee Kass, 41st and Chester Ave., Phila., April 8, 1937.

LACKAWANNA COUNTY

Daniel J. Mezick, Olyphant, April 10, 1937.

LAWRENCE COUNTY

J. E. Van Gorder, Ellwood City, April 10, 1937.

MERCER COUNTY

John J. Donaldson, Greenville, April 13, 1937.

BUCKS COUNTY

E. S. Lovett, Morrisville, April 18, 1937.

LEHIGH COUNTY

Mrs. Marie C. Wagner, Bethlehem, April 18, 1937.

FAYETTE COUNTY

Mrs. Bertha Livingston, Uniontown, April 26, 1937.

SCHUYLKILL COUNTY

Richard L. Jones, Pottsville, April 27, 1937.

GEORGE H. EARLE.

BILLS INTRODUCED

Mr. FREY. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY read in place and presented to the Chair Senate Bill No. 758, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, five hundred fifty-three), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof

financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries; and prescribing penalties," by further requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, and further regulating insurance policies which may be accepted as proof of financial responsibility; imposing further duties upon the Secretary of Revenue and the prothonotaries and clerks of the various courts of this Commonwealth; providing for the payment of judgments in installments; prescribing additional penalties; and adding new sections.

Which was committed to the Committee on Highways.

Also, Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Also, read in place and presented to the Chair Senate Bill No. 759, entitled:

An Act to amend sections one, two, seven and nineteen of the act, approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand five hundred thirteen), entitled "An act regulating the construction, equipment, maintenance, operation and inspection of boilers; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," by further regulating the construction and maintenance of boilers and extending the provisions of the act to certain boilers heretofore exempt therefrom, and repealing existing laws.

Which was committed to the Committee on Labor and Industry.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 64, as follows:

An Act to establish a separate Orphans' Court in and for the County of Dauphin

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same

Section 1 That in the County of Dauphin a separate orphans court be and is hereby established the name and style of which shall be the Orphans' Court of Dauphin County which court shall be a court of record and shall consist of one judge learned in the law

Section 2 At the first municipal election which shall occur after the passage of this act a judge of the said court shall be elected and duly commissioned to hold office from the first Monday of January next succeeding such election for the same term and in the same manner as the judges of the court of common pleas of the county The annual salary of the said judge shall be the same as is paid to the judges of the court of common pleas of the said county and shall be paid in the same manner as the salaries of said judges of the court of common pleas are now or may be hereafter made by law payable

Section 3 The terms of the said Orphans' Court shall be the same as the terms of the court of common pleas of the said county and may also be held at such other times and as often as the judge thereof shall deem necessary and proper

Section 4 The said court shall have and exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the orphans' courts of this Commonwealth under and by virtue of the laws thereof

Section 5 The commissioners of the said county shall provide proper and suitable apartments in which the said orphans' court shall be held and its business transacted and in which the records thereof shall be safely and securely kept

Section 6 The Governor is hereby authorized by and with the consent of the Senate to appoint one competent person learned in the law as such Orphans' Court Judge for the said Dauphin County to serve until the first Monday in January succeeding the next municipal election

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 65, as follows:

An Act to amend section one of the act approved the seventh day of April one thousand eight hundred seventy (Pamphlet Laws fifty-seven) entitled "An act to enlarge the jurisdiction of the court of common pleas for the County of Dauphin in cases wherein the Commonwealth may be plaintiff and to provide for the issuing of writs of foreign attachment in such cases" by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the seventh day of April one thousand eight hundred seventy (Pamphlet Laws fifty-seven) entitled "An act to enlarge the jurisdiction of the court of common pleas for the county of Dauphin in cases wherein the Commonwealth may be plaintiff and to provide for the issuing of writs of foreign attachment in such cases" be and the same is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the court of common pleas of the county of Dauphin and the judges of the Orphans' Court of Dauphin County [is] are hereby clothed with jurisdiction throughout the state for the purpose of hearing and determining all suits claims and demands whatever at law in equity in which the [commonwealth] Commonwealth may be the party plaintiff for accounts unpaid balances unpaid liens taxes penalties and all other causes of action real personal and mixed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 184, as follows:

An Act making an appropriation to the Department of Military Affairs for the purchase of a certain tract of land in the name of the Commonwealth

Whereas Prior to one thousand nine hundred and seventeen the Commonwealth began to extend the area of the Military Reservation at and around Mount Gretna by purchasing lands and obtaining options on other lands extending across the Southern border of Lebanon County into Lancaster County and

Whereas Said program extended over a period of years until one thousand nine hundred and thirty-one when the State Military Reservation Commission recommended the

acquisition of the new reservation at Indiantown Gap and

Whereas In July one thousand nine hundred and twenty-six Lt Col Wm L Hicks then Superintendent of the Mount Gretna Reservation advised the Adjutant General that he had just learned the Becker farm was to be sold at public sale and he was instructed by the Adjutant General if the price was not too high to purchase it to protect the Commonwealth's development program because this land was almost in the center of the then projected extension of the reservation and

Whereas Pursuant to such instructions Col Hicks purchased said land for the benefit of the Commonwealth paying therefor the sum of thirteen thousand dollars ($13,000) financing such purchase by the payment of five thousand dollars ($5,000) from his own funds and executing a mortgage for the balance and

Whereas It was the intention of the Adjutant General then in office that said farm should be purchased by the Commonwealth from Col Hicks at the price paid by him since said purchase was in fact made for the protection of the Commonwealth but declining appropriations a subsequent legislative session made said purchase impossible and

Whereas Under the date of January tenth one thousand nine hundred and thirty-five the Governor approved the purchase of said farm from Col Hicks which purchase was approved by the State Military Reservation Commission but due to change of administrations the transaction was never completed therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of thirteen thousand dollars ($13,000) is hereby specifically appropriated to the Department of Military Affairs for the purposes of purchasing in the name of the Commonwealth from Lt Col Wm L Hicks former Superintendent of the Mount Gretna Military Reservation the tract of land known as the Becker farm which he acquired for the protection of the Commonwealth in order to prevent an impediment to the extension of the Mount Gretna Military Reservation

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS RECOMMITTED

Mr. CAVALCANTE. Mr. President, I move that Senate Bill No. 184, the bill just read, be recommitted to the Committee on Appropriations.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Mr. THOMPSON. Mr. President, I move that Senate Bill No. 266, on second reading, entitled:

An Act creating in counties of the fourth fifth sixth seventh and eighth classes a board for the assessment and revision of taxes consisting of the county commissioners defining the powers and duties of such board regulating the assessment of persons property and occupations for county city borough town township school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensatoin payable by such counties abolishing the office of city ward borough and township assessors so far as the making of assessments and valuation for taxation is concerned.

be placed on the postponed calendar for the present.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 288, as follows:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing the manner of creation of townships of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title to subdivision (c) of article two and sections 210 211 213 214 215 216 218 and 219 of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

(c) CREATION OF TOWNSHIPS OF THE FIRST CLASS BY [DIVISION AND] CONSOLIDATION

Section 210 Manner in Which Townships of the First Class May Be Created The court of quarter sessions may upon the presentation of petitions as hereinafter provided create new townships of the first class

[(a) By the division of a township of the first class into two townships or

(b) By] by the consolidation of two or more townships of the first class located in the same county

Section 211 Petitions (a) Petitions for the creation of townships as provided in the preceding section shall be signed [either (a) by the owners of real property representing at least twenty-five per centum of the assessed valuation of the township or each of the townships affected by such division or consolidation as the case may be or (b)] by [registered voters] electors equal in number to at least [twenty-five] five per centum of the highest total vote cast for candidates for any office in the [township or] townships affected [as the case may be] at the last preceding municipal election Such petitions shall be sworn to and subscribed by at least three of the signers

[(c)] (b) Petitions for the consolidation of townships may also be presented when signed by majority of the commissioners of each of the townships proposed to be consolidated and sworn to and subscribed by at least one commissioner from each such township

Such petitions shall set forth the name of any proposed new township and shall specify the reasons for such [division or] consolidation Each such petition shall be accompanied by an accurate map or plot prepared by an engineer showing [the lines of such township and the division line in case where a township is divided or] the lines of the new township [where two or more townships are to be consolidated] and the present division lines between such townships Where natural marks are on such lines they shall also be shown

Section 213 Exceptions Confirmation Absolute of Petition Within thirty days after the filing of such petition any taxpayer of the [township or] townships affected [as the case may be] may file exceptions to such petition questioning the sufficiency of the number of signers or the legality of any signatures or the accuracy or sufficiency of the map or plot attached thereto The court upon the filing of any exceptions shall fix a day for hearing of which such notice shall be given as the court may direct At such hearing the court shall hear all parties interested and their witnesses If the exceptions in the opinion of the court are sustained and the court deems the petition not amendable it shall dismiss the petition otherwise it shall confirm the same absolutely after any amendments permitted by the court have been made

Section 214 Elections When any petition is confirmed absolutely the court shall order an election to be held on the question of the [division or] consolidation of such [township or] townships which shall be held on the day of the next general or municipal election occurring at

least sixty days after such order of court Such election shall be held at the regular polling places in the [township or] townships affected [as the case may be] At any such election all of the qualified electors of the [township or] townships affected by such [division or] consolidation shall have the right to vote The ballots at such election shall be furnished by the county commissioners and the question to be placed thereon shall be framed and printed on the ballots as provided by the election laws of the Commonwealth

Section 215 Notice of Election A constable of the [township or] townships affected [as the case may be] or if there be no constable then one of the commissioners designated by the court shall give at least fifteen days' notice of the time and place of holding such election by posting not less than six written or printed handbills in public places in each of such townships The notice of election shall contain the reasons for the [division or] consolidation of such [township or] townships as set forth in the petition presented to the court

Section 216 Return of Election Decree The election officers after the polls have been closed shall count the ballots and certify the number of votes cast for and against such [division or] consolidation to the clerk of the court of quarter sessions who shall tabulate and compute the same and lay the result before the court If it shall appear that a majority of the votes cast in [such township or in] each of the townships affected are in favor of the [division of a township or the] consolidation of two or more townships [as the case may be] the court shall order and decree the creation of the new township agreeably to the name and lines set forth in the petition and the government of the new township shall be organized and become effective on the first Monday of January next succeeding such election at which time the terms of office of township officers in such [township] townships shall cease and terminate If a majority of the votes cast in any [such township or in any] of the townships affected are against the [division or] consolidation of such [township or] townships no further action shall be had upon said proceedings no new proceeding shall be entertained by the court for a period of two years

Section 218 Classification of [Old and] New Townships Townships created by the consolidation [or division] of townships as herein provided shall be and remain townships of the first class unless and until by subsequent proceedings in accordance with laws relating to townships of the second class any such township shall be reestablished or proclaimed to be a township of the second class

Section 219 Costs When a township of the first class is created as hereinbefore provided the costs of the proceedings shall be paid by such township and where any petition is dismissed or a majority of the electors of any one or more townships shall vote against the [division] [or] consolidation of any such township the costs of the proceedings shall be paid by the [petitioners] townships proposed to be consolidated

Section 2 That section 220 of said act is hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 371, as follows:

An Act to amend Section twenty-one of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws five twenty-one) entitled as amended "An Act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" by providing for the filing of bond with the Department of Revenue and by limiting the amount to be retained by registers of wills for their own use for collection of inheritance taxes as agents of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section twenty-one of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws five hundred twenty-one) entitled as amended "An Act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" is hereby amended to read as follows

Section 21 The registers of wills upon their filing with the [Auditor General] Department of Revenue the bond hereinafter required shall be the agents of the Commonwealth for the collection of the said tax in the case of resident decedents For services rendered in collecting and paying over the same they shall be allowed to retain for their own use upon the gross amount collected during any year five per centum upon the tax collected if such tax shall amount to a sum of fifty thousand ($50,000) dollars or less three per centum on the amounts collected in excess of fifty thousand ($50,000) dollars and not exceeding one hundred thousand ($100,000) dollars one per centum on the amounts collected in excess of one hundred thousand ($100,000) dollars [and not over two hundred thousand ($200,000) dollars and one-half of one per centum on the amounts collected in excess of two hundred thousand ($200,000) dollars and not over one million ($1,000,000) dollars and one-quarter of one per centum on the amounts collected in excess of one million ($1,000,000) dollars] Provided that the total amount to be so retained by such registers of wills for their own use shall not exceed the total sum of ten thousand dollars ($10,000) during any year

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 377, as follows:

An Act to re-enact and further amend the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1409) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment an dassessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" extending said act to all counties of this Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in

General Assembly met and it is hereby enacted by the authority of the same That the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1409) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the commonwealth or a county" as amended in part by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1306) is hereby reenacted and further amended to read as follows

An Act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or county

Section 1 Be it enacted That whenever the Commonwealth has heretofore acquired or may hereafter acquire an easemen for highway purposes upon lands underlaid by mineable coal the Highway Mining Commission hereinafter creatde upon application of the Secretary of highways the county or the owner of the coal underlying such lands or the person entitled to remove the same in case the assessment of damages is desired or of the owner or person entitled to remove the coal only if the removal of the coal is desired in lieu of damages is hereby empowered to determine authorize and direct the underlying or adjacent coal if any to be left in place for the purpose of furnishing vertical or lateral support to said highway the underlying or adjacent coal if any which may be removed and the material if any to be substituted for the coal so removed together with the method and manner of placing such material in the mine workings for the purpose of furnishing both vertical and lateral support to such highway and the party or parties by whom the expense thereof shall be paid The president judge of the court of common pleas of the counyt in which the highway is situated who shall be the chairman thereof one member of the Public Service Commission or an engineer designated by it the Secretary of Mines or his designated representative the Secretary of Highways or his designated representative and an engineer designated by the owner or person entitled to remove the coal are hereby constituted a special commission to be known as the Highway Mining Commission This commission shall have exclusive jurisdiction of the mining of coal under highways and judicial powers to hear and determine all evidence which may be presented to compel the attendance of witnesses and the production of books records and other information by subpoena to conduct such investigations as it may deem necessary to make and enforce such orders decrees and rules of procedure as it may deem advisable to determine and assess damages if any for coal required to be left in place and benefits if any for improvements or betterments to allocate among the parties in interest the cost of its proceedings as well as any work which it may order performed and to enforce its orders and decrees through the court of common pleas of the county in which the highway is situated A majority of the commission of which the chairman must be one may act for and exercise the powers of the commission All parties in interest shall have the same right of appeal from decisions orders and decrees of the Highway Mining Commission to the Superior and Supreme Courts as now or hereafter provided for appeals fro mthe decisions orders and decrees of courts of common pleas

Section 2 The condemnation or acquisition of any easement for highway purposes as hereinabove provided shall not be considered as including the condemnation or acquisition of any coal which may be removed under the terms of any agreement authorized by this act

Section 3 Any damages sustained by the owner of the coal or the person entitled to remove the same as a result of any obligation to furnish vetrical and lateral support arising because of the acquisition of such easement for highway purposes which obligation did not exist prior to the date of such acquisition shall be determined and paid in accordance with the provisions of this act Any county which may be liable for damages for coal required to be left in place for the support and safety of highways as herein set forth shall have authority to enter into agreements to indemnify the Commonwealth for any damages or reimburse it for the replacement of any highway which may be injured or destroyed by the removal of coal under or adjacent to such highway This act shall not be construed to create any new right of action for damages or any right of action or procedure not existing or available at the time of the original acquisition of such easement

Section [3] 4 This act shall [not] apply in all counties of the [second class] Commonwealth

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 378, as follows:

An Act to amend section one and section three as amended of the act approved the twenty-ninth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 360) entitled "An act conferring on the Department of Highways power to enter upon private property and open and maintain drainage channels along roads or highways constructed at the expense of the Department of Highways or under its supervision and providing penalty for interference with such drains or ditches and providing for the payment of damages" by requiring that the consent of the county within which such roads or highways are located shall be obtained if possible before the entering upon of the said lands or enclosures and that any damages sustained by the owner or owners of land entered upon by the Department of Highways without the consent of the county or counties within which said property is located shall be paid out of the Motor License Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-ninth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 360) entitled "An act conferring on the Department of Highways power to enter upon private property and open and maintain drainage channels along roads or highways constructed at the expense of the Department of Highways or under its supervision and providing penalty for interference with such drains or ditches and providing for the payment of damages" is hereby amended to read as follows

Section 1 Be it enacted etc That the Department of Highways shall have the power and is hereby authorized to enter upon any lands or enclosures and cut open maintain and repair such drains or ditches inlets or outlets through the same as are necessary to carry the waters from roads or highways constructed or improved at the expense of the Commonwealth or under its supervision Provided That the consent thereto of the county or counties within which such roads or highways are located shall be obtained if possible before the entering upon of the said lands or enclosures for the purposes herein stated

Section 2 That section three of said act as amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1285) is hereby further amended to read as follows

Section 3 Any damages sustained by the owner or owners of land entered upon by the Department of

Highways for the purpose of cutting opening maintaining and repairing such drains or ditches inlets or outlets shall be paid in the same manner as provided by law in the construction of State highways The determination of the amount of damage shall be in accordance with existing laws relative to the determination of damages for the relocating of State highways Provided That if the county or counties within which said property is located shall not consent to the entry thereon as provided in section one of this act the Department of Highways nevertheless may enter thereon for the purposes provided in this act but any damages to property incident thereto shall be paid by the Department of Highways from the Motor License Fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 384 (House Bill No. 476), entitled:

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. CAVALCANTE. Mr. President, I move that Senate Bill No. 384 (House Bill No. 476), the bill just read, be recommitted to the Committee on Judiciary General.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 393 (House Bill No. 543), as follows:

An Act to amend section two hundred thirteen and sections one thousand four hundred two and two thousand four hundred four as amended of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" prescribing the qualifications of departmental deputies and providing for liability insurance covering the operation of Federal vehicles used by the National Guard

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred thirteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments board commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended to read as follows

Section 213 Deputies The head of any administrative department except the Auditor General and State Treasurer shall have the power with the approval of the Governor to appoint and fix the compensation of a deputy or such number of deputies as the Executive Board shall approve who shall in the absence of the head of such department have the right to exercise all the powers and perform all the duties by law vested in and imposed upon the head of such department except the power to appoint deputies bureau or division chiefs or other assistants or employes and who may at any time exercise such of the powers and perform such of the duties of the head of his department as may be prescribed by the head of his department Provided however That any such deputy shall not have the right to exercise any power or perform any duty which the Constitution of the Commonwealth of Pennsylvania requires the head of his department personally to exercise or perform

Whenever there shall be a vacancy in the office of the head of any department such deputy as the Governor shall designate in writing shall exercise the powers and perform the duties of the head of the department until the vacancy is filled

With the approval of the Governor in writing the head of any department may authorize a named deputy to serve in his stead on any departmental administrative board or commission except the Board of Pardons of which such department head is a member ex-officio The Deputy Adjutant General shall possess the same qualifications in all respects as are required by law for the Adjutant General of the Department of Military Affairs

Section 2 That section two thousand four hundred four of said act as amended by the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws 350) is hereby further amended to read as follows

Section 2404 Bonds and Liability Insurance The Department of Property and Supplies shall have the power and its duty shall be

(a) To procure from a corporation or corporations authorized by laws to act as sureties in the Commonwealth of Pennsylvania good and sufficient bonds which shall be approved by the Attorney General and filed with the State Treasurer or the Federal Government to meet the requirements of law in the case of all State officers and employes required by statute to give surety bonds to the

Commonwealth or the Federal Government for the faithful performance of their official duties or to account for State funds in their possession

(b) To procure liability insurance covering vehicles owned by the Commonwealth and operated by State Officers or employes or State officers and employes and officers and enlisted men of the Pennsylvania National Guard operating vehicles loaned by the Federal Government and in its discretion excess fire insurance on State buildings and any other kind of insurance which it may be lawful for the Commonwealth or any department board commission or officer thereof to carry and for which an appropriation has been made to the department

The department shall pay for such insurance out of the moneys appropriated to it except that it shall not pay for insurance covering officers employes or property of the departments boards and commissions whose expenses are wholly paid out of funds other than the General Fund of the State Treasury and except officers employes and property of State institutions Insurance covering the officers employes and property of such departments boards and commissions shall be paid for out of the special funds appropriated to them and insurance covering the officers employes and property of State institutions shall be paid for out of the moneys appropriated for their maintenance

All automobile liability insurance procured by the Department of Property and Supplies hereunder shall protect both the Commonwealth and the State officers or employe operating the vehicle or State officers and employes and officers and enlisted men of the Pennsylvania National Guard operating vehicles loaned by the Federal Government against claims for damages for injury to person or property within such limits as the department with the approval of the Executive Board shall prescribe

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 400 (House Bill No. 860), as follows:

An Act requiring county officers and persons formerly occupying county offices in counties of the first class to pay over to the county treasurer for safe-keeping certain unclaimed moneys and providing for the payment of such moneys out of the county treasury to claimants and for the escheat of unclaimed moneys

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any moneys shall have been paid over to any county officer in any county of the first class which do not belong to such county officer and no provision is made by law for the payment over of such moneys into the county treasury if no claim for the payment over of such moneys shall be made by the party legally entitled thereto within a period of one year after the same shall have been paid to the county officer or before the expiration of the term of office of such county officer regardless of the time the same shall have come into his possession then it shall be the duty of the county officer upon the expiration of said one year period or upon the expiration of his term of office as the case may be to pay all of such moneys together with any interest earnings thereon over to the county treasurer for safe-keeping and to furnish to the county treasurer a statement of the source from which such moneys were derived and the name of the person or persons if known who are legally entitled to such moneys

A copy of such statement shall also be filed with the controller Such moneys shall be deposited in a fund separate and apart from all other public moneys and shall not be paid out for any purpose whatever except as provided by this act

The receipt issued by the county treasurer showing the payment over of such moneys shall fully discharge the county officer or person making such payment and his surety from all liability whatever for the payment of such moneys to the person or persons legally entitled thereto

The provisions of this section shall apply to all moneys and the interest earnings thereon in the hands of any county officers for the period of one year and more prior to the effective date of this act The provisions of this section shall also apply to all persons whose term of office as county officers shall have expired prior to the effective date of this act and who may still retain any such moneys in their possession and such person shall be required to pay over to the county treasurer all such unclaimed moneys together with any interest earnings thereon within sixty days after this act becomes effective and furnish to the county treasurer and controller a statement as in this section provided

Section 2 If after such moneys have been paid over to the county treasury the person or persons legally entitled thereto if known shall be notified to appear and claim the same the moneys shall be repaid from the county treasury on warrant of the county controller after proof of claim to the satisfaction of the county controller

Section 3 Hereafter no person shall after the expiration of his term of office as a county officer be entitled to receive payment of any moneys arising from official business transacted in the county office which he occupied but all such moneys shall be paid over only to his successor in office who shall become responsible therefor and subject to the payment over of such moneys into the county treasury as provided in this act No county officer shall upon the expiration of his term of office remove from the county office which he occupied any official boks papers records or documents whatever but the same shall be turned over to his successor in office

Section 4 All moneys paid into the county treasury in accordance with the provisions of this act and held for the benefit of any claimant or claimants shall if no claim therefor is made within seven years from the time the same was paid into the county treasury be escheated to the county Provided howeved That at least six months before any such escheat shall take place the county treasurer shall notify by mail the person if known entitled to any of such moneys of such contemplated escheat and and shall publish once a week for three successive weeks in two newspapers of general circulation published in the county a true and accurate statement of such proposed escheat stating the amount to be escheated and generally describing the sources from which such moneys were derived And provided further That if it shall appear that claim for any such moneys was not made within said period of seven years because of pending litigation then payment of any such claim shall be made out of the county treasury if such claim shall be presented within one year after the final determination of said litigation

So much of any provision of any act of assembly relating to escheats as provides for a reward to informers of an escheat shall not apply to any proceedings to escheat any moneys referred to in this section but in other respects the proceedings to escheat such money shall be governed by the laws relating to escheats now or hereafter in force in like manner as if the county treasurer were an officer of the court of common pleas of the proper county

Section 5 All acts and parts of acts inconsistent with this act are hereby repealed

Section 6 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. THOMPSON. Mr. President, I move that Senate Bill No. 407, on second reading, entitled:

An Act requiring counties (other than counties of the first and second classes) cities of the third class boroughs towns townships school districts and poor districts to issue serial bonds when incurring increasing or refunding indebtedness and imposing powers and duties on the Department of Internal Affairs

be recommitted to the Committee of County Government.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 444, as follows:

An Act to amend section two hundred eight of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" providing for the designation of the Secretary of the Commonwealth as agent for the service of process on business corporations and regulating the manner of service

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred eight of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powes and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be renedered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" is hereby amended to read as follows

Section 208 Conditions Precedent to Beginning Business Penalty for Violation of Section A A corporation formed under this act shall not incur any indebtedness or begin the transaction of any business except such as shall be incident to its organization or to the obtaining of subscriptions to or the payment for its shares until

(1) The amount of capital with which it will begin business as stated in the articles has been fully paid and

(2) There has been filed with the Department of State an affidavit signed by at least a majority of the board of directors stating that the amount of capital with which it will commence business as sated in the articles has been fully paid in and

(3) There has been filed with the Department of State a certificate of designation in its corporate name signed and acknowledged by its president or vice-president or its secretary or treasurer under its corporate seal designating the Secretary of the Commonwealth and his successor in office as its agent upon whom process in any action or proceeding against it may be served within this State and setting forth an address to which the Secretary or the Commonwealth shall mail a copy of any process which may be served upon him pursuant to law

B In case any such corporation shall have failed to file a certificate of designation prescribed by this section before the day of it shall be deemed to have designated the Secretary of the Commonwealth as its agent upon whom process in any action or proceeding against it may be served and the Secretary of the Commonwealth shall upon that day become such agent and until a certificate of designation shall have been filed the corporation shall be deemed to have directed the Secretary of the Commonwealth to mail copies of process served upon him to the corporation in care of any one of the directors named in its certificate of incorporation at his address as therein stated When a certificate of designation has been filed by such corporation the Secretary of the Commonwealth shall mail copies of process thereafter served upon him to the address set forth in said certificate

C Any such corporation from time to time may change the address to which the Secretary of the Commonwealth is directed to mail copies of process by filing a certificate to that effect executed signed and acknowledged in like manner as a certificate of designation as herein provided

D Service of process against a domestic business corporation upon the Secretary of the Commonwealth shall be made by the Sheriff of Dauphin County by leaving the fee the plaintiff is required by law to pay for this service and two copies of the process at the office of the Secretary of the Commonwealth The sheriff make due return of his service of the process to the court magistrate or justice of the peace issuing the same Such process may be issued by any court magistrate or justice of the peace having jurisdiction of the subject matter of the controversy in any county of the Commonwealth in which the corporation shall have its registered office or in the county in which the right of action arose When legal process against any such corporation has been served upon the Secretary of the Commonwealth he shall immediately mail postage prepaid one copy of such process directed to the corporation at its registered office The fee paid by the plaintiff to the Secretary of the Commonwealth at the time of the service shall be taxed in the plaintiff's costs if he prevails in the suit necessitating the service of the process The Secretary of the Commonwealth shall keep a record of the day and hour of the service of such process on him and a certified copy of such record shall be sufficient evidence thereof The service of process on the Secretary of the Commonwealth under this section shall be of the same legal force and validity as if the process had been served on the corporation and the authority for such service of process shall continue in force as long as any liability remains outstanding against the corporation in the Commonwealth Nothing herein contained shall limit or affect the right to serve any process notice or demand required or permitted by law to be served upon a domestic corporation in any other manner now or hereafter permitted by law

[B] E If a corporation shall transact any business in violation of this section the officers who participated therein and the directors except those who dissented therefrom and caused their dissent to be filed at the time in the registered office of the corporation or who being absent filed their dissent upon learning of the action shall be severally liable for the debts and liabilities of the corporation arising therefrom

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 469 (House Bill No. 1042), entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by continuing the tax upon that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which were formerly exempt and by further defining the method of computing the franchise tax of foreign corporations

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 470 (House Bill No. 1044), entitled:

An Act to further amend the act approved the first day of June one thousand nine hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by increasing for a limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies limited partnerships associations joint-stock associations copartnerships and persons

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 472 (House Bill No. 1048), entitled:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (Pamphlet Laws two hundred ninety-two) entitled "An act to provide revenue by taxation" by increasing the rate of tax for a limited period of time

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 476, as follows:

An Act authorizing boroughs and townships of the first and second class to enter into agreements with the Federal Works Progress Administration for sponsoring and carrying out projects for making and distributing free clothing to the poor and needy in such municipalities and validating agreements heretofore made

Whereas No provision is made for boroughs and townships to enter into agreements with the Federal Works Progress Administration for sponsoring and carrying out projects (known as Sewing Projects) for making and distributing free clohting to the poor and needy within such boroughs and first and second class townships and

Whereas It is necessary that such agreements be entered into therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be lawful for any borough or first or second class township to enter into an agreement with the Federal Works Progress Administration to sponsor provide suitable space and accommodations sewing machines materials and supplies to carry out projects known as sewing projects for making and distributing free clothing to the poor and needy within the territorial limits of such borough or first or second class township Such agreements shall contain such provisions and terms as may in the judgment of the governing body of such borough or first or second class township be necessary for carrying out such projects

Section 2 Any agreements heretofore entered into between any borough or first or second class township and the Federal Works Progress Administration are hereby declared to be valid

Section 3 All acts or parts of acts inconsistent with the provisions of this act are hereby repealed

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committe of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 481, as follows:

An Act to amend a part of section three of the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 73) entitled "An act to provide for the incorporation and regulation of certain corporations" vesting discretin in the governor with respect to the approval of the charter of certain corporations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That a part of section three of the act approved the twentyninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 73) entitled "An act to provide for the incorporation and regulation of certain corporations" is hereby amended to read as follows

Certificates for Second Class

The certificate for a corporation embraced within the second class named in the foregoing section shall set forth all that is hereinbefore required to be set forth and except building and loan associations shall also state that ten per centum of the capital stock thereof has been paid in cash to the treasurer of the intended corporation and the name and residence of such treasurer shall be therein given The same shall be acknowledged by at least three of the subscribers thereto before the recorder of deeds of the county in which the chief operations are to be carried on or in which the principal office is situatd and thy shall also make and subscribe an oath or affirmation before him to be endorsed on the said

certificate that the statements contained therein are true The said certificate accompanied with proof of publication of notice as hereinbefore provided shall then be produced to the governor of this commonwealth who shall examine the same and if he find it to be in proper form and within the purposes named in the second class specified in the foregoing section he shall approve thereof and endorse his approval thereon and direct letters patent to issue in the usual form incorporating the subscribers and their associates and successors into a body politic and corporate in deed and in law by the name chosen and the said certificate shall be recorded in the office of the secretary of the commonwealth in a book to be by him kept for that purpose and he shall forthwith furnish to the auditor general an abstract therefrom showing the name location amount of capital stock and name and address of the treasurer of such corporation Provided however That the governor may in his discretion refuse to approve the certificate for the incorporation of any corporation for the purpose of providing any public utility service if in his opinion the issuing of letters patent to such corporation would not be to the best interests of the Commonwealth or to the inhabitants thereof The said original certificate with all of its endorcements shall then be recorded in the office for the recording of deeds in and for the county where the chief operations are to be carried on and from thenceforth the subscribers thereto and their associates and successors shall be a corporation for the purposes and upon the terms named in the said charter Certified copies of both the records thereof and of the charters of the corporations named in the first class specified in the foregoing section shall be competent evidence for all purposes in the courts of this commonwealth The secretary of the commonwealth shall charge and receive a fee of five dollars upon every paper relating to a corporation filed or recorded in his office

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 484, (House Bill No. 850), as follows:

An Act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing The Public Service Commission fo the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until, repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 (a) A commission to be known as the Pennsylvania Public Utility Commission is hereby created The commission shall consist of five members who shall be appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate The commissioners first appointed under this act shall continue in office for terms of two four six eight and ten years respectively from the effective date of this act and until their respective successors shall be duly appointed and shall be qualified but their successors shall each be appointed for a term of ten years Each commissioner at the time of his appointment and qualification shall be a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector therein for a period of at least one year next preceding his appointment and shall also be not less than thirty years of age

(b) A member designated by the Governor shall be the chairman of the commission during such member's term of office When present the chairman shall preside at all meetings but in his absence a member designated by the chairman shall preside and shall exercise for the time being all the powers of the chairman

(c) Each of the commissioners shall receive an annual salary of ten thousand dollars ($10,000) except the chairman who shall receive an annual salary of ten thousand five hundred dollars ($10,500)

(d) Three members of the commission shall constitute a quorum who for all purposes including the making of any order or the ratification of any act done or order made by one or more of the commissioners must act unanimously

Section 2 When a vacancy shall occur in the office of any commissioner a commissioner shall in the manner aforesaid be appointed for the residue of the term If the Senate shall not be in session when any vacancy occurs any appointment made by the Governor to fill the vacancy shall be subject to the approval of the Senate when convened No vacancy in the commission shall impair the right of a quorum of the commissioners to exercise all the rights and perform all the duties of the commission

Section 3 No person shall be appointed a member of the commission or hold any place position or office under it who occupies any official relation to any public service company or public utility or who holds any other appointive or elective office of the Commonwealth or any political subdivision thereof No commissioner and no employe appointee or official engaged in the service of or in any manner connected with the commsision shall hold any office or position or be engaged in any business employment or vocation the duties of which are incompatible with the duties of his office as commissioner or his employment in the service or in connection with the work of the commission No commissioner shall participate in any hearing or proceeding in which he has any direct or indirect pecuniary interest Every commissioner and every individual or official employed or appointed to office under in the service of or in connection with the work of the commission is hereby forbidden directly or indirectly to solicit or request from or to suggest or recommended to any public service company or public utility or to any officer attorney agent or employe thereof the appointment of any individual to any office place or position in or the employment of any individual in any capacity by such public service company or public utility If any person employed or appointed in the service of the commission shall violate any provision of this section the commission shall forthwith remove him from the office or employment held by him

Section 4 The Governor by and with the consent of two-thirds of all of the members of the Senate may remove any commissioner for inefficiency neglect of duty or misconduct in office giving him a copy of the charges against him and affording him an opportunity to be publicly heard in person or by counsel in his own defense upon not less than ten days' notice If such commissioner shall be removed the Governor shall file with the Department of State a complete statement of all charges made against such commissioner and his finding thereon together with a complete record of the proceedings

Section 5 A member of the Pennsylvania Public Utility Commission to be designated by the Governor shall be

a member of the Water and Power Resources Board of this Commonwealth in lieu of the member of The Public Service Commission of the Commonwealth of Pennsylvania holding such office upon the effective date of this act

Section 6 (a) The commission may appoint a secretary to hold office at its pleasure Such secretary if appointed shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe and shall receive such compensation as the commission with the approval of the Governor shall determine The commission shall have power and authority to designate from time to time one of its clerks to perform the duties of the secretary during his absence and the clerk so designated shall possess for the time so designated the powers of the secretary of the commission

(b) The commission with the approval of the Governor shall have the power to appoint and fix the compensation of such officers experts engineers statisticians accountants inspectors clerks and employes as may be necessary for the proper conduct of the work of the commission Provided That the compensation of such persons shall be fixed in accordance with the standards of compensation fixed by the Executive Board of this Commonwealth

(c) The commission shall adopt and use an official seal by which the commission shall authenticate its proceedings and of which seal the courts shall take judicial notice A copy of any paper or document on file with the commission authenticated by any such seal shall be evidence equally and in like manner as the original

Section 7 Any investigation inquiry or hearing which the commission has power to undertake or hold may be undertaken or held by or before any one or more of the commissioners All investigations inquiries or hearings before or by any such commsisioner or commissioners shall be and be deemed to be the investigations inquiries and hearings of the commission Any determination or order of a commissioner or commissioners upon any such investigation inquiry or hearing undertaken or held by him or them shall not become and be effective until approved and confirmed by at least a quorum of the commission Upon such confirmation such determination or order shall be the determination or order of the commission In any investigation inquiry or hearing the commission may designate a special agent or examiner who shall have the power to administer oaths and examine witnesses and receive evidence in any locality which the commission having regard to the public convenience and the proper discharge of its functions and duties may designate The testimony and evidence so taken or received shall have the same force and effect as if taken or received by the commission or any one or more of the commissioners as above provided

Section 8 The commission may authorize the chairman (1) To designate the time and place for the conducting of investigations inquiries and hearings (2) To assign cases to a commissioner or commissioners for hearing investigation inquiry study or other similar purposes (3) To assign cases to special agents or examiners for the taking and receiving of evidence and (4) To direct and designate officers and employes of the commission to make investigations inspections inquiries studies and other like assignments for report to the commission

Section 9 The office of counsel to the Pennsylvania Public Utility Commission is hereby created such counsel to be appointed by the Attorney General with the approval of the Governor The Attorney General may also from time to time with the approval of the Governor appoint such assistant counsel to the Pennsylvania Public Utility Commission as may be required for the proper conduct of its work The compensation of the counsel and assistant counsel of the Pennsylvania Public Utility Commission shall be fixed by the commission with the approval of the Governor Such counsel or assistant counsel shall attend the hearings before the commission or a commissioner or a special agent or examiner and conduct the examination of witnesses when requested so to do by the commission or a commissioner and shall represent the commission upon appeals and other hearings in the courts of common pleas and in the Superior and Supreme Courts or other courts of the Commonwealth of Pennsylvania or in any Federal court and in actions instituted to recover penalties and to enforce regulations and orders of the commission Such counsel and assistant counsel shall also assist the Attorney General in conducting all mandamus injunction and quo warranto proceedings at law or in equity instituted by him for the enforcement of the regulations and orders of the commission and shall perform such other professional duties as may be required of them by the commission

Section 10 The Pennsylvania Public Utility Commission shall exercise the powers and perform the duties exercised and performed prior to the effective date of this act by The Public Service Commission of the Commonwealth of Pennsylvania and any powers and duties subsequently vested in and imposed upon the Pennsylvania Public Utility Commission by law

Section 11 The Pennsylvania Public Utility Commission shall have the power and its duties shall be

(a) To administer and enforce the act approved the twenty-sixth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand three hundred seventy-four) designated as "The Public Service Company Law" as amended and supplemented or any law hereafter enacted for the regulation of public utilities

(b) To certify to the Sanitary Water Board any question of fact regarding the purity of water supplied to the public by any public service company or public utility over which it has jurisdiction when any such question arises in any controversy or other proceeding before it and upon the determination of such question by the Sanitary Water Board to incorporate the findings of the board thereon in its decision upon the controversy or other proceeding out of which the question arose

Section 12 Subject to the provisions of this act the Pennsylvania Public Utility Commission shall have all the powers and shall perform the duties generally vested in and imposed upon independent administrative boards and commissions by the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) designated as "The Administrative Code of 1929" and its amendments and shall be subject to all the provisions of such code which apply generally to independent administrative boards and commissions

Section 13 (a) The Public Service Commission of the Commonwealth of Pennsylvania is hereby abolished as of the effective date of this act and the terms of the members of such commission now holding office shall expire and terminate upon that date

(b) All books papers maps tariffs charts plans and other records and all equipment in the possession of The Public Service Commission of the Commonwealth of Pennsylvania upon the effective date of this act or of any commissioner of said commission or any officer or employe of said commission shall be delivered or turned over to the Pennsylvania Public Utility Commission

(c) All employes of The Public Service Commission of the Commonwealth of Pennsylvania on the effective date of this act shall become employes of the Pennsylvania Public Utility Commission and shall continue to perform their usual duties upon the same terms and conditions as theretofore until removed or appointed to other positions by the commission Persons who upon the effective date of this act are employes of The Public Service Commission of the Commonwealth of Pennsylvania shall retain all retirement rights that shall have accrued or would thereafter accrue to them and their services shall be deemed to have been continuous as if The Public Service Commission had not been abolished

(d) All petitions hearings and other proceedings pending before The Public Service Commission of the Commonwealth of Pennsylvania and all investigations begun by such commission or any member or officer thereof and not completed upon the effective date of this act shall continue and remain in full force and effect as if The Public Service Commission of the Commonwealth of Pennsylvania

had not been abolished and may be completed before or by the Pennsylvania Public Utility Commission

(e) All pending litigation or proceedings before any State or Federal court or regulatory body instituted by or against The Public Service Commission of the Commonwealth of Pennsylvania or in which such commission is a party upon the effective date of this act shall not be deemed to be affected or terminated by this act but the Pennsylvania Public Utility Commission shall have the right to apply to any such court or regulatory body to have its name substituted in such litigation or proceedings as a party in lieu of The Public Service Commission of the Commonwealth of Pennsylvania and thereupon such pending litigation or proceedings may be prosecuted defended or completed by the Pennsylvania Public Utility Commission

(f) All certificates of public convenience orders and rules and regulations made or issued by The Public Service Commission of the Commonwealth of Pennsylvania prior to and in force and effect upon the effective date of this act shall remain in full force and effect until revoked or modified by the Pennsylvania Public Utility Commission

(g) All existing contracts and obligations of The Public Service Commission of the Commonwealth of Pennsylvania shall remain in full force and effect and shall be performed by the Pennsylvania Public Utility Commission

(h) Whenever the term "The Public Service Commission of the Commonwealth of Pennsylvania" occurs in any law contract or document or whenever in any law contract or document reference is made to such commission such term or reference shall be deemed to refer to and include the Pennsylvania Public Utility Commission created by this act so far as such law contract or document pertains to matters which are within the jurisdiction of such commission

(i) The unexpended balance existing on the effective date of this act in any appropriation whatsoever made to The Public Service Commission of the Commonwealth of Pennsylvania is hereby transferred and appropriated to the Pennsylvania Public Utility Commission for the same purposes as expressed in any act making such an appropriation and any such unexpended balance also is hereby appropriated to the Pennsylvania Public Utility Commission for the payment of any bills or encumbrances incurred by The Public Service Commission of the Commonwealth of Pennsylvania prior to and remaining unpaid on the effective date of this act

Section 14 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 15 The following acts and parts of acts are hereby repealed as respectively indicated

Sections one two three four five six seven eight eleven twelve thirteen fourteen fifteen and eighteen of article four of the act approved the twenty-sixth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested The State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prsecribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to prpoerly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" absolutely

Sections three hundred three two thousand eight hundred one two thousand eight hundred two two thousand eight hundred three of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" absolutely and sections two hundred one two hundred ten four hundred thirty-one and nine hundred six of said act in so far as they apply to The Public Service Commission of the Commonwealth of Pennsylvania or the members or counsel thereof

Section 16 This act shall become effective on the first day of April one thousand nine hundred thirty-seven except that the Governor shall have power to appoint the

members of the Pennsylvania Public Utility Commission as herein provided at any time after the final enactment of this act and to the extent necessary for such purpose this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 487, as follows:

An Act authorizing acquisition of lands adjacent to Fort Necessity Park by purchase condemnation or otherwise and appropriating funds for such acquisition

Whereas the Act of June 23 1931 (Pamphlet Laws 330) authorized the acquisition of approximately 234 acres of land in Wharton Township Fayette County for the purpose of establishing a historic shrine in commemoration of the first military battle in which George Washington participated and

Whereas the said shrine has been established as Fort Necessity Park and

Whereas certain lands adjoining the Park are needed in order to protect this historical shrine against adverse commercial exploitation therefore

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same

Section 1 That five thousand dollars ($5,000.00) or so much thereof as may be necessary is specifically appropriated to the Department of Forests and Waters for the acquisition of lands adjoining lands owned by the Commonwealth of Pennsylvania in connection with Fort Necessity Park including the cost of engineering attorneys' fees and other incidental expenses necessary for carrying out the purposes of this act

Section 2 This act shall become effective immediately

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 522 (House Bill No. 743), entitled:

An Act to provide for the leasing of land within the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land is owned by the Commonwealth conferring powers and imposing duties upon the Water and Power Resources Board requiring lessees to establish an amortization fund for improvements placed or erected upon such land granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" means a partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Board" means the Water and Power Resources Board of this Commonwealth

"Municipality" means a city borough town township or county of this Commonwealth

"Person" means a natural person association corporation or municipality Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 2 On and after the effective date of this act it shall be unlawful for any one to encroach upon or use any land or to continue to occupy any land previously encroached upon which is part of the bed of any stream lake or other body of water wholly or partly within or forming part of the boundary of the Commonwealth title to which is in the Commonwealth without first obtaining from the Board a lease for the use and occupancy of such land

Section 3 Any person desiring to use and occupy any such land shall file an application for a lease with the Board The application shall be made under oath or affirmation on a form prescribed prepared and furnished by the Board and shall set forth the name of the applicant his business address an accurate description of the land desired to be leased the physical condition of the land the purpose for which the land is to be used and occupied and such additional information as the Board may require either by general rules and regulations or by specific request If the Board is satisfied that the granting of the lease will not be against the public interest it may grant a lease to the applicant upon the terms and conditions contained in this act In granting leases under this act the Board shall give preference to applications therefor by municipalities

Section 4 Leases granted by the Board under this act shall be granted for a period not exceeding fifty years except that municipalities may be granted leases for the term of their use and occupancy of the land Each lease shall require the payment by every lessee other than a municipality of a rental payable in advance and reasonably commensurate with the value o fthe land for leasing purposes which shall be fixed by the Board In the event the applicant desires to develop or place or erect improvements upon any land leased under this act the Board shall fix a time within which the development or placement or erection of improvements necessary for the use and occupancy of the land shall be completed to an effective point and in every such case the lease shall contain a provision that it shall become void unless the lessee effects such development of improvements within the time fixed by the Board Every lease may contain such other conditions as the Board may deem necessary for the protection of the public interest Any lease granted under this act may be revoked by the Board for nonpayment of rentals and for noncompliance with any of the terms of the lease or any of the provisions of this act

Section 5 After the twentieth year of any lease if it shall so long continue in force every lessee except a municipality shall set aside an amortization fund based upon the actual legitimate cost of permanent improvements placed or erected upon the land by the lessee at a rate to be approved by the Board For such purposes the Board is hereby authorized and directed to determine for each lease the actual legitimate original cost of all permanent improvements placed or erected on lands leased under the provisions of this act and of all additions to and betterments thereof

Section 6 Upon the expiration of the term of a lease whether fifty years or less the Board may grant a lease for the same land to the same lessee or any other applicant In every such case the Board shall give preference to applications by municipalities If the lease of such land is not granted to the same lessee the new lessee shall pay to the former lessee an amount equal to the actual legitimate investment in the development of or the improvements placed or erected on such leased land less an amount for dpreciation and less the amount of the

amortization reserve as of the date of the termination of the lease Whether the lease shall be granted anew to the former lessee or to some other applicant th annual rental fixed by the Board shall be based on the same kind of value as for the original lease plus the amount of such amortization reserve and the setting aside of the amortization reserve shall be continued until it together with proper depreciation reserves shall absorb the entire cost of the development of or the improvements placed or erected on the leased land

Section 7 No voluntary transfer of any lease or of the rights granted thereunder shall be made by any lessee without the written approval of the Board and any successor or assignee of the rights of any lessee shall be subject to all the conditions of the lease

Section 8 The Board is hereby empowered to hold hearings subpoena witnesses perform any and all acts make and enforce such rules and regulations and issue such orders not inconsistent with this act as it may deem necessary and proper for carrying out the purposes of this act The Board is also empowered to require all lessees under this act to make such reports keep such accounts and give such information at any time as the Board may deem proper for carrying out the provisions and purposes of this act

Section 9 Nothing in this act shall be construed to abrogate in any way whatsoever any title right or interest the Commonwealth may have in any part of the bed of any stream lake or other body of water wholly or partly within or forming part of the boundary of this Commonwealth which was encroached upon by any person prior to the effective date of this act and which is now used and occupied by such person

Section 10 All rentals and other moneys collected or received by the Board under the provisions of this act shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund

Section 11 Any person who shall hereafter encroach upon or occupy or continue to occupy any land previously encroached upon which forms part of the bed of any stream lake or other body of water wholly or partly within or forming part of the boundary of this Commonwealth and which is owned by the Commonwealth without obtaining a lease for the use and occupancy of such land as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than Five Hundred Dollars ($500) or not more than One Thousand Dollars ($1,000) or to undergo imprisonment for a term of one year or both in the discretion of the court

Section 12 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 529 (House Bill No. 1047), entitled:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (Pamphlet Laws six hundred forty) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortagages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by increasing the rate of tax for a limited period of time and by imposing the tax on certain corporations heretofore exempt

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 573, as follows:

An Act to amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-three (Pamphlet Laws 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as amended extending the time during which application may be filed for veterans' compensation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seven of the act approved the fifth day of January one thousand nine hundred and thirty-three (Pamphlet Laws 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as amended by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 648) is hereby further amended to read as follows

Section 7 Application for compensation shall be made to the Adjutant General on such forms and in such manner as he shall prescribe

All applications shall be made (1) personally by the veteran or (2) in case of death or mental incompetency preventing the making of a personal application then by such representative of the veteran as the Adjutant General shall by regulation prescribe an application made by a representative other than one authorized by such regulation shall be held void

The Adjutant General shall not accept or consider any application filed with him after the first day of July one thousand nine hundred and [thirty--eight] forty

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 673, as follows:

An Act authorizing the Secretary of Highways to abandon portions of State highway Routes within the limits of State parks or Federal Resettlement projects under certain conditions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Secretary of Highways is authorized whenever in his opinion any portion of a State Highway Route within the limits of any State park or Federal Resettlement project in the Commonwealth shall be unnecessary for public use and travel and has had presented to him a petition or request by the proper authorities of such State park or Federal Resettlement project for abandonment of such portion of State highway as a State Highway Route at any time by written order to declare such portion of State highway to be abandoned as a part of the System of State highways and thereupon such portion shall no longer be a part of such System Provided That the Secretary of Highways shall first submit such proposed order of abandonment to the Governor and that the same shall be approved by him

Section 2 This act shall become effective immediately upon its approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 674, as follows:

An Act to amend the title and section one of the act approved the twelfth day of July one thousand nine hundred thirty-five (Pamphlet Laws eight hundred and five) entitled "An act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes and providing a method of procedure" by further providing for the acquisition and possession of occupied property and structures

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and section one of the act approved the twelfth day of July one thousand nine hundred thirty-five (Pamphlet Laws eight hundred and five) entitled "An act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes and providing a method of procedure" are hereby amended to read as follows

An Act providing for the acquisition and possession of occupied property structures and dwelling houses condemned for highway purposes and providing a method of procedure

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the Authority of the same That whenever the Secretary of Highways with the approval fo the Governor shall have condemned property for highway purposes in the manner now or hereafter provided by law in such cases the condemnation aforesaid shall authorize the issuance and execution of a writ or writs of possession by the court of common pleas of the county wherein the property so condemned shall be situated Such writs shall be issued by the aforesaid court after petition by the Secretary of Highways or by the county commissioners for a rule returnable in ten days to show cause why the writ shall not be issued Such writ shall be served by the sheriff upon the respondents named in the petition and upon all other persons found in possession of any occupied property structures and dwelling house taken in whole or in part by such condemnation The prothonotary shall add the names of such other persons as respondents after service of the writ If no answer be filed or if an answer is filed and after such hearing as the court shall direct it shall deem the same to be insufficient the court shall upon motion order and direct the sheriff of the county or his deputy to execute such writ and deliver possession to the Commonwealth or the county as the case may be

Section 2 This act shall become effecitve immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 64, (Senate Bill No. 760), entitled:

An Act to amend section two hundred and one of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "The General County Assessment Law," making the real estate of public service companies subject to taxation, and providing certain exceptions.

Which was committed to the Committee on County Government.

House Bill No. 662, (Senate Bill No. 761) entitled:

An Act to amend sections four hundred thirteen and seven hundred ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code"; changing the registration year and adjusting registration fees.

Which was committed to the Committee on Highways.

House Bill No. 1156, (Senate Bill No. 762), entitled:

An Act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasures, county controllers, registrars of vital statistics public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

Which was committed to the Committee on Elections.

House Bill No. 1304, (Senate Bill No. 763), entitled:

An Act to amend section eight of the act, approved the the sixteenth day of May, one thousand eight hundred and ninety-one (P. L. 75), entitled "An act in relation to the laying out, opening, widening, straightening, extending, or vacating streets and alleys, and the construction of bridges, in the several municipalities of this Commonwealth; the grading, paving, macadamizing, or otherwise

improving streets and alleys; providing for ascertaining the damages to private property resulting therefrom; the assessment of the damages, costs, and expenses thereof upon the property benefited; and the construction of sewers, and payment of the damages, costs, and expenses thereof, including damages to private property resulting therefrom," as amended, by providing for a temporary improvement or paving, the assessment of costs and expenses upon property benefited thereby and assessment of costs and expenses upon property benefited by a subsequent permanent improvement upon credit being given for the prior assessment.

Which was committed to the Committee on Municipal Government.

MOTION TO READ BILLS THE FIRST TIME

Mr. ROBERTS. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. REED. Mr. President, I second the motion.

The Motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 330 (House Bill No. 737), entitled:

An Act to amend clauses (a) and (c) of section one thousand eight hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, providing for the acquisition holding management control protection maintenance utilization and regulation of additional lands to extend State forests so as to prevent soil erosion the silting up of reservoirs to control stream flow to extinguish interior holdings and for the establishment of fire observation towers and stations.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 363, entitled:

An Act making an appropriation to the Department of Revenue for payment to counties and county officers in order to relieve counties of certain fees and charges for the keeping of records and making of reports by county officers for the better collection of State taxes on personal property.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 578 (House Bill No. 1128), entitled:

An Act requiring unemployment relief orders to be presented for payment within a certain period otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation for unemployment relief purposes.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading,

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 694 (House Bill No. 1154), entitled:

An Act making an appropriation to the General State Authority.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 734 (House Bill No. 1571), entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended; prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

The following committees will meet tomorrow:

The Committee on Judiciary General will meet tomorrow at 10:00 a. m. in Room 302.

The Committee on County Government will meet Tomorrow at 10:30 a. m. in Room 402.

The Committee on Municipal will meet Tomorrow at 10:30 a. m. in Room 400.

The Committee on Public Health will meet tomorrow at 10:45 a. m. in Room 251.

The Committee on Game and Fisheries will meet tomorrow at 11:00 a. m. in Room 200.

The Committee on Elections Will meet tomorrow at 11:30 a. m. in Room 400.

The Committee on City Government will meet tomorrow at 11:45 a. m. in Room 402.

ADJOURNMENT

Mr. ROBERTS. Mr President, I move that the Senate do now adjourn until twelve o'clock noon tomorrow.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 p. m. until 12:00 o'clock noon, tomorrow, Tuesday.

HOUSE OF REPRESENTATIVES

MONDAY, March 29, 1937.

The House met at 9:00 p. m.
The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the prayer:

Our Heavenly Father we begin the week singing praise unto Thee for this great, wide, wonderful, beautiful world. Praise ye the Lord, all ye nations; praise Him, all ye people. For His loving kindness is great towards us and the truth of the Lord endureth forever.

Praise ye the Lord, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, March 24, 1937.

The Clerk proceeded to read the Journal of Wednesday, March 24, 1937, when, on motion of Mr. DYSON, the further reading was dispensed with and the Journal approved.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

TEACHERS' TENURE

A communication from Miss Emily D. Stevens, Philadelphia, urging passage of Teachers' Tenure bill.

Referred to the Committee on Education.

HIGH SPEED RAILROAD

A communication from Ray Greene advocating construction of Pittsburgh-Harrisburg High Speed Diesel-Electric Passenger Railroad.

Referred to the Committee on Railroads.

CHIROPRACTICS

Telegrams from the Washington Quota Club, Pittsburgh, and the Women's Democratic Club, Washington, Pa. urging passage of House Bill No. 255.

Referred to the Committee on State Boards.

LABOR RELATIONS

A petition from residents of Pennsylvania in support of Senate Bill No. 89 and House Bill No. 1030.

Referred to the Committee on Welfare.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 257.

An Act to amend clause (b) of section four article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended changing the order in which officers of such cities shall act as mayor in case of a vacancy or disability of the mayor to act

HOUSE BILL No. 561.

An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board

HOUSE BILL No. 916.

An Act to amend section one of the act approved the seventeenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand twenty-five) entitled "A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred and eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

The Speaker asked and obtained leave of absence for Mrs. HORTING for today's session on account of illness.

Mr. Frank P. Hamilton asked and obtained leave of absence for Mr. SHUGARTS for the remainder of the week on account of illness.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 996. (Senate Bill No. 213), entitled

An Act to amend section eighteen of this act approved the second day of July one thousand nine hundred and thirty-five (P. L. 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products concerning powers and imposing duties on the Secretary of Health and Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" requiring local ordinances to conform to this act and the regulations made thereunder so far as relates to the production and handling of "milk for pasteurization" upon dairy farms"

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1562, entitled:

An Act to amend section one of the act approved the first day of June one thousand nine hundred thirty-three (P. L. 1466) entitled "An act authorizing the Attorney

General under certain conditions to enter into agreements to collect claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment and to compound certain judgments" by extending the act to all pending claims of the Department of Highways against boroughs for the construction reconstruction or maintenancee of State highways

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1659, entitled:

A Joint Resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any buses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriations

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1273, entitled:

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (P. L. 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of justices of the peace in such consolidated boroughs

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1572, entitled:

An Act to amend sections one eight eleven and thirteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1513) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts o facts inconsistent with this act" extending the provisions of said act to unfired pressure vessels

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1007, entitled:

An Act to amend the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (P. L. 903) entitled "A supplement to an act approved the fourteenth day of May one thousand nine hundred and fifteen (P. L. 312) entitled 'An act providing a system for government of boroughs and revising amending and consolidating the law relating to boroughs' so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county including assessment of property levying and collection of taxes making municipal improvements and filing and collecting of liens for the same the jurisdiction of courts for the enforcement of borough ordinances and State laws and primary general municipal and special elections and repealing inconsistent laws" extending the provisions of this act to boroughs situated in different counties which now have or shall hereafter consolidate

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1764, entitled:

An Act authorizing the payment of benefits by certain beneficial societies in the event of sickness accident disability or death or in the event of any or all such contingencies authorizing certain existing beneficial or protective societies heretofore incorporated to reincorporate for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death regulating such societies and corporations and limiting the amount for which such societies and corporations may issue policies providing for reserves of such societies and corporations providing penalties and repealing existing laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1774, entitled:

An Act relating to statements made in negotiations for annuity or pure endowment contracts and policies or certificates of life endowment accident or health insurance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1184, entitled:

An Act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire by gift approximately 7.223 acres of land in Tinicum Township Delaware County sometime known as "Printz Park" or as "Printz-Lindberg Park" to be known hereafter as "Governor Printz Park" providing for the control management supervision restoration improvement and maintenance thereof authorizing the Commission to make and enforce rules and regulations for the preservation maintenance and visitation thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 196, entitled:

An Act to amend section one and two of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (P. L. 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" as amended declaring Flag Day the fourteenth day of June a legal holiday.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1201, (Senate Bill No. 366), entitled:

An Act to amend sections three four and six of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fifty-two entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing for additional projects removing the date by which projects must be commenced removing certain restrictions against the construction of projects extending the life of such Authority clarifying the powers of a receiver appointed pursuant to such act so as to prohibit such receiver from selling assigning mortgaging or otherwise disposing of any of the assets belonging to the Authority and clarifying certain provisions of said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1685, entitled:

An Act to amend section one thousand fifty-seven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" further defining the powers of controllers with respect to accounts of borough departments bureaus and officers and imposing certain duties in reference thereto on banks banking institutions and trust companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 911, entitled:

An Act to amend section twenty of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" as amended by providing for the payment of all fees to local registrars of vital statistics from funds appropriated to the Department of Health of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2021, entitled:

An Act to amend clause (b) of section five hundred one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) enttled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by providing for the issuance of special registration plates to members of the General Assembly.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1419, (Senate Bill No. 316), entitled:

An Act providing a method through payroll deductions for the payment of delinquent taxes, penalties and interest and costs due to political subdivisions by public officers and employes paid from moneys in the treasury thereof; and conferring powers and imposing duties on the city controller, city treasurer, receiver of taxes and bonded paymasters.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 782, (Senate Bill No. 221), entitled:

An Act to amend section one of and to add sections two and three to the act approved the nineteenth day of July one thousand nine hundred thirty-five (P. L. 1348) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" amplifying the powers of said commission to include the industrial and agricultural interest and other facilities advantages and attractions of the Commonwealth to provide for programs of advertising and publicity to coordinate advertising activities and to provide for exhibits at fairs expositions and celebrations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 859, as follows:

An Act to further amend section four of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" by changing the requirements of medical educational institutions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" as last amended by section one of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand three hundred and twenty-nine) is hereby further amended to read as follows

Section 4 It shall be the duty of the board in its discretion periodically to ascertain the character of the instruction and the facilities possessed by each of the various medical educational institutions and hospitals desiring internes either chartered under the laws of this Commonwealth or operating therein for the teaching of the various departments of medicine in accordance with the requirements of this act It shall further be the duty of the board by inspection and otherwise to ascertain the facilities and qualifications of medical institutions colleges or hospitals outside this Commonwealth whose graduates or internes desire to obtain medical licensure in this Commonwealth

Any medical institution chartered by this Commonwealth and empowered to confer the degree in medicine that shall be unanimously adjudged by the board as failing to provide the proper facilities as maintaining a lower minimum standard than that required under the provisions of this act said minimum standard being in addition to a general preliminary education of not less than a standard four years of high school course or its equivalent not less than two years or sixty semester hours of college credits [in chemistry biology and physics] including one year in biology one year in physics one and one-half years in chemistry including one-half year in organic chemistry and six semester hours in English composition and literature all of which shall have been acquired prior to entering a medical school and a graded medical and surgical course of four year each of which shall be of not less than thirty-two weeks of not less than thirty-five hours of each week of actual work in didactic laboratory and clinical study shall be duly notified of the same in writing signed by the secretary of the board Failure to conform to the authorized standard after such notification shall render graduates of said institution ineligible for licensure until such time as the instruction and course are made to the standard adopted as herein provided

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to second reading and consideration of House Bill No. 1674, as follows:

An Act directing the Department of Military Affairs to select procure award and provide for the furnishing of certain service medals

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Military Affairs of the Commonwealth shall select procure award and provide for the furnishing at request of the veteran of a service medal at cost to all honorably discharged veterans of the World War who were residents of Pennsylvania at the time of their entry into the service Provided That the proof of such service shall be based upon decisions made in connection with the payment of Pennsylvania veterans compensation And provided further That such medals shall not be issued to officers and enlisted men who were commissioned or enrolled in the Pennsylvania National Guard on or prior to August fifth one thousand nine hundred and seventeen and who have received the medal provided for that class of personnel The detailed specifications and design shall be selected by the Department of Military Affairs

Section 2 The Adjutant General is charged with the administration of this act He shall prepare and furnish blanks and adopt rules and regulations for the issue of medals upon approved applications All applications papers and other records in the administration of this act shall become a part of the permanent records of the Department of Military Affairs

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 8, as follows:

An Act to prevent fraud and deception in the shipping marketing and sale of anthracite coal providing standards for anthracite coal and providing penalties for the violation of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to prevent fraud and deception in the shipping markeing and sale of anthracite coal no person copartnership association or corporation engaged in the business of mining or stripping of anthracite coal or in the reclaiming of anthracite coal from refuse banks or rivers or streams or in the marketing of anthracite coal shall hereafter market ship sell or offer for sale any anthracite coal at wholesale or retail unless the same conforms to one of the following standards

(a) Freshly mined coal which shall consist entirely of coal taken out of the ground through the process known as mining or stripping and with which no coal reclaimed from refuse banks or from deposits in rivers or streams in any quantity whatever is intermixed

(b) Refuse coal which consist entirely of coal reclaimed from refuse banks by a process of washing or screening or both or from deposits in the beds of rivers and streams except that freshly mined and stripping coal may be intermixed with refuse coal if the mixture is sold or offered for sale as refuse coal No tolerances whatever shall be allowed in the shipment marketing and sale of coal from the standards above provided

Section 2 Every person copartnership association and

corporation engaged in the mining or the recovery of coal by a stripping process or the reclaiming of coal from refuse banks rivers or streams or in the sizing of coal in breakeries or by other methods or engaged in the marketing of coal who shall ship market sell or offer for sale any coal at wholesale or retail shall be required to specify on the bill of lading sale bill or other memorandum accompanying such shipment or sale the standard of coal shipped marketed or sold which coal shall conform to the standards provided for by this act and no anthracite coal shall be sold at retail unless a written bill or other written memorandum is delivered to the vendee specifying the standard of the coal sold

Section 3 Any person copartnership association or corporation shipping marketing selling or offering for sale anthracite coal contrary to the provisions of this act or which does not conform to the standards provided by this act or under any standard not provided by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for a first offense and not less than five hundred dollars ($500) nor more than one thousand dollars ($1000) or by imprisonment for a term of not more than one year or both at the discretion of the court for any second or subsequent offense

Section 4 The Department of Mines and county and city sealers of weights and measures are hereby charged with the enforcement of this act

Section 5 This act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1637, as follows:

An Act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" as amended by making further provision for the imposition of liability upon and the payment by individuals counties and poor districts of the cost of admission care and maintenance of mental patients and inebriates and by requiring the furnishing of bonds conditioned upon the payment of the cost of care and maintenance of mental patients and inebriates or in lieu thereof the furnishing of endorsements of the poor authorities of counties or poor districts in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections 301 302 303 304 305 306 307 308 309 311 312 315 316 404 406 501 and 507 of the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" are hereby amended or further amended as the case may be to read as follows

Section 301 Any person thought to be mentally ill may make application in writing to the superintendent of any hospital for mental diseases for admission as a patient to such hospital Such application shall be signed by the applicant in the presence of at least one witness

If the said superintendent shall be satisfied after examining the applicant that he is in need of hospital treatment and will be benefited thereby and that the mental condition of the applicant is such as to render him competent to make such application said superintendent may receive and care for the applicant in the hospital Provided That a bond in the amount of five hundred dollars ($500.00) payable to the Commonwealth conditioned that the cost of care and maintenance of such patient be paid or in lieu thereof that an endorsement by the poor authorities of a county or poor district be furnished to the superintendent of such hospital

Such patient shall not be detained for more than ten days after he shall have given notice in writing to the superintendent of his desire to leave said hospital but if in the opinion of the superintendent it is inadvisable to discharge such patient the said superintendent shall notify the friends or relatives of the patient or other persons liable for his support

Section 302 Whenever it shall appear that any person is mentally ill or in such condition as to be benefited by or need such care as is required by persons mentally ill the superintendent of any hospital for mental diseases may receive and detain such person on the written application of any relative or friend or the legal guardian of such person or any other responsible citizen and on the certificate of two qualified physicians that said person is mentally ill and is in need of treatment and care in a hospital for mental diseases Provided That a bond in the amount of five hundred dollars ($500.00) payable to the Commonwealth conditioned that the cost of care and maintenance of such patient be paid or in lieu thereof that an endorsement by the poor authorities of a county or poor district be furnished to the superintendent of such hospital

The application aforesaid shall be in the form prescribed by the department and shall state the name sex and residence of the patient the opinion that said patient is mentally ill and that care in such hospital is necessary for his benefit and the facts on which the said opinions are based and such other facts or information as may be required by the department If the facts called for or any of them are unknown to the applicant or applicants it shall be so stated in the application

In the certificate aforesaid the physicans shall each state his residence that he has resided in this State for at least three years that he has been licensed to practice medicine in this State that he has been in the actual practice of medicine for at least three years or has had at least one year's experience as physician in a hospital for mental patients that he is not related by blood or marriage to the patient or to the applicant or any of the applicants that he is not connected in any way as medical attendant or otherwise with the hospital to which application has been made for the admission of the patient that he has examined the patient with care and diligence within one week and that in his opinion the patient is mentally ill and in need of hospital care He shall further state in said certificate the information relative to the patient given him by others and the facts as to the physical and mental condition and the behavior of the patient which he has himself observed on which he bases his opinion

The aforesaid application and certificate shall be sworn to or affirmed before a judge or magistrate and said judge or magistrate shall certify to the genuineness of the signatures and the the standing and good repute of the signers of the certificate The certificate shall not authorize the admission of the patient unless the patient shall be admitted within two weeks of the date thereof

Section 303 Any person who is mentally ill may be placed and detained in a hospital for mental diseases

by order of the court of common pleas or other court of record of the county in which the said person resides or is or of any law judge of said courts upon a sworn or affirmed application by any responsible person addressed to said courts or judges which application shall be accompanied by a sworn or affirmed certificate of two qualified physicians Said application and certificate shall conform in all respects to the forms prescribed by the department and be executed not more than two weeks before the same are presented to the court or judge Such procedure may be held at any place in the discretion of the court or judge who may or may not in his discretion require the presence before him of the said mental patient

A certified copy of the order of the court or judge which shall impose liability for the payment of the cost of care and maintenance of such patient on his estate or on the persons liable under existing laws for his support or on the proper county or poor district and copies of the application and of the certificate shall accompany the patient and be given to the superintendent in charge of the hospital in which the patient is ordered to be placed The said application certificate and order shall be kept on file in a special docket in the court

Such an order shall not authorize the admission of the patient unless he shall be admitted to the hospital within two weeks from the date thereof The superintendent of said hospital shall receive the said patient and may detain him therein until said patient shall have recovered or shall be removed according to law

Section 304 An application may be made to a court of common pleas or judge thereof for an order for the admission of any person thought to be mentally ill to a hospital for mental diseases whereupon the court or judge thereof may in its or his discretion immediately appoint a commission to inquire into and report upon the facts in the case Such commission shall be composed of three persons two of whom shall be qualified physicians and the other a lawyer They shall in their inquisition hear such evidence as may be offered or as they may require relating to the mental condition of the person whose admission to the hospital for mental disease is sought as well as the statements of such person or his counsel and shall make a report in writing to the court or judge thereof setting forth whether or not they find that the person in question is in fact mentally ill and a proper subject for admission to a hospital for mental disease and setting forth the facts on which their conclusion is based

If such commission finds that the person in question is mentally ill and is a proper subject for admission to a hospital for mental diseases and the court or judge thereof shall approve the report of the said commission said court or judge shall thereupon order the person to be admitted to and detained in the hospital named in the application which order shall impose liability for the payment of the cost of care and maintenance of such patient on his estate or on the persons liable under existing laws for his support or on the proper county or poor district A certified copy of the order of the court or judge and copies of the application shall accompany the patient and be given to the superintendent in charge of the hospital in which the patient is ordered to be placed The said application and order shall be kept on file in a special docket in the court The court or judge may or may not in its or his discretion require the presence in court of the person thought to be mentally ill and the procedure may be held in any place in the discretion of the court or judge

If the person thought to be mentally ill shall refuse to submit himself to an examination by the aforesaid commission the court or judge thereof may issue a warrant for the bringing of said person before said commission for examination

Section 305 The Superintendent of any hospital for mental diseases may receive in the hospital of which he has charge and detain for temporary care as a patient for a period not to exceed ten days any person who is or is thought to be suffering from mental illness on the written application to said superintendent by the legal guardian or relative or friend of such person which application shall be accompanied by a certificate of at least one licensed physician that immediate temporary care in a hospital for mental diseases is necessary for such person by reason of mental illness

Said application and certificate shall be given to the superintendent or other officer of the hospital at the time of the admission of the patient

If after the admission of such patient the superintendent shall be of the opinion that the patient does not require such temporary care the superintendent shall discharge said patient or shall notify the said guardian relative or friend on whose application the patient was admitted to forthwith remove the patient from the hospital whereupon it shall be the duty of said guardian relative or friend to remove him and said guardian relative or friend shall be liable to the hospital for the expenses incurred including those for care maintenance and removal

If the said superintendent shall be of the opinion that the patient requires further care and if the patient shall not have been removed from said hospital the said guardian relative or friend shall before the expiration of said period of ten days cause the patient to be duly committed according to law unless said patient shall have signed a request to remain as a voluntary patient [or shall have been removed from said hospital] Provided in either event That within the ten-day period a bond in the amount of five hundred dollars ($500.00) payable to the Commonwealth conditioned that the cost of care and maintenance of such patient be paid or in lieu thereof that an endorsement by the poor authorities of a county or poor district be furnished to the superintendent of such hospital

When such patient is so further committed the costs of such commitment shall be considered to include the expenses incident to his admission for temporary care

Section 306 The superintendent of any hospital for mental disease may receive and detain as a patient for a period not exceeding ten days any person whose case is certified to be one of violent or dangerous mental illness or of other emergency by two qualified physicians in a certificate similar to the certificate required in section three hundred and two of this act except as to being sworn or affirmed to Upon the request of one of the aforesaid physicians or any relative or friend or of the guardian or committee of said patient a sheriff or constable or police officer shall cause the delivery of said patient to the superintendent of said hospital

The person requesting such admission shall within ten days after the date of admission apply to a judge of the court of common pleas or other court of record of the county in which the patient is or resides or was apprehended for the commitment of said patient as mentally ill in accordance with the provisions of section three hundred and three of this act The certificate aforesaid may be used as the certificate of mental illness required in said section If within the said ten days no commitment be made or if the patient does not sign a request to remain in the hospital as a voluntary patient or if the patient be not removed the applicant aforesaid shall be liable to the hospital for the expenses incurred which may be recovered by the [hospital] Commonwealth by suit in assumpsit

Section 307 The guardian committee or any relative or friend of a person thought to be mentally ill may make application to the court of common pleas or other court of record of the county wherein such person resides or is or to any judge thereof for an order for the commitment of such person to a hospital for mental diseases for observation diagnosis and treatment Such application shall be acompanied by the sworn certificate of two qualified physicians setting forth upon a form prescribed by the department that such person is in such a condition as to require observation in a hospital for mental diseases and giving the information called for by said form Thereupon or in his own discretion without such application the court or judge if satisfied that the condition of such person is such as to make his commitment desirable

for his bests interests shall commit him for such period and under such limitations as the court or judge may direct to the institution indicated in the application or to such other like institutions as the court or judge may designate Provided That such court or judge at the time of commitment by order shall impose liability for the payment of the cost of care and maintenance of such patient on his estate or on the persons liable under existing laws for his support or on the proper county or poor district

The Superintendent or other person in charge of the institution to which the said person is committed shall before the expiration of the period of commitment of the patient make written report of said patient's mental condition to the court or judge making the commitment Thereupon the court or judge if satisfied that the patient is not mentally ill shall order his discharge and that the cost of his transportation commitment care and treatment be paid by the person so committed by the applicant for his commitment or by the poor authorities of the county or poor district in which such person is resident as the court or judge shall deem just and proper otherwise the court or judge shall make such order for the further disposition of the patient as may to him seem proper

Section 308 When any person detained in any prison penitentiary reformatory or other penal or correctional institution whether [waiting] awaiting trial or undergoing sentence or detained for any other reason (e g as a witness) shall in the opinion of the superintendent jail physician warden or other chief executive officer of the institution or other responsible person be insane or in such condition as to make it necessary that he be cared for in a hospital for mental diseases the said superintendent jail physician warden or other chief responsible officer of the institution or other person shall immediately make application upon a form prescribed by the department to a law judge of the court having jurisdiction of the charge against said person or under whose order he is detained for commitment of said person to a proper hospital for mental dieases The said judge shall forthwith order and inquiry by two qualified physicians or by a commission as provided in section three hundred and four of this act who shall immediately examine the said person and make written report of their or its findings to the said judge If in their opinion the person so detained is insane the physician shall so state in a certificate conforming to the requirements of section three hundred and two or the commission in a report conforming to the requirements of section three hundred and four of this act They or it shall also report whether in their or its opinion such person is of criminal tendency The said judge may in his discretion summon other witnesses and secure further evidence If he is then satisfied that the person thought or alleged to be insane is in fact insane he shall order the [removal] transfer of such person to a hospital for mental diseases If the [prisoner] person is [a convict] serving sentence or if he is of criminal tendency he shall be removed to a State hospital for insane criminals In any other case the judge shall commit him to some other hospital for mental diseases

If the person found to be insane and [removed] transferred to a hospital is awaiting indictment or trial or has been arraigned or is being tried proceedings against him shall be stayed until his discovery Upon his recovery he shall be returned to the prison from which he was removed for the disposition of the charges against him upon proper order of the court If he is a convict serving sentence the time during which he is in the hospital shall be computed as part of the term for which he was sentenced

The expense of examination including the fees of physicians or commissioners and all costs incident to [such removal] the commitment and transfer of such person and if such person is undergoing sntence all costs of maintenance in the hospital previous to the expiration of such sentence shall be paid by the county liable for the maintenance of the patient in the prison penitentiary reformatory or other penal or correctional institution from which he was [removed] transferred without recourse against any poor district

If the sentence of a person committed to a hospital for mental diseases under the provisions of this section shall expire before his recovery he may be transferred by the authority of the department to any other hospital for care until his discovery when he shall be discharged as in the case of any non-criminal patient If the person found to be insane and removed to a hospital is [a convict] undergoing sentence and recovers before the expiration of his sentence or is found after observation for a sufficient time not to be insane the superintendent or chief officer of the hospital to which said person has been committed shall properly certify such fact to the court which has committed him and he shall be returned upon order of the said court to the prison penitentiary reformatory or other penal or correctional institution from which he was removed The expense of removal shall be paid by the county liable for his maintenance in the prison penitentiary reformatory or other penal or correctional institution from which he was removed without recourse against any [proper] poor district

When on the production or appearance of any person charged with criminal offense or on the production or appearance before the court of such a person under any other circumstances it shall appear to the court that such person is insane or in such condition as to make it necessary that he be observed or cared for in a hospital for mental diseases proceedings for the commitment of such person to such hospital shall be had such as are provided for in section three hundred seven or section three hundred three of this act upon application of some person to be designated by the court

When any person charged with any crime or misdemeanor whatever shall be acquitted on the ground of insanity or having been insane at the time the offense was committed the jury shall set out this fact in [their] its verdict and the court or judge before whom such person is tried may thereupon order such person to be committed to a hospital for mental diseases in the manner provided in sections three hundred three three hundred four or three hundred seven of this act

Section 309 The superintendent of any State or licensed school for mental defectives may receive and detain any mentally defective person resident of this State under twenty years of age and incapable of being properly educated and trained in the public schools whose condition or mental defect and whose need of and fitness for care in a school for mental defectives shall have been certified to by a qualified physician and whose admission shall be applied for by a parent guardian or relative of such person or by any other responsible person having custody of such mentally defective person or being liable for his support

The said application shall be made on a form prescribed by the department and shall state the name sex age and residence of said mentally defective person and such other facts as may be required by the department If the facts or any of them are unknown to the applicant it shall be so stated in the application

If the said application is for the admission of a prson to a school owned and controlled by the Commonwealth it shall be endorsed by the poor authorities of the county in which the said person resides if there be such authorities in said county otherwise by the directors or overseers of the poor district in which said person resides

But before any person shall be admitted to any school for mental defectives under the provisions of this section the consent of the managers or superintendent thereof to such admission shall have been obtained

The poor authorities of any county or the overseers of the poor district therein in endorsing an application for the admission of a person to said school shall state whether or not such person has an estate of sufficient value or a parent or parents of sufficient financial ability to defray the expenses in whole or in part of supporting such person in said school and if there be such means of support in part only then the amount per month which

the parents or parent or legal guardian of such person may be able to pay and the person or persons who make the application for such admission shall therein make statement under oath as to such means of support Before said managers or superintendent shall accept an application for the admission of any person the Department of Revenue shall fix the amount if any which shall be paid for such support according to the ability of such parents or parent of the person or according to the value of such person's estate if any and shall require payment for such support so far as there may be ability to pay as a condition to the admission or retention of said person Said amount may at any time be changed by said Department of Revenue upon receiving further information concerning such means of support When neither the said person nor his parent or parents [are of sufficient financial ability to] defray the expense of his support in said school the poor authorities or directors or overseers of the poor endorsing the application shall pay to the Department of Revenue as collection agency of the school such an amount for clothing as may be required for the comfort and advantage of said person at an annual rate to be established by the Department of Revenue Provided That when clothing is furnished to a patient by relatives or others a county or poor district shall nevertheless be obliged to pay the established annual rate for clothing for such person to the department All other support at the school shall be provided for by annual appropriations at such per capita rates as shall be appropriated by the General Assembly on the application of the trustees or managers after submission of the same to and approval by the Department of Welfare Provided however That in any judicial district in which there is a municipal court vested with the exclusive jurisdiction over proceedings concerning children suffering from epilepsy nervous and mental defects [then] admission of mentally defective or epileptic children to any State or municipal institution from said judicial district shall be exclusively vested in said court

Section 311 (a) Any person mentally defective may be placed and detained in a proper State or licensed school for mental defectives by order of the court of common pleas or other court of record or the juvenile court of the county in which such person is or resides upon the sworn or affirmed petition of any parent guardian or other responsible person addressed to the said court praying that the said person may be placed therein The said petition must be accompanied by a sworn or affirmed certificate of a qualified physician that it is his opinion that the said person is mentally defective and a proper subject for commitment to a school for mental defectives in the said certificate the physician shall further state the facts of his own observation and any other information upon which his said opinion is based It shall be in other respects in form similar to that prescribed by the department for the admission of persons mentally ill to a hospital for mental diseases

The said petition shall be in the form prescribed by the department and shall state the name sex age and residence of the person alleged to be mentally defective the opinion of the petitioner that the said person is mentally defective and such other facts as may be required by the department if the facts or any of them are unknown to the petitioner it shall be so stated in the petition

Thereupon the said court or a judge thereof may in his discretion appoint a day for a hearing of the said petition and if he shall appoint a day for a hearing he shall cause notice thereof to be given to the proper parties in interest and in his discretion he may or may not require the presence of the alleged mentally defective person at said hearing If it shall be made to appear to the said court or judge that the said person is mentally defective and a proper subject for commitment to a school for mental defectives and that the best interests of the said person or the safety and welfare of the public require such commitment the court shall make an order committing such mentally defective person to the school named in the petition and direct his removal thereto by a proper officer or person but before any person shall be admitted under the provisions of this section to any school for mental defectives the consent of the managers trustees or superintendent thereof to such admission shall have been obtained

At the said hearing the said court or judge shall inquire as to the estate of such mentally defective person and if the same be sufficient for the purpose shall make on order directing the payment therefrom of the cost of clothing and other support of such mentally defective person in said school otherwise that such payment be made by the husband or parent of such mentally defective person if it appear that the circumstances of such husband or parent are such as to make such an order proper and advisable Where the estate of said mentally defective person is insufficient and the circumstances of said husband or parent are not such as to warrant such an order for the payment of clothing and other support or either of them the expense of clothing of said mentally defective person shall be paid for by the said county or poor district in which mentally defective person resides and all other support shall be provided for by the Commonwealth at such per capita rates as shall be appropriated by the Legislature on the application of the trustees or managers of the said school after submission of the same to and approval by the department

When any mentally defective person shall have been committed to any school under the provisions of this subsection by a juvenile court the managers or superintendent of said school shall have authority to detain such person after he shall have reached the age of twenty-one years and thereafter in the discretion of said managers or superintendent such person may be discharged or allowed a leave of absence upon the order of the court of common pleas or other court of record or a judge thereof of the county in which the said commitment was made

(b) When any person detained in any prison penitentiary reformatory or other penal or correctional institution whether awaiting trial or undergoing sentence except upon conviction for murder in the first degree shall in the opinion of the superintendent jail physician warden or other chief executive officer of the institution or other reperson be mentally defective or when any person charged with a criminal offense and released on bail pending trial therefor shall in the judgement of any responsible person be a mental defective the said superintendent jail physician warden other chief responsible officer of the institution or other responsible person shall in the case of a person detained in an institution and said responsible person in other cases may make application upon a form prescribed by the department to a law judge of the court having jurisdiction of the charge against said person believed to be mentally defective or under whose order he is detained for the examination and if necessary the commitment of said person to a proper institution for mental defectives

After the completion of the Cumberland Valley State Institution for Mental Defectives all applications for the commitment of male mental defectives over sixteen years of age who have been arraigned and convicted or who are in custody on a criminal charge shall request the commitment of such persons to said Cumberland Valley State Institution for Mental Defectives

The judge to whom application shall be made as hereinbefore provided shall forthwith order inquiry by two qualified physicians or by a commission as provided by section three hundred and four of this act who shall immediately examine the person alleged to be mentally defective and make written report of their or its findings to the said judge If in their opinion the said person is mentally defective the physicians shall so state in a certificate conforming to the requirements of section three hundred and two of this act or the commission in a report conforming to the requirements of section three hundred and four of this act They or it shall also report whether in their or its opinion such person is of criminal tendency The judge may in his discretion summon other witnesses and secure further evidence and if he shall then be satisfied that the person alleged to be mentally defective is in fact mentally defective he shall

order his commitment to an institution for mental defectives or if detained in a prison penitentiary reformatory or other penal or correctional institution his transfer to an institution for mental defectives Provided That after the completion of the Cumberland Valley State Institution for Mental Defectives males over sixteen years of age committed or transferred under the provisions of this subsection shall be committed or transferred to the Cumberland Valley State Institution for Mental Defectives

If the person found to be mentally defective and committed to an institution under this subsection is awaiting indictment or trial or has been arraigned or is being tried proceedings against him shall be stayed until his condition becomes such that he can leave the institution His condition becoming such that he may be released from the institution for mental defectives he shall if he was previously confined in a prison penitentiary reformatory or other penal or correctional institution be returned upon proper order of the court to the institution from which he was transferred for the disposition of the charges against him or the completion of his sentence and if he was [a convict serving a] undergoing sentence the time during which he was in the institution for mental defectives shall be computed as part of the term for which he was sentenced If he was committed to the institution for mental defectives before trial he shall upon being released from the institution for mental defectives be returned to the court having jurisdiction over him for trial or such other disposition of such charges as the court may lawfully make

The expense of examination including the fees of physician or commissioners and all costs incidental to the commitment or transfer of such persons and if such person is undergoing sentence all costs of maintenance in the institution for mental defectives previous to the expiration of sentence shall be paid by the county [in which the person committed or transferred was charged with or sentenced for crime] liable for the maintenance of the patient in the prison penitentiary reformatory or other penal or correctional institution from which he was transferred without recourse against any poor district

Section 312 Any person under twenty-one years of age suffering from epilepsy may be admitted to and detained in any institution or place for the care of epileptics upon the written application to the superintendent of such institution or place by the parent guardian or other person liable for the support of such epileptic person and any epileptic person twenty-one years of age or over may be admitted upon its own written application signed in the presence of at least one witness if his mental condition is such as to render him in the opinion of the superintendent or attending physician of such institution or place competent to make such application Provided That within ten days from the date of such admission a bond in the amount of five hundred dollars ($500.00) payable to the Commonwealth conditioned that the cost of care and maintenance of such patient be paid or in lieu thereof that and endorsement by the poor authorities of a county or poor district shall be furnished to the superintendent of such institution

No epileptic person admitted upon such written application of parent guardian or other person shall be detained more than ten days after the said parent guardian or other person shall have given notice to the said superintendent of his desire or intention to remove such epileptic person and no epileptic person admitted upon his own written request shall be detained more than ten days after he shall have given written notice to the said superintendent of his desire or intention to leave

Section 315 Any inebriate who except for his inebriety is of good character and reputation may be admitted to and detained in any State [or licensed] hospital for mental diseases Provided That a bond in the amount of five hundred dollars ($500.00) payable to the Commonwealth conditioned that the cost of care and maintenance of such person at the full rate established by the Department of Revenue be paid shall have been furnished to the superintendent of such hospital or to any licensed hospital for mental diseases other than a State hospital or to the psychopathic department or ward of any general hospital maintaining such department or ward by the same procedure as in the case of the voluntary admission of a person thought to be mentally ill as provided in section three hundred and one of this act

He shall not be detained therein for more than ten days after he shall have given written notice to the superintendent thereof of his desire or intention to leave

Section 316 Any inebriate who except for his inebriety is of good character and reputation and who is a proper subject for care in a State or licensed hospital or institution for inebriates or for mental diseases may be placed and detained in such institution by order of the court of common pleas or other court of record of the county in which such person is or resides upon petition under oath or affirmation of at least two citizens who shall be either the wife husband parent child committee of the estate of an inebriate or next friends of such person praying for the commitment of such person to a proper hospital or institution for detention care and treatment

Said petition shall state the opinion of the petitioners that the said person is an inebriate within the scope of this act and is a fit subject for detention care and treatment in such a hospital or institution and shall set forth the facts on which said opinion is based Said petition shall be accompanied by the sworn or affirmed certificate of two qualified physicians based on careful examination by them of the alleged inebriate setting forth the condition of such person their opinion that said person is an inebriate and a fit subject for detention care and treatment and stating the facts of their own observation and the information given them by others on which said opinion is based

Upon such petition and certificate the said court shall issue its warrant requiring the said inebriate on a day fixed to be bought in court for a hearing If after such hearing the court is satisfied that the alleged inebriate is a proper subject for detention care and treatment the court shall commit said inebriate to the hospital or institution set forth in the petition or other appropriate hospital or institution and shall in its order impose liability for the payment of the cost of care and maintenance of such patient on his estate or on the persons liable under existing laws for his support or on the proper county or poor district But before such commitment shall be made the consent of the superintendent thereof to such admission shall have been obtained When so committed the said inebriate shall remain in such hospital or institution until the board of managers or trustees or the superintendent thereof shall certify to the said court that detention care and treatment are no longer beneficial or necessary to the inebriate or that he is cured whereupon the court shall order the inebriate to be discharged under such supervision and destriction as the court may impose But no person shall be detained under the provisions of this act for a period of more than one year

Section 404 The board of trustees of any mental hospital and the superintendent thereof when given general or special authority therefor by such board of trustees or the person in charge if there be no board of trustees shall have the power and authority to discharge any patient from such hospital if in their or his opinion no harm will arise from such action and if notice of such action shall have been given to the Department of Revenue but no insane criminal under sentence and no person charged with any crime and acquitted on the ground of insanity shall be discharged from such hospital without an order of the court in which he was sentenced or acquitted authorizing such discharge No patient who is known to be homicidal or otherwise dangerous to be at large shall be discharged without examination by and the written consent of the department nor without a sufficient guarantee by the person for said patient's support and care that the safety of the public or any individual shall be safeguarded No patient whose parent guardian or friend liable for his support shall oppose his discharge shall be discharged without notification to such parent guardian or friend and opportunity given him to state his reasons for wishing the said patient's further detention and no mentally defective person or inebriate who has been committed by an order

of the court except in the case of a person discharged by lapse of time from leave of absence or escape and except in case such inebriate has been under hospital care for one year shall be discharged without the recommendation of the chief medical officer in charge and an order from the court

A mental defective who has been arraigned and convicted or was in custody on a criminal charge prior to his transfer to an institution for mental defectives shall not be discharged under the foregoing provisions before he might have been discharged from the prison penitentiary reformatory or other penal or correctional institution from which he was originally transferred to the institution for mental defectives

A mental defective forty-five years of age and over not having criminal tendencies and no longer requiring treatment training and custody in an institution for mental defectives may upon recommendation of the superintendent and trustees with the approval of the Department of Welfare be returned to the county to which he or she belongs provided that in cases committed by a court the consent of said court shall first be obtained

Section 406 Any proper court shall have the power and authority to order and compel the discharge of any mental patient committed by such court to any mental hospital if upon hearing it shall be made to appear that such discharge is for the best interests of the patient and not incompatible with the public welfare and safety Provided That before ordering such discharge the court shall require that notice of the application for the discharge shall first have been given to the Department of Revenue In making any such order if it is not in accordance with the expressed opinion of the physician in charge of the hospital the court shall set forth the reasons for its decision which reasons shall be part of said order and the said order and reasons and the opinion of the physician in charge of the said hospital shall be entered in the clinical record of the patient Provided however That the court may at its discretion admit in evidence the sworn statement of the physician in charge of the hospital his assistant or the physician in charge of the patient as to the condition of the patient without the necessity of the appearance and personal examination of such physician

Section 501 Whenever any patient who is mentally ill mentally defective epileptic or inebriate is admitted to any mental hospital whether by order of a court or judge or in any other manner authorized by the provisions of this act the cost of such admission or commitment shall be deemed to include the expenses of removing such patient to the hospital the fees of physicians or commissioners and all other necessary expenses however incurred Such costs shall be chargeable to the estate of such patient or to the person liable for his support Provided That if such estate or person is unable to pay the same the county or poor district liable for the support of such patient shall be liable for such costs

If the patient is committed by order of court the court or judge shall determine at the time of commitment the liability for such costs shall designate the responsible county or poor district and shall assess the same as shall seem to him just and proper

Section 507 The expenses of the care and maintenance including clothing in any mental hospital of an insane [prisoners] or mentally defective person undergoing sentence for a criminal offense shall be paid [in the same manner as the costs of commitment of such prisoner as provided in section five hundred and two of this act] by the county liable for the maintenance of the patient in the prison penitentiary reformatory or other penal or correctional institution from which he was transferred Provided That if the term of sentence of any prisoner shall expire while he is still a patient in any hospital such expenses shall thereupon become chargeable as provided in section five hundred and three of this act

Section 2 This act shall become effective the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1560, as follows:

An Act for the protection of the public health and the prevention of fraud and deception requiring clean sanitary establishments for the manufacture preparation or bottling of non-alcoholic drinks and liquid foods including clean sanitary ingredients and containers regulating the maintenance and operation of such establishments and the use of containers prescribing penalties and providing for injunctions in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words and phrases unless the context clearly indicates otherwise shall have the meaning ascribed to them in this section

"Bottling establishment" includes all buildings rooms basements cellars lofts or other premises or parts thereof used occupied or maintained in this Commonwealth for the purpose of manufacturing preparing keeping storing handling or distributing in any manner nonalcoholic drinks or liquid foods in bottles cans or other containers for sale

"Department" means the Department of Agriculture of this Commonwealth

"Liquid Foods" includes not only every liquid article used for food by man but also every liquid article used for or entering into the composition of or intended for use as an iingredient in the preparation of food for men

"Non-alcoholic drinks" includes all non-alcoholic drinks whether simple mixed or compound and all substances and ingredients used in the preparation thereof

"Person" includes any partnership association or corporation as well as a natural person

Section 2 It shall be unlawful for any person to manufacture prepare or bottle non-alcoholic drinks or liquid foods in an unclean unsanitary establishment or under unclean unsanitary conditions or to use unsanitary ingredients bottles receptacles or utensils

Section 3 Every bottling establishment bottling non-alcoholic drinks subject to the provisions of this act shall be maintained and operated with strict regard for the purity and wholesomeness of the non-alcoholic drinks and liquid foods therein produced or distributed In order to protect the public health such establishments shall be maintained and operated pursuant to the following general requirements

(a) The entire bottling establishment and its immediate appertaining premises including the fixtures and furnishings the machinery apparatus implements utensils and receptacles used in the production keeping storing handling or distributing of the non-alcoholic drinks or liquid foods or of the materials used therein shall be maintained and operated in a clean sanitary manner

(b) The non-alcoholic drinks or liquid foods and the materials used therein shall be clean wholesome and protected from any foreign and injurious contamination which may tend to render said non-alcoholic drinks and liquid foods unfit for human consumption

(c) The clothing habits and conduct of the employes shall be conductive to and promote cleanliness and sanitation

(d) There shall be proper suitable and adequate toilets and lavatories constructed maintained and operated in a clean and sanitary manner

Section 4 It shall be unlawful for any person to manufacture prepare or bottle non-alcoholic drinks or liquid foods in bottles cans or other containers upon the label or crown of which is printed the name of another bottler or manufacturer or on which is blown or imprinted or stamped the name of another bottler or manufacturer

Section 5 The Department of Agriculture shall enforce and adopt rules and regulations to carry out the provisions of this act

Section 6 The department through its duly authorized officers inspectors agents or other assistants shall be per-

mitted at all reasonable times to inspect any bottling establishment or part thereof together with its operation Any person refusing or interfering with such inspection shall upon conviction be punished as provided in this act

Section 7 All bottles used for bottling liquid foods or non-alcoholic drinks before being filled shall be cleansed by soaking in a hot caustic solution of not less than one hundred and ten degrees Fahrenheit that shall contain not less than three per centum of caustic or alkali expressed in terms of sodium hydrate or its equivalent in cleansing and germicidal effectiveness for a period of not less than five minutes then thoroughly rinsed in pure water The cleansing solution shall be changed frequently so as to prevent its becoming foul and unsanitary

Section 8 Any person who shall violate any of the provisions of this act or any rule regulation or order of the department made pursuant to this act shall for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) and costs of prosecution and in default of such fine and costs shall be sentenced to undergo imprisonment in the county jail for not less than thirty days nor more than sixty days and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1000) or to undergo imprisonment not exceeding one year or both in the discretion of the court

Section 9 The Attorney General at the request of the department may in the name of the Commonwealth institute proceedings in the Court of Common Pleas of Dauphin County for the purpose of enjoining any person violating any of the provisions of this act from bottling any nonalcoholic drinks and liquid foods in this Commonwealth and for such purpose jurisdiction is hereby conferred upon said court In such cases the Attorney General shall not be required to give bond

Section 10 All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund

Section 11 The act approved the tenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 468) entitled "An act for the protection of the public health by providing clean sanitary establishments for bottling non-alcoholic drinks including clean sanitary ingredients bottles receptacles and utensils and providing penalties for the enforcement thereof" is hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1564, as follows:

An Act to amend section four hundred thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing that certain forms used by the county commissioners relative to the compilation of war records of deceased service men shall be prescribed but not furnished by the Department of Military Affairs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by section eight of the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 683) is hereby further amended to read as follows

Section 439 Compilation of War Records The County Commissioners of each county in the State are hereby authorized and directed at the expense of the county to compile a record of the burial places within such county of deceased service men Such record so far as practicable shall indicate the name of each such person the service in which he or she was engaged the number of the regiment or company or command the rank and period of service the name and location of the cemetery or other place in which his or her body is interred the location of the grave in such cemetery or other place and the character of headstone or other marker if any at such grave Such record shall be known as the Veterans' Grave Registration Record of .....County and shall be a public record open to inspection during business hours

The county commissioners of each county in this State shall cause record blanks to be prepared according to forms [furnished] prescribed by the Department of Military Affairs whereby the information required for such record may be transmitted to them Every person firm association or corporation including a municipal corporation owning or controlling any cemetery or burial place within the State in which are interred the bodies of deceased service men shall file with the county commissioners of the county in which such cemetery is located a certificate on the record blanks provided by said county commissioners of the facts required for such record as far as the same are within the knowledge of such person firm association corporation or the agents thereof The county commissioners shall cause record blanks to be distributed to such persons firms associations and corporations as they deem advisable with the request that such information be transmitted to them Any such person firm association or corporation except municipal corporations upon receipt of such blanks or forms who shall refuse or neglect to fill out and transmit to the county commissioners such blanks or forms within six months after receipt of same shall be subject to a fine upon conviction in summary proceedings of one hundred dollars

For the purpose of locating the burial places of persons who have served in the military or naval service or other branches of the combative forces of the United States during any war in which the United States was engaged the Grand Army of the Republic the United Spanish War Veterans the Veterans of Foreign Wars of the United States the American Legion and the Disabled American Veterans of the World War through their local camps posts and branches in this State are authorized without expense to the county to collect the required data and prepare and file with the county commissioners certificate embodying the information provided for in this section For the purpose of carrying into effect the provisions of this section the county commissioners shall appoint a veterans' grave registrar who shall receive such compensation as the salary board may fix in counties where such boards exist otherwise by the county commissioners

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 111, as follows:

An Act to promote the safety and general welfare of miners in the bituminous coal industry by prohibiting the employment of miners in the bituminous coal mines unless certificated after examination by a miners' examining board and the payment of certain fees providing for the appointment of such boards and defining their powers and duties and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania

in General Assembly met and it is hereby enacted by the authority of the same That from and after the first day of July one thousand nine hundred and thirty-seven no person shall be employed or engaged as a coal miner in any bituminous coal mine in this Commonwealth without first having obtained a certificate of competency and qualification so to do from the miners' examining board of the proper district appointed under this act Provided however That any miner holding a certificate may have one person working with him and under his direction as an apprentice for the purpose of learning the business of mining

Section 2 There shall be established in each of the miners' examination districts in the bituminous counties a board to be styled the "Miners' Examining Board" of the.....district to consist of nine miners who shall be appointed by the State Senator or Senators representing the senatorial district or districts included within the miners' examination district with the approval of the Secretary of Mines from among the most skillful miners actually engaged in said business in their respective districts and who must have had two years' practical experience in the same The said persons so appointed shall each serve for a term of two years from the date on which their appointment takes effect and they shall be and constitute the "Miners' Examining Board" for their respective districts and shall hold the office for the term for which they were appointed or until their successors are duly appointed and qualified and shall receive as compensation for their services ten dollars ($10.00) per day for each day actually engaged in this service and all necessary expenses incurred in attending the meetings of said board under the provisions of this act and no part of the salary of said board or expenses thereof shall be paid out of the State Treasury

Each of said boards shall organize by electing one of their members president and one member as secretary and by dividing themselves into three sub-committees for the more convenient discharge of their duties each of said committees shall have all powers hereinafter conferred upon the board and whenever in this act the words "examining board" are used they shall be taken to include any of the committees thereof

Every member of said board shall within ten days of their appointment or being apprised of the same take and subscribe an oath or affirmation before the prothonotary or a judge of the court of common pleas of the county in which they reside that they will faithfully and impartially discharge the duties of their office

Any vacancies occurring in said board shall be filled in the manner hereinbefore provided for original appointment from among such only as are eligible for original appointment

The bituminous counties of the Commonwealth shall be divided into miners' examination districts for the purpose of carrying out the provisions of this act as follows First District Washington and Greene Counties Second District Fayette County Third District Westmoreland County Fourth District Allegheny County Fifth District Beaver Butler Armstrong and Lawrence Counties Sixth District Somerset Bedford Fulton Blair and Huntingdon Counties Seventh District Cambria Indiana Jefferson Clearfield and Centre Counties Eighth District Mercer Venango Clarion Elk and McKean Counties Ninth District Clinton Tioga Lycoming and Bradford Counties

Section 3 The several miner's examining board shall hold their first examinations at such times and places as the Secretary of Mines may designate and thereafter shall designate some convenient place within their districts for the meeting of the several committees thereof of which due notice shall be given by advertisement in two or more newspapers of the proper county and so divided as to reach as nearly as practicable all the mining districts

Each of said committees shall open at the designated place of meeting a book of registration in whcih shall be registered the name and address of each and every person duly qualified under this act to be employed as a miner in a bituminous coal mine and it shall be the duty of all persons employed as miners to be properly registered and in case of a removal from the district in which a miner is registered it shall be his duty to be registered in the district to which he has removed

Application for registration only may be sent by mail to the board after being properly attested before any person authorized to administer an oath or affirmation in the county in which the applicant resides The form of application shall be subject to such regulation as may be prescribed by the board but in no case shall any applicant be put to any unnecessary expense in order to secure registration

Section 4 Each applicant for examination and registration and for the certificate hereinafter provided shall pay to the miners' examining board a fee of one dollar ($1.00) and a fee of twenty-five cents (25c) shall be charged for registering any person who shall have been examined and registered by any other board and the amount derived from this source shall be held by said boards and applied first to the expenses and salaries herein provided and such as may arise under the provisions of this act The said boards shall report annually to the Department of Mines all moneys received and disbursed under the provisions of this act together with the number of miners examined and registered under this act and the number who failed to pass the required examination and the balance of money in their possession which is not deemed necessary by the Department of Mines for the payment of expenses and salaries shall be ordered paid over to the State Treasury

Section 5 It shall be the duty of each of the said boards to meet once every month and not oftener Such meeting shall be public and if necessary the meeting shall be continued to cover whatever portion may be required of a period of three days in succession The board shall examine under oath all persons who shall desire to be employed as miners in their respective districts and shall grant such persons as may be qualified certificates of competency or qualification which shall entitle the holders thereof to be employed as and to do the work of miners as may be expressed in said certificate Such certificate shall be good and sufficient evidence of registration and competency under this act and the holder thereof shall be entitled to be registered without an examination in any other of the bituminous districts upon the payment of the fee herein provided

All persons applying for a certificate of competency or to entitle them to be employed as miners must produce satisfactory evidence of having had not less than two years' practical experience as a miner or as a mine laborer in bituminous mines and in no case shall an applicant be deemed competent unless he appears in person before the board and answers intelligently and correctly questions pertaining to the requirements of a practical miner in compliance with the State mining laws The board shall keep an accurate record of the proceedings of all its meetings and in said record shall show a correct detailed account of the examination of each applicant with the questions asked and their answers and at each of its meetings the board shall keep said record open for public inspection No miner's certificate granted under the provisions of this act shall be transferable to any person or persons whatsoever and any transfer of the same shall be deemed a violation of this act Certificates shall be issued only at meetings of the board and shall not be legal unless then and there signed in person by at least three members of the board

Section 6 No person shall after the first day of July one thousand nine hundred and thirty-seven engage as a miner in any bituminous coal mine in this Commonwealth without first having obtained a certificate of competency and qualification as provided for in this act nor shall any person copartnership association or corporation or his or its agent employ as a miner any person who does not hold such certificate Any person copartnership association or corporation who shall violate or fail to comply with the provisions of this act shall be guilty of

a misdemeanor and on conviction thereof shall be sentenced for each violation to pay a fine of not less than one hundred dollars ($100.00) and not to exceed five hundred dollars ($500.00) or shall undergo imprisonment for a term of not less than thirty (30) days and not to exceed six (6) months or either or both at the discretion of the court

Section 7 It shall be the duty of the several miners' examining boards to investigate all complaints or charges of non-compliance or violation of the provisions of this act and to prosecute all persons so offending and upon their failure so to do then it shall become the duty of the district attorney of the county wherein the complaints or charges are made to investigate the same and prosecute all persons so offending It shall at all times be the duty of the district attorney to prosecute such members of the miners' examining board as have failed to perform their duty under the provisions of this act but nothing herein contained shall prevent any citizen a resident of this Commonwealth from prosecuting any person or persons violating this act with power to employ private counsel to assist in the prosecution of the same Upon conviction of any member of the miners' examining board for any violation of this act in addition to the penalties herein provided his office shall be declared vacant and he shall be deemed ineligible to act as a member of such board

Section 8 For the purposes of this act the members of the miners' examining board shall have power to administer oaths

Section 9 All acts and parts of acts inconsistent herewith are hereby repealed

Section 10 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 132, as follows:

An Act to prohibit the continuous operation of the underground workings of anthracite coal mines

Whereas The mining of anthracite coal is a haxardous occupation and it is the duty of the State in the exercise of its police power to enact legislation for the protection of the lives of persons employed in such coal mines and

Whereas One of the great dangers in the mining of coal is caused by the cave-in of the roofs over and sides of mine workings and

Whereas The time of eight hours beginning with eleven o'clock Post Meridian is provided by nature for rest and not work

Whereas A continual operation of mines materially increases this danger because the overhead strata and sides of workings are unduly disturbed and not given the period of rest required for safe mining operations therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter it shall be unlawful for the owner operator or lessee of any anthracite coal mine or his agents or employes to operate or permit the operation of the underground workings of such mine in the mining of coal for more than sixteen hours in each twenty-four hours or to fail to give the underground workings of such mine a continuous rest from mining operations of at least eight hours in each twenty-four hours Any owner operator or lessee of any anthracite coal mine or his agents or employes violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of three hundred dollars ($300) for each day such mine is operated contrary to the provisions of this act or in default of the payment of such fine and costs the person or persons responsible for such violation shall be sentenced to imprisonment for a term not exceeding six months

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1087, as follows:

An Act providing for the exclusions from the court room and the segregation of certain witnesses in criminal cases imposing restrictions on such witnesses providing for their maintenance at the expense of the county and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That on the trial of any person accused of the commission of any crime in any court of original criminal jurisdiction whether of record or not of record either the prosecuting attorney or the defendant or his attorney may either before any testimony is taken or at any time during the course of the trial apply to the court for an order that any or all of the witnesses on either or both sides be sworn and placed in the custody of an officer and removed out of the court room to some place where they cannot hear the testimony given by any other witness in the cause Such proceeding shall be known and is hereinafter referred to as placing witnesses under rule

Section 2 The party making application to have witnesses placed under rule may designate such of the witnesses as he desires placed under rule It shall be within the sole discretion of the court whether or not any witnesses and if any what witnesses shall be placed under rule except in cases of trial for homicide in which all applications shall be granted as made Provided however That in no case shall any witness called to give expert or opinion testimony only be placed under rule

Section 3 Witnesses when placed under rule shall be instructed by the court that they shall not while under rule converse with each other or with any person about the case except by permission of the court and that they shall not read any report of or comment upon the testimony in the case The officer who attends the witnesses under rule shall report to the court at once any violation of its instructions Any person violating any such instructions and any officer attending any witnesses under rule who converses with such witness about the case or who knowingly permits or fails to report any violation of such instructions shall be in contempt of court and punishable as such

Section 4 All witnesses under rule shall at all times be attended by an officer and all their reasonable wants shall be provided for at the expense of the county unless the court in its discretion directs that they be allowed to go at large but in no case shall any witness under rule be allowed to hear any testimony in the case

Section 5 All acts and parts of acts inconsistent herewith are hereby repealed

Section 6 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 647, as follows:

An Act to promote public health morals safety and welfare by providing for the supervision and encouragement of housing creating a State Board of Housing a departmental administrative board within the Department of Health providing for the organization of the board the appointment and removal of its members enumerating its duties and powers including the powers to conduct investigations issue subpoenas apply to courts for punishment of contempts make orders rules and regulations prescribe forms require reports supervise the operations of limited dividend housing companies and housing authorities and their members and employes commence actions to prevent violations of laws and to surcharge members of authorities supervise rentals charged by limited dividend companies charge fees for services providing for the selection and removal of the board's employe providing for appeals from its orders and making an appropriation

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that

Section 1 This act shall be known as and may be cited as the "State Board of Housing Law"

Section 2 Findings and Declaration of Policy It has been determined by the General Assembly of this Commonwealth and it is hereby declared as a matter of legislative finding that

(a) There exist in urban and rural communities within the various counties of this Commonwealth slums or unsafe unsanitary inadequate or overcrowded dwellings or a combination of these conditions accompanied and aggravated by an acute shortage of decent safe and sanitary dwellings within the financial reach of families of low income such conditions arising from overcrowding obsolete buildings lack of proper light air and sanitary facilities

(b) The above enumerated conditions both singly and in combination are prejudicial to the health and welfare of the people of this Commonwealth because they (1) encourage the spread of disease and impair public health and morals (2) increase the hazards of fires accidents and other calamities which result in loss of life and property (3) subject the moral standards of the young to influences which have permanent deleterious social effects (4) increase the violation of the criminal laws of the Commonwealth so as to jeopardize the safety and well-being of the inhabitants thereof (5) necessitate the expenditure of vast sums of public money both by the Commonwealth and local governmental bodies for the purposes of crime prevention punishment and correction fire prevention public health service and relief

(c) The failure to remedy the acute dwelling shortage is directly related to the stagnation of business activity in the construction durable goods and allied industries which are conducted within this Commonwealth and the stagnation of which has produced serious and prolonged unemployment with al its injurious effect upon the health and welfare of the inhabitants of this Commonwealth

(d) Private industry alone has been and now is unable to overcome the obstacles which have prevented and are now preventing it from relieving the shortage of decent safe and sanitary dwellings for families of low income

Therefore it is hereby declared to be the policy of the Commonwealth of Pennsylvania to promote the health morals safety and welfare of the inhabitants thereof by providing for the creation of a State Board of Housing for the purpose of supervising encouraging assisting and regulating any housing authorities limited dividend corporations or other associations organizations bodies corporate or politic which may exist or be formed within the Commonwealth to ameliorate the conditions hereinabove described

Section 3 Definitions The following words and phrases when used in this act shall have the meanings respectively ascribed to them in this section

1 "Actual Cost" Cost of project or real property buildings and improvements in projects including charges for financing supervision and carrying charges during construction including interest on borrowed capital

2 "Areas of Bad Housing" shall mean areas where in the opinion of the State Board of Housing land is overcrowded or where the structural or unsanitary condition of unfit obsolete or deteriorated buildings have in the opinion of the board a tendency to endanger the health safety morals or general welfare of the public Such areas shall extend only to the limits of neighborhoods that might reasonably be demed to be affected by these conditions but may include buildings not in themselves structurally unsafe or unsanitary

3 "Board" shall mean the State Board of Housing created by this act as a departmental administrative board within the Department of Health of the Commonwealth

4 "Housing Authority" or "Authority" shall mean any public housing authority created under that name by any act of assembly of this State

5 "Housing Project" or "Project" shall mean any work or undertaking (1) to demolish clear or remove buildings from any area of bad housing or to adapt such area to public purposes including parks playgrounds swimming pools or other recreational or community purposes or (2) to provide recent safe and sanitary dwellings apartments or other living accommodations for persons of low income through new construction or reconditioning or repair of existing structures Such work or undertaking may include buildings land equipment facilities and real or personal property for necessary convenient or desirable appurtenances streets sewers water services parks site preparation gardening administrative community health recreational educational welfare or other purposes or (3) to accomplish a combination of the foregoing The term "Housing Project" or "Project" also may be applied to the planning of buildings and improvements and all other work in connection therewith

6 "Limited Dividend Housing Company" shall mean a company incorporated under or accepting the provisions of any Limited Dividend Housing Company Law

7 "Municipality" shall mean any county city borough or township

Section 4 State Board of Housing There is hereby created and established a State Board of Housing which shall be a departmental administrative board within the Department of Health and which shall be deemed subject to all the provisions of the Administrative Code of one thousand nine hundred and twenty-nine as amended which apply generally to departmental administrative boards The Board shall consist of five citizens of the Commonwealth who shall be appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate Members of the Board who are first appointed shall be designated by the Governor to serve for terms of one two three four and five years respectively from the date of their appointment Thereafter the term of office shall be for five years A member shall hold office until his successor has been appointed and has qualified A vacancy occurring during a term shall be filled only for the balance of the unexpired term Each appointee shall be qualified by training or experience to perform the duties of the board The members of the board shall be entitled to receive their traveling and other necesary expenses actually incurred in the performance of their public duties plus an honorarium not more than five dollars per diem provided no greater sum than fifteen dollars shall be received by a member for any sequence of several days' continuous service The board shall organize by the election of a chairman and secretary Three members shall constitute a quorum The board shall appoint a full-time executive director who may act as secretary of the board but who shall not be a member of the board and who shall be technically qualified for the duties of his office The executive director shall be under the sole direction of the board He shall receive a salary of six thousand dollars per annum The board shall have power to select and fix the salaries of such employes as may be necessary for the performance of the duties and

the exercise of the powers herein imposed or conferred upon the board

Section 5 Removal of Members of Board The Governor may remove a member of the board for inefficiency neglect of duty or misconduct in office

Section 6 General Powers and Duties of the Board The Board shall (a) study housing conditions and needs throughout the Commonwealth to determine areas wherein the conditions of bad housing enumerated in Section 2 (a) of this act exist (b) devise ways and means of eliminating such conditions in such areas and of securing economies in the construction or renovation of dwellings so that a large number of safe and sanitary houses may become available for families of low income (c) collect and distribute information relating to housing to the administration of housing authorities and to the construction maintenance and operation of projects by such authorities (d) suggest and assist in the preparation of legislation relating to housing authorities and their functions (e) exercise such powers of supervision over housing authorities as may be prescribed in this act (f) encourage approve supervise and control the organization and operation of limited dividend housing companies (g) recommend or approve areas within municipalities which areas may be within adjacent to or separate and apart from designated areas of bad housing within which the development of housing projects by limited dividend housing companies may be undertaken (h) cooperate with local housing officials and planning commissions or similar bodies in cities and other municipalities in the development of projects (i) have jurisdiction over all limited dividend company housing projects (j) from time to time make amend and repeal rules and regulations for carrying into effect the provisions of this act (k) conduct public hearings and thereafter issue such appropriate orders as may be permitted by law

Section 7 Inquisitorial Powers of the Board The board shall have power to investigate the affairs of limited dividends housing companies and housing authorities to the extent provided by law as well as the dealings transactions or relationships of such companies or authorities with other persons Any of the investigations provided for in this act may be conducted by the board or by a committee appointed by the board consisting of one or more members of the board Each member of the board or of a committee thereof shall have power to administer oaths take affidavits and to make personal inspections of all such places as may be necessary in the performance of their duties The board or a committee thereof shall have power to subpoena and require the attendance of witnesses at any place in the Commonwealth designated by the board and the production of books and papers pertaining to the investigations and inquiries authorized in this act and to examine them in relation to any matter it has power to investigate

Section 8 Enforcement of Board Subpoena Any witness who refuses to obey a subpoena issued by the board in the performance of its duties or who refuses to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished for contempt Application for punishment for contempt may be made by the board to any court of common pleas within whose territorial jurisdiction the offense was committed

Section 9 Accounts and Records of Housing Authorities The Board shall prescribe uniform systems and forms for keeping accounts records and books to be used by an authority The board may require an authority to file periodical reports in addition to annual reports but not oftener than quarterly covering its operations and activities Such reports shall be in a form prescribed by the board The board may from time to time require from an authority or any member or members thereof specific answers to questions upon which the board may require information in order to effectuate the purposes of this act For the purpose of gathering in formation to facilitate the making of suggestions for legislation the board may require an authority to submit additional information relating to the projects of an authority

Section 10 Filing of Plans of Authorities or Limited Divident Companies The board shall receive and preserve all information and papers which must be filed with it in connection with any authority or limited dividend company by the terms of the law The board shall require the filing with it of a copy of the plans of each proposed project of each authority or limited dividend company embodying the layout estimated costs and proposed methods of financing Upon the filing of any such copy the board shall with reasonable promptness transmit to the authority or limited dividend company its criticisms and suggestions Any change made thority or limited dividend company At any time upon request of the authority or limited dividend company the board shall submit to the authority or limited dividend company its criticisms and suggestions with reference to any change in a project of the authority or limited dividend company

Section 11 Supervision of Operations of Authority or Limited Dividend Company Whenever the board is of the opinion that any of the projects or plans of an authority or limited divident company are in violation of any law of this Commonwealth it shall commence an action for an injunction against the carrying out of such projects or plans

Section 12 Supervision of Members of Authorities Whenever it shall appear to the board that any member or employe of an authority has had an undisclosed interest in any property included in any project of such authority or in any contract for materials or service furnished to such authority the board shall take appropriate steps to insure that such member or employe shall be surcharged in favor of such authority to the extent of any profit to such member or employe

Section 13 Approval of Projects of Limited Dividend Companies by the Board No housing project proposed by a limited dividend housing company shall be undertaken and no building or other construction shall be placed under contract or started without the aproval of the board No such housing project shall be approved by the board unless

(a) There is an acceptance by such limited dividend housing company of a designee of the State Board as a member of the board of directors of such corporation

(b) It shall appear practicable to rent the housing accommodations of such company at rentals not exceeding those prescribed by the board in accordance with this act No such project shall be approved in contravention of any zoning or building ordinances in effect in the municipality in which designated areas are located

(c) There shall be submitted by such company a financial plan in such form and with such assurances as the board may prescribe to raise at least twenty-five per centum of the actual cost of the lands and improvements through the investment of private capital in the shares and income debentures of such company and to raise the balance by mortgage bonds which shall not exceed seventy-five per centum of the actual cost of the project provided however when the bonds of such company are insured by any agency of the Federal government the entire amount of paid in capital need not exceed the difference between the total par value of the insured bonds and the actual cost of the project or projects of such company The plan may provide for the raising of working capital in an amount to be approved by the board not to exceed three per centum of the actual cost through the investment in shares and income debentures of the company

(d) There shall be submitted by such company such plans of site development and buildings as show conformity to reasonable standards of health sanitation safety and provisions for light and air accompanied by proper specifications and estimates of cost Such plans may if the board approves provide for the use to the extent permitted by law of a limited portion of the buildings for stores professional offices necessary garage facilities and commercial cooperative or recreational purposes Such plans and specifications shall not in any case fall below

the requirements of the health sanitation safety and housing laws of the Commonwealth and shall meet superior requirements if prescribed by local laws and ordinances No such plan of a proposed project of a limited dividend company shall be approved by the board unless the board is reasonably assured that the proposed housing development conforms with or calls for higher standards than the local official city or regional plan building and zoning regulations

(e) The limited dividend company shall agree if required by the board to deposit all moneys received by it as proceeds of its mortgage bonds notes income debentures or shares with a corporate trustee approved by the board Such trustee shall receive such moneys and make payment therefrom for the acquisition of land and the construction of improvements and other items entering into cost of land and improvements upon presentation of draft check or order signed by a proper officer of the company Any funds remaining in the custody of such trustee after the completion of the project and payment or arrangement in a manner satisfactory to the board for payment in full thereof shall be paid to the company

Section 14 Concolidation or Operation of Several Projects The board may permit the consolidation of two or more approved projects of a limited dividend company or the extension or amendment of any approved project or the consolidation of any approved project with a proposed project In any of these events the consolidated project shall be treated as an original project and an application shall be submitted as in the case of an original project and rents may be averaged throughout the consolidated or extended project but the averaging of rentals shall not be approved if consolidated projects are so widely separated that the averaging of rentals is not warranted The board may likewise permit any limited dividend housing company to organize and operate more than one project or to take over any project heretofore approved by the board and to operate it independently of other projects of such company The board may in its discretion decline to permit more than one project to be operated by the same limited dividend housing company The board may permit a Limited Dividend Housing Company to sell assign convey or dispose of real property or any interest therein owned by it under such terms regulations or restrictions as the board shall approve

Section 15 General Regulation of Limited Dividend Housing Companies by the Board In pursuance of its power and authority to supervise and regulate the operations of limited dividend housing companies the board shall

(a) Order such repairs and improvements as will preserve the health safety and general welfare of the occupants of buildings and structures owned or operated by such companies

(b) Order all such companies to do such acts as may be necessary to comply with the provisions of the law the rules and regulations adopted by the board or the terms of any project approved by the board or to refrain from doing any acts in violation thereof

(c) Examine all such companies and keep informed as to their general condition their capitalization and the manner in which their property is constructed leased operated or managed

(d) In all proceedings to foreclose mortgages of such companies and in all other actions where judgments have been entered upon which any of the real property of such companies may be sold take such steps as in its judgment may be necessary to protect the interest of the public therein and the rights of all parties interested in such property

(e) Either through its members or agents duly authorized by it enter in or upon and inspect the property equipment buildings plants offices apparatus and devices of any such company examine all books contracts records documents and papers of any such corporation and by subpoena duces tecum compel the production thereof

(f) In its discretion prescribe uniform methods and forms of keeping accounts records and books to be observed by such companies and after a hearing to prescribe by order accounts in which particular outlays and receipts shall be entered charged or credited

(g) Require every such company to file with the board an annual report setting forth such information as the board may require verified by the oath of the president and general manager or receiver if any thereof or by the person required to file the same Such report shall be in the form cover the period and be filed at the time prescribed by the board The board may further require specific answers to questions upon which the board may desire information and may also require such corporation to file periodic reports in the form covering the period and at the time prescribed by the board

(h) Establish such rules as may be necessary from time to time governing the necessity amount and purpose of reserves of such companies

(i) "Upon the filing by a limited dividend housing company of a petition requesting the board to institute condemnation proceedings to acquire property described in the petition which the limited dividend company shall therein certify to be necessary for a housing project the board shall determine in its discretion whether the public interest would be served by its instituting condemnation proceedings to acquire the property described in the petition and whether such property is necessary for public use After the adoption by the board of a resolution declaring that the acquisition of the property described in the petition is in the public interest and necessary for public use the board may exercise the power of eminent domain to acquire such property in the manner provided by law for the exercise of such right by the Commonwealth of Pennsylvania Before instituting any such condemnation proceedings to acquire property for a limited dividend housing company the board shall require said company to deposit with it a sum equal to the value of the property as appraised by the board and also to deliver to the board a bond with sureties approved by the board fully indemnifying the board with respect to all sums that it may expend and all costs expenses and obligations which it may incur in acquiring said property The board shall transfer and convey to the limited dividend housing company all real property acquired by the board through condemnation for said company provided that the board has first been paid in full all sums expended by it and all costs expenses and obligations incurred by it in the acquisition of the property to be conveyed to said limited dividend housing company"

Section 16 A Control of Rentals The board shall from time to time establish for each municipality within which a limited dividend housing company proposes to operate the maximum rental per room to be charged the tenants of the housing accommodations furnished by limited dividend housing companies Such maximum rental shall be fixed on the basis of land values for housing purposes and building construction costs in such municipality and shall be reasonable for the type of housing in such municipality The board shall further establish within the limit of such maximum rental the average rental per room for each project built or acquired and managed by a limited dividend housing company upon the basis of the actual cost of the project so as to secure from the housing accommodations together with all other income of the company a sufficient income to meet all necessary expenses including operating and maintenance costs and reserves to be made by limited dividend housing companies and within the limits of allowable dividends Such room rental rates shall be subject to revision by the board from time to time if found to be excessive for the foregoing purposes the board shall promulgate a uniform method of rating the various types of rooms of dwellings Rentals for the commercial portion of such projects such as stores professional offices necessary garage facilities cooperative or commercial uses ordinary accessory uses in dwelling or recreational purposes may be fixed on the basis of current market rates the income therefrom to effect reductions in rentals applying to residential uses

It shall be unlawful to let sublet or assign leases of apartments in such buildings or structures at greater ren-

tals than prescribed by the order of the board All such leases shall be void for all intents and purposes In the case of a limited dividend housing company for which the board has exercised the power of eminent domain and in all cases where public funds or assistance have been given to a housing project of a limited dividend housing company the Board may specify such methods and conditions as will safeguard the housing accommodations against occupancy by families of a higher income than those for whom the project may have been designated

B Increase of Rentals Whenever it shall appear that the interests of lienholders creditors debenture holders or shareholders cannot otherwise be safeguarded the board shall notwithstanding the limitations prescribed in this act for maximum and average rentals have power by its order made upon written application of a limited dividend housing company or of a lienholder a creditor or of holders of ten per centum of the income debentures or shares of the company to authorize such limited dividend housing company to increase rentals beyond the maximum established by the board but the increase shall not be in excess of the minimum amount necessary to enable such corporation to meet such obligations and then only after a public hearing at a time and place designated by the board Such hearing shall be held upon no less than twenty days written notice to the tenants Such notice shall have annexed thereto a copy of the application for increase in rentals No such order or authorization shall be made or given unless the board shall find that because of changes in economic conditions in their application to the particular project involved or because of special assessments or causes or contingencies beyond the control of the company affecting such project the maximum rentals fixed by the board are insufficient to meet the payments authorized by law to be made by such company and unless the board shall find that such insufficiency cannot be corrected by reasonable economies in management and operation

C Reduction of Rentals of Limited Dividend Companies If in any calendar or fiscal year the gross receipts of any limited dividend housing company shall have exceeded the payments which it is authorized by law to make including the sums necessary to pay dividends and interest accrued or unpaid on any shares or income debentures and the authorized transfer to surplus the balance shall be applied to the reduction of rentals unless the board of directors with the approval of the board shall deem such balance too small for the purpose

Section 17 Summary Proceedings Against Companies Whenever the board shall be of the opinion that a limited dividend housing company is failing or omitting or about to fail or omit to do anything required of such company by law or by order of the board and is doing or about to do anything or permitting anything or about to permit anything to be done contrary to and in violation of law or of any order of the board the board shall commence an action for an injunction in the court of common pleas of the county wherein the main office of such company is located for the purpose of having such violations or threatened violation stopped and prevented

Section 18 Fees Collectible The State Board of Housing may charge and collect for an approved project from a limited dividend housing company reasonable fees in accordance with rates to be established by the rules of the board for the examination of plans and specifications and the supervision of construction in an amount not to exceed one-fifth of one per centum of the cost of the project and not to exceed five thousand dollars for any one project for the holding of a public hearing upon the application of a limited dividend housing company an amount sufficient to meet the reasonable cost of advertising the notice thereof and of the transcript of testimony taken thereat for any examination or investigation made upon application of a limited dividend housing company an amount reasonably calculated to meet the expenses of the board incurred in connection therewith All such receipts shall be paid into the State Treasury The board may authorize a limited dividend housing company to include such fees as part of the cost of a project

Section 19 Selection of Employes and Assistants Merit System Removals

(a) The board shall classify all positions they are empowered to fill according to the qualifications required by such positions Any vacancy in any class of employment shall be filled by a selection from the three successful candidates whose names stand highest on the eligible list secured for that class of employment through open competitive examinations Such examinations shall be conducted at such times and in such manner and graded and marked by such persons as the Board may direct and shall have reference to the skill intelligence and general aptitude of the candidate for the class of employment for which the examination is conducted In all written tests each candidate shall be given a number so that the person marking or grading each paper shall not be able to ascertain the identity of any candidate The names of all successful candidates in each examination for each class of employment shall be placed on an eligible list for such class of employment All persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who have an honorable discharge from such service shall be rated an additional five per centum over and above the rating fixed for the quality and character of answers in the examination and any such person who shall have been wounded or otherwise disabled in such service (so long as he is able to perform the work of the employment for which he is examined) shall be rated a further additional five per centum over and above the five per centum herein required and in either case the total per centum mark for grade thus obtained shall determine the order of standing of such persons on any list of eligibles

(b) No person who shall have performed the active duties of his employment for more than sixty (60) days shall be discharged except for just cause which shall be neither racial religious nor political nor until he has been furnished with a written statement of the reasons for such purposed discharge and is afford five (5) days within which to reply to said statement The charges and the answer shall be filed with the board and a public hearing granted if requested

Section 20 Appeal from Orders of Board Any order of the board shall be final and conclusive upon all questions within its jurisdiction unless reversed or modified on appeal An appeal may be taken within thirty (30) days after entry of the board's order by filing with the court of common pleas of Dauphin County a petition praying that the order of the board be modified or set aside Notice of such appeal must be served upon the board and it shall within thirty (30) days thereafter serve upon the parties appealing from such order a statement of its conclusions of fact and rulings of law in the case No argument that has not been urged at the hearing conducted by the board shall be considered by the court unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances and the failure to consider the same would materially prejudice the attainment of the purposes of this act The findings of the board as to the facts if supported by evidence shall be conclusive

An appeal from the decision of such court of common pleas may be taken by any party in interest including the board to the Superior Court

Section 21 Appropriation The sum of fifty thousand dollars ($50.000) or as much thereof as may be necessary is hereby appropriated to the Department of Health for the use of the State Board of Housing for the two fiscal years ending on the thirty-first day of May one thousand nine hundred and thirty-nine for the purpose of carrying into effect the provisions of this act

Section 22 Constitutional Construction The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision so holding shall not be construed to affect the validity of any of the

remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 23 Repeal All acts or parts of acts inconsistent herewith are hereby repealed

Section 24 Effective Date This act shall become effective immediately upon its passage and approval by the Governor.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 753 as follows:

An Act to promote public health safety morals and welfare by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects to provide dwelling accommodations for persons of low income providing for the organization of such housing authorities defining their powers and duties providing for the exercise of such powers including the acquisition of property by purchase gift or eminent domain the renting and selling of property and including borrowing money issuing bonds and other obligations and giving security therefor prescribing the remedies of obligees of housing authorities authorizing housing authorities to enter into agreements including agreements with the United States the Commonwealth and political subdivisions and municipalities thereof defining the application of zoning sanitary and building laws and regulations to projects built or maintained by such housing authorities exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Short Title This act may be referred to as the "Housing Authorities Law"

Section 2 Findings and Declaration of Policy It has been determined by the General Assembly of this Commonwealth and it is hereby declared as a matter of legislative finding that

(a) There exist in urban and rural communities within the various counties of this Commonwealth numerous slums and unsafe unsanitary inadequate or overcrowded dwellings which conditions are accompanied and aggravated by an acute shortage of decent safe and sanitary dwellings within the financial reach of persons of low income such conditions arising from overcrowding dilapidation faulty construction obsolete buildings lack of proper air and sanitary facilities.

(b) The existence of any of the above enumerated conditions is prejudicial to the welfare of the people of this Commonwealth because such conditions (1) encourage the spread of disease and impair public health and morals (2) increase the hazards of fires accidents and other calamities which result in loss of life and property (3) subject the moral standards of the people to bad influences which have permanent deleterious social effects (4) increase the violation of the criminal laws of the Commonwealth so as to jeopardize the safety and well-being of the inhabitants thereof (5) necessitate the expenditure of vast sums of public money both by the Commonwealth and local governmental bodies for the purpose of crime prevention punishment and correction fire and accident prevention public health service and relief

(c) The failure to remedy the acute dwelling shortage is directly related to the stagnation of business activity in the construction durable goods and allied industries which are conducted within this Commonwealth and the stagnation of which has produced serious and prolonged unemployment with all its injuries effects upon the welfare of the inhabitants of this Commonwealth.

(d) Private industry alone has been and now is unable to overcome the obstacles which have prevented and are now preventing it from clearing slum areas and relieving the shortage of decent safe and sanitary dwellings for persons of low income and the construction pursuant to this act of housing projects for persons of low income would therefore not be competitive with private enterprise.

Therefore it is hereby declared to be the policy of the Commonwealth of Pennsylvania to promote the health and welfare of the inhabitants thereof by the creation of corporate and politic bodies to be known as housing authorities. The public purposes for which such authorities shall operate shall be (1) the clearance replanning and reconstruction of the areas in which slums exist (2) the providing of safe and sanitary dwelling accommodations for persons of low income so as to prevent recurrence of the economically and socially disastrous conditions hereinbefore described and (3) the accomplishment of a combination of the foregoing. Such purposes are hereby declared to be public uses for which public money may be spent and private property acquired by the exercise of the power of eminent domain.

Section 3 Definitions The following words terms and phrases where used or referred to in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning.

(a) "Authority" or "housing authority" A public body and a body corporate and politic created and organized in accordance with the provisions of this act for the purposes with the powers and subject to the restrictions hereinafter set forth.

(b) "Bonds" Any bonds interim certificates notes debentures or other obligations of the authority issued pursuant to this act

(c) "City" Any city of the first second second class A or third class of thirty thousand pupolation or over "The city" shall mean the particular city for which a particular housing authority is created.

(d) "Clerk" The clerk of the city or the chief clerk of the county as the case may be or the officer charged with the duties customarily imposed on such clerk. In cities of the first class clerk shall mean the clerk of council.

(e) "County" Any county of this Commonwealth other than a county of the first class "The county" shall mean the particular county for which a particular housing authority is created.

(f) "Federal Government" The United State of America the Federal Emergency Administration of Public Works or any other agency or instrumentality corporate or otherwise of the United States of America.

(g) "Field of Operation" The area within the territorial boundaries of the city or county for which the particular housing authority is created. Provided however That the field of operation of any county authority shall not include a city having a population of thirty thousand inhabitants or over.

(h) "Governing Body" In the case of a city the city council or other legislative body thereof and in the case of a county the Board of County Commissioners or other legislative body thereof.

(i) "Government" Includes the State and Federal Governments or any subdivision agency or instrumentality corporate or otherwise or either of them.

(j) "Housing Project" or "Project" Any work or undertaking (1) To demolish clear or remove buildings from any slum area or to adapt such rear to public purposes including parks playgrounds swimming pools or other recreational or community purposes or (2) to provide decent safe and sanitary urban or rural dwellings apartments or other living accommodations for persons of low income such work or undertaking may include buildings

land equipment facilities and other real or personal property for necessary convenient or desirable appurtenances streets sewers water services parks site preparation gardening administrative community health recreational educational welfare or other purposes or (3) to accomplish a combination of the foregoing. The term "Housing Project" or 'Project'" may be applied to the planning of the buildings and improvements the acquisition of property the demolition of existing structures the construction reconstruction alteration and repair of existing improvements and all other work in connection therewith.

(k) "Mayor" The mayor of the city or the officer thereof charged with the duties customarily imposed on the mayor or executive head of the city.

(l) "Member" One of the members of an authority appointed in accordance with the provisions of this act

(m) "Municipality" Any political subdivision of the Commonwealth.

(n) "Obligee of the Authority" or "Obligee" Any bond holder trustee or trustees for any bondholders any lessor demising property to the authority used in connection with a housing project or any assignee or assignees of such lessor's interest or any part thereof and the Federal Government when it is a party to any contract with the authority

(o) "Persons of Low Income" Persons or families whose income shall not exceed the amount specified in section thirteen

(p) "Real Property" Lands lands under water structures and any and all easements franchises and incorporeal hereditaments and every estate and right therein legal and equitable including terms for years and liens by way of judgment mortgage or otherwise

(q) "Slums" Any area in which there is a predominance of structures which by reason of dilapidation overcrowding faulty arrangement or design lack of ventilation light of sanitary facilities or any combination of these factors are detrimental to safety health and morals

The singular shall include the pural and the masculine the feminine and neuter

Section 4 Formation of Housing Authorities (a) There are hereby created separate and distinct bodies corporate and politic one for each city (as herein defined) and one for each of the counties of the Commonwealth Each such authority may be known as the Housing Authority of the City or the County as the case may be but shall in no way be deemed to be an instrumentality of such city or county Each such authority shall transact no business or otherwise become operative until and unless a finding is made as hereinafter provided in this section

(b) The governing body of any city or county may find and declare by proper resolution that there is need for an authority to function within the territorial limits of said city or county as the case may be in such event the clerk shall issue a certificate reciting the adoption of such resolution This procedure may be employed at any time after the passage of this act

(c) If the governing body of any city or county fails to adopt such a resolution and have such a certificate issued within ninety (90) days from the date of enactment of this act any twenty-five (25) citizens and taxpayers resident in such city or county may submit over their signatures a petition to the Governor of the Commonwealth setting forth that in their estimation there is need that an authority shall function within said city or county and the Governor after determining as hereinafter provided that there is such need shall issue a certificate so declaring

(d) The governing body of any city or county or the Governor as the case may be shall declare that there is need for a housing authority to function within such city or county if and only if the said governing body or the Governor shall find either that (1) unsanitary or unsafe dwelling accommodations exist in said city or county or that (2) there is a lack of sufficient safe and sanitary dwelling accommodations in said city or county available to persons of low income and that this results in any of the conditions described in section two (b) and (c) of this act In determining whether dwelling accommodations are unsafe or unsanitary said governing body or the Governor as the case may be shall take into consideration the degree of overcrowding the percentage of land coverage the light air space and access available to the inhabitants of such dwelling accommodations the size and arrangement of the rooms the sanitary facilities and the extent to which conditions exist in such buildings which endanger life health or property by fire disease or other causes

(e) The governing body or the Governor as the case may be shall cause the aforesaid certificate to be filed with the Department of State and a duplicate thereof with the State Board of Housing Whenever the Governor shall issue a certificate in the manner hereinbefore prescribed declaring the need for an authority to operate within any city or county he shall notify the governing body of such city or county of such action

(f) In any suit action or proceeding involving the validity or enforcement of or relating to any contract of the authority the authority shall upon proof of the issuance of the aforesaid certificate by the governing body or the Governor as the case may be be conclusively deemed to have been established in accordance with the provisions of this act A copy of such certificate duly certified by the Department of State shall be admissible in evidence in any suit action or proceedings and shall be conclusive proof of the filing and contents of the certificate and that the authority has been properly established

Section 5 Appointment of Members of an Authority (a) The Board of County Commissioners for any county upon issuing a certificate declaring the need for an authority to operate in such county or upon receiving notice of the issuance of such certificate by the Governor shall appoint five persons to be members of the housing authority which is to operate within such county

(b The governing body of any city upon issuing a certificate declaring the need for an authority to operate in such city or upon receiving notice of the issuance of such certificate by the Governor shall promptly notify the mayor of such certification Upon receiving such notice the mayor shall appoint five persons to be members of the housing authority of such city except that in cities of the first class the mayor shall appoint two members the city controller shall appoint two members and the four members thus appointed shall select a fifth member of such authority

Section 6 Qualifications Tenure and Compensation of Members of an Authority No more than two persons holding any other paid public office shall be members of the same housing authority at the same time The members who are first appointed shall serve for terms of one two three four and five years respectively from the date of their appointment as shall be specified at the time of their appointment Thereafter the term of office shall be five years A member shall hold office until his successor has been appointed Vacancies for unexpired terms shall be promptly filled by the appointing powed A member shall receive no compensation for his services but he shall be entitled to the necessary expenses including travelling expenses incurred in the discharge of his duties

Section 7 Organization of an Authority The members of an authority shall select from among themselves a chairman and a vice-chairman The authority may employ a secretary such technical experts and such other officers agents and employes permanent or temporary as it may require and may determine the qualifications of such persons Three members of an authority shall constitute a quorum for its meetings Any authority may employ its own counsel and legal staff Members of an authority shall not be liable personally on the bonds or other obligations of the authority and the rights of creditors shall be solely against such authority An authority may delegate to one or more of its agents or employes such of its powers as it shall deem necessary to carry out the purposes of this act subject always to the supervision and control of the authority.

Section 8 Interested Members or Employes No member

or employe of an authority shall acquire any interest direct or indirect in any housing project or in any property included or planned to be included in any project nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project If any member or employe of an authority owns or controls an interest direct or indirect in any property included or planned to be included in any housing proect of the authority or has any such interest in any contract for material or services to be furnished or used in connection with any housing project he shall immediately disclose the same in writing to the authority and such disclosure shall be entered in writing upon the minute books of the authority Failure so to disclose such interest shall constitute misconduct in office Any such undisclosed profit which results to any member or employe of any authority shall render such member or employe liable to surcharge in favor of the authority to the full amount of such profit Such profit need not be realized in orded to fall within the meaning of this section Proceedings to surcharge any member of employe may be instituted by an authority or by the State Board of Housing on its behalf with or without its consent.

Section 9 Filing of Charges Against Members or Employes Any obligee of an authority may file with the appointing power or with the State Board of Housing written charges that the authority or any member or employe of an authority is violating section eight of this act or any other law of the Commonwealth

Section 10 Powers of an Authority An authority shall constitute a public body corporate and politic exercising public powers which shall include all powers necessary or appropriate to carry out and effectuate the purposes and provisions of this act including the following powers in addition to others herein granted.

(a) To investigate into living dwelling and housing conditions and into the means and methods of improving such conditions.

(b) To determine where unsafe or unsanitary dwelling or housing conditions exist or where there is a shortage of safe and sanitary dwelling accommodiations for persons of low income.

(c) To study and make recommendations concerning the plan of any city or municipality located within the field of operation of the authority in relation to the problem of clearing replanning and reconstructing areas in which unsafe or unsanitary dwelling or housing conditions exist and the problem of providing dwelling accommodations for persons of low income.

(d To cooperate with any city county regional federal or other agency.

(e) To prepare carry out acquire lease and operate housing projects to provide for the construction reconstruction improvement alteration or repair of any housing project or any part thereof.

(f) To take over by purchase lease or otherwise any housing project located within its filed of operation undertaken by any government.

(g) To cooperate with and act as agent of the Federal Government for public purposes set out in this act in connection with the acquisition construction operation or management of any housing project or part thereof

(h) To arrange with any city or other municipality located in whole or in part within the authority's field of operation or with the Federal or State Government for the furnishing planning replanning installing opening or closing of streets roads roadways alleys sidewalks or other places or facilities or for the acquisition by such city municipality or the Federal or State Government of property options or property rights or for the furnishing of property or services in connection with a project.

(i) To clear areas of unsafe or unsanitary housing and to provide for the use of cleared sites for community facilities and for any other public purposes authorized by this act.

(j) To arrange with the Commonwealth its subdivisions and agencies and any county city or other municipality of the State to the extent that it is within the scope of each of their respective functions (1) to cause the services customarily provided by each of them to be rendered for the benefit of such housing authority or the occupants of any housing projects of the authority and (2) to provide and maintain parks recreational centers schools sewerage transportation water and other municipal facilities adjacent to or in connection with housing projects and (3) to plan replan zone or rezone any part of the municipality in connection with any housing project of the authority.

(k) To lease or rent any of the dwelling or other accommodations or any of the lands buildings structures or facilities embraced in any housing project and (subject to the limitations contained in this act) to establish and revise the rents or charges therefor.

(l) To enter upon any building or property in order to make surveys or soundings.

(m) To purchase lease obtain options upon acquire by gift grant bequest devise or otherwise any real or personal property or any interest therein from any person firm corporation municipality or government.

(n) To acquire by eminent domain any real property including improvements and fixtures for the public purposes set forth in this act in the manner hereinafter provided.

(o) To sell exchange transfer or assign any real or personal property or interest therein to any person firm corporation public or private when the authority determines that such property is not needed for the purposes of this act.

(p) To own hold clear and improve real property

(q) To inure or provide for the inurance of any property or operations of the authority against any risks or hazards.

(r) To procure or agree to the procural of insurance or guarantees from the Federal Government of the payment of any debts or parts thereof incurred by said authority and to pay premiums in connection therewith

(s) To invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement in such investments as may be lawful for executors administrators guardians trustees and other fiduciaries under any law of this Commonwealth.

(t) To sue and be sued.

(u) To adopt a seal and to alter the same at pleasure.

(v) To have prepetual succession.

(w) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority.

(x) To make and from time to time to amend and repeal resolutions rules and regulations not inconsistent with this act in order better to carry into effect the powers of the authority.

(y) To conduct examinations and investigations and to hear testimony and take proof under oath or affirmation at public or private hearings on any matter material for its information.

(z) To issue subpoenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing before such authority or before one or more members of the authority appointed by it to conduct such hearing.

(aa) To apply to any court having territorial jurisdiction of the offense to have punished for contempt any witness who refuses to obey a subpoena or who refuses to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear.

(bb) To authorize any member or members of such authority to conduct hearings and to administer oaths take affidavits and issue subpoenas.

(cc) To make available to such agencies boards or commissions as are charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or unsanitary structures within the field of operation of such authority its findings and recommendations with regard to any building or property where there exist conditions dangerous to the public health morals safety or welfare.

Section 11 Awards of Contracts Completion Bond Additional Bond for Protection of Materialmen and Others

(a) Whenever the estimated cost of any construction erection installation completion alteration repair of or addition to any project ubject to the control of any authority shall exceed five hundred ($500) dollars it shall be the duty of said authority to have such work performed pursuant to a contract awarded to the lowest responsible bidder after advertisement for bids Every such contract shall contain a provision obligating the contractor to the prompt payment of all material furnished labor supplied or performed rental for equipment employed and services rendered by public utilities in or in connection with the prosecution of the work wether or not the said material labor equipment or service enter into and become component parts of the work or improvement contemplated Such provision shall be deemed to be included for the benefit of every person copartnership association or corporation who as subcontractor or otherwise has furnished material supplied or performed labor rented equipment or services in or in connection with the prosecution of the work as aforesaid and the inclusion thereof in any contract shall preclude the filing by any such person copartnership association or corporation of any mechanics' lien claim for such material labor or rental of equipment.

(b) Whenever the estimated cost of any purchase of supplies materials or equipment or the rental of any equipment whether or not the same is to be used in connection with the construction erection installation completion alteration repair of or addition to any project subject to the control of any authority shall exceed five hundred ($500) dollars it shall be the duty of such authority to have such purchase or rental made pursuant to a contract awarded to the lowest responsible bidder after advertisement for bids such advertisement to be inserted in a newspaper of general circulation within the county in which the authority operates

(c) A housing authority shall require as a condition of the award of any contract pursuant to subsection (a) or (b) of this section that the contractor give to the authority any bond (including bonds for the performance of the contract and for the prompt payment by the contractor for material supplies labor services and equipment) which are prescribed by law for contracts awarded by cities or counties as the case may be of the same class as the city or county for which such authority has been created

(d) Notwithstanding anything to the contrary contained in this act or in any other provision of law a housing authority may include in any contract let in connection with a project stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor and comply with any conditions which the Federal Government may have attached to its financial aid of the project

(e) Every authority awarding contracts or requiring the delivery of bonds pursuant to this section shall keep an exact copy of every contract awarded or bond delivered upon file at its principal office Subject to regulations to be prescribed by the State Board of Housing for their safe keeping such copies shall be opened to public inspection

Section 12 Operation of Authority Not for Profit It is hereby declared to be the policy of this Commonwealth that each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwellings at the lowest possible rates consistent with providing decent safe and sanitary dwellings and that no housing authority shall construct or operate any such project for profit To this end an authority shall fix rentals for dwellings in its projects at no higher rates than it shall find necessary in order to produce revenues which together with all other available moneys revenues income and receipts of the authority from whatever sources derived will be sufficient (a) to pay as the same become due the principal and interest on any bonds of the authority (b) to meet and provide for the cost of maintaining and operating of the projects (including the cost of any insurance) and the administrative expenses of the authority and (c) to create during not less than the six years immediately succeeding its issuance of any bonds a reserve sufficient to meet the largest principal interest payments which shall be due on such bonds in any one year thereafter and to maintain such reserve (d) to make such payments if any in lieu of taxes as may be agreed upon pursuant to section twenty-three

Section 13 Establishment of Rentals and Selection of Tenants An authority may rent or lease dwelling accommodations only to persons of low income and at rentals within their financial reach It may rent or lease to a tenant a dwelling consisting of the number of rooms (but no greater number) which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof without overcrowding It shall not accept any person as a tenant in any housing project if the person or persons who would occupy the dwelling have an aggregate annual income in excess of six times the annual rental of the quarters to be furnished such person of persons In computing rental for the purpose of selecting tenants there shall be included in the rental the average annual cost as determined by the authority to the occupants of heat water electricity gas cooking range and other necessary services or facilities whether or not the charge for such services and facilities is in fact included in the rental Every authority shall file a schedule of its rental charges for dwelling accommodations with the State Board of Housing

Nothing contained in this or the preceding section shall be construed as limiting the power of an authority to vest in an obligee the right in the event of a default by the authority to take possession of a housing project or cause the appointment of a receiver thereof or acquire title thereto through foreclosure proceedings free from all the restrictions imposed by this or the preceeding section

Section 14 Cooperation Between Authorities Any two or more authorities may cooperate in the exercise of any of the powers conferred in this act For the purpose of financing planning constructing or operating a housing project or projects jointly when such is deemed necessary to the effectuation of the purposes of this act two or more authorities may set up a joint committee to have charge of such financing planning construction or operation Each of the cooperating authorities shall appoint two of its own members to serve on such joint committee and the state Board of Housing shall designate an additional member upon being notified by the authorities of their desire to cooperate in preparing and carrying on a project The cooperating authorities shall draw up a satisfactory plan of cooperation which must be approved by the State Board of Housing prior to the commencement of any activity on such joint project

Section 15 Eminent Domain Title to any property acquired by an authority through eminent domain shall be an absolute or fee simple title unless a lesser title shall be designated in the eminent domain proceedings The authority may exercise the right of eminent domain in the manner provided by law for the exercise of such right by cities or counties as the case may be of the same class as the city or county in which such authority is organized to operate.

Section 16 Planning Zoning and Building Laws Each housing project of an authority shall be subject to the zoning sanitary and building laws ordinances or regulations applicable to the locality in which the project is situated In the planning and location of any housing project an authority shall take into consideration the relationship of the project to any larger plan or long-range program for the development of the area in which the housing authority functions

Section 17 Bonds of an Authority An authority shall have power to issue bonds for any of its corporate purposes An authority may issue such types of bonds as it may determine including bonds on which the principal and interest are payable (a) exclusively from the income and revenues of the housing project financed with the proceeds of such bonds or with such proceeds together with a grant from the Federal Government in aid of such project (b) exclusively from the income and revenues of certain designated housing projects whether or not they were financed in whole or in part with the proceeds of such

bonds or (c) from its revenues generally Any of such bonds may be additionally secured by a pledge of any revenues or a mortgage of any housing project projects or other property of the authority

Neither the members of an authority nor any person executing the bonds shall be liable personally on any such bonds by reason of the issuance thereof Such bonds or other obligations of an authority shall not be a debt of any city county municipal subdivision or of the Commonwealth and shall so state on their face nor shall any city county municipal subdivision or the Commonwealth nor any revenues or any property of any city county municipal subdivision or of the Commonwealth be liable therefor

Section 18 Form and Sale of Bonds The bonds of an authority shall be authorized by its resolution shall be issued in one or more series and shall bear such date or dates mature at such time or times and bear interest at such rate or rates not exceeding six per centum (6%) per annum payable semi-annually be in such denominations be in such form either coupon or registered be executed in such manner be payable in such medium of payment at such place or places and be subject to such terms of redemption and carry such registration privileges an may be provided in such resolution or in any trust indenture or mortgages properly made in pursuance thereof

Before any bonds may be sold in pursuance of any resolution of any authority the chairman or secretary of such authority shall certify to the Departmnt of Internal Affairs a complete and accurate copy of the proceedings had for the issuance of the bonds which are to be sold in the manner now or hereafter provided for the certification to said department of the proceedings relating to the issuance of bonds of the municipalities of this Commonwealth Upon receiving a certificate of approval of the proceedings from the Department of Internal Affairs the authority may proceed with the sale of the bonds

The bonds of an authority may be sold at not less than par and accured interest In case any of the officers of an authority whose signatures appear on any bonds or coupons shall cease to be officers before the delivery of such bonds their signatures shall nevertheless be valid and sufficient for all purposes the same as if such officers had remained in office until such delivery

The authority shall have the power out of any funds available therefor to purchase any bonds issued by it at a price not more than the par value thereof plus accrued interest Provided however That bonds payable exclusively from the revenues of a designated project or projects shall be purchased only out of any such revenues available therefrom All bonds so purchased shall be cancelled This paragraph shall not apply to the redemption of bonds

Any bond reciting in substance that it has been issued by an authority to aid in financing a housing project to accomplish the public purposes of this act shall be conclusively deemed in any suit action or proceeding involving the validity or enforceability of such bond or security therefor to have been issued for such purpose

Section 19 Provisions of Bonds Trust Indentures and Mortgages In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations an authority in addition to its other powers shall have power

(a) To pledge all or any part of its gross or net rents fees or revenues to which its right then exists or may thereafter come into existence

(b) To mortgage all or any part of its real or personal property then owned or thereafter acquired

(c) To covenant against pledging all or any part of its rents fees and revenues or against mortgaging all or any part of its real or personal property to which its right or title exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property to covenant with respect to limitations on its right to sell lease or otherwise dispose of any housing project or any part thereof and to covenant as to what other or additional debts or obligations may be incurred by it

(d) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise and as to the use and disposition of the proceeds thereof to provide for the replacement of lost destroyed or mutilated bonds to covenant against extending the time for the payment of its bonds or interest thereon and to redeem the bonds and to covenant for their redemption and to provide the terms and conditions thereof

(e) To covenant subject to the limitations contained in this act as to the rents and fees to be charged in the operation of a housing project or projects and the amount to be raised each year or other period of time by rents fees and other revenues as well as to the use and disposition to be made thereof to create or to authorize the creation of special funds for moneys held for construction of operating costs debt service reserves or other purposes and to covenant as to the use and disposition of the moneys held in such funds

(f) To prescribe the procedure if any by which the terms of any contract with bondholders may be amended or abrogated the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given

(g) To covenant as to the use of any or all of its real or personal property to warrant its title and to covenant as to the maintenance of its real and personal property the replacement thereof the insurance to be carried thereon and the use and disposition of insurance monyes

(h) To covenant as to the rights liabilities powers and duties arising upon the breach by it of any covenant condition or obligation and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived

(i) To vest in a trustee or trustees or the holders of bonds or any proportion of them, the right to enforce the payment of the bonds or any covenants securing or relating to the bonds to vest in a trustee or trustees the right in the event of a default by said authority to take possession and use operate and manage any housing project or part thereof and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the authority with said trustee to provide for the powers and duties of a trustee and to limit liabilities thereof and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds

(j) To exercise all or any part or combination of the powers herein granted to make covenants other than and in addition to the covenants herein expressly authorized to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds or in the absolute discretion of said authority as will tend to accomplish the purposes of this act by making the bonds more marketable notwithstanding that such covenants acts or things may not be enumerated herein.

Section 20 Remedies of an Obligee of Authority An obligee of an authority shall have the right in addition to all other rights which may be conferred on such obligee subject only to any contractual restrictions binding upon such obligee.

(a) By mandamus suit action or proceeding at law or in equity to compel said authority and the members officers agents or employes thereof to perform each and every term provision and covenant contained in any contract of said authority with or for the benefit of such obligee and to require the carrying out of any or all such covenants and agreements of said authority and the fulfillment of all duties imposed upon said authority by this act.

(b) By proceeding in equity to obtain an injunction against any acts or things which may be unlawful or the violation of any of the rights of such obligee of said authority.

Section 21 Additional Remedies Conferrable by Authority An authority shall have power by its resolution trust indenture mortgage lease or other contract to confer upon any obligee or obligees holding or representing a specified percentage in bonds or holding a lease the right in addition to all rights that may otherwise be conferred upon the happening of an event of default as defined in such resolution or instrument by suit action or proceeding in any court of competent jurisdiction.

(a) To obtain the appointment of a receiver of any housing project of said authority or any part thereof and of the rents and profits therefrom If such receiver be appointed he may enter and take possession of such housing project or any part thereof and operate and maintain same and collect and receive all fees rents revenues or other charges thereafter arising therefrom and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of said authority as the court shall direct.

(b) To require said authority and the commissioners thereof to account as if it and they were the trustees of an express trust.

Section 22 Aid from Federal Government In addition to the powers conferred upon an authority by other provisions of this act an authority is empowered to borrow money or accept grants or other financial assistance from the Federal Government for or in aid of any housing project within its area of operation to take over or lease or manage any housing project or undertaking constructed or owned by the Federal Government and to these ends to comply with such conditions and enter into such mortgages trust indentures leases or agreements as may be necessary convenient or desirable It is the purpose and intent of this act to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal Government in the undertaking construction maintenance or operation of any housing project by such authority.

Section 23 Tax Exemption and Payments in Lieu of Taxes The property of an authority is declared to be public property used for essential public and governmental purposes and such property and an authority shall be exempt from all taxes and special assessments except school taxes of the city the county the Commonwealth or any political subdivision thereof Provided however That in lieu of such taxes or special assessments an authority may agree to make payments to the city or the county or any such political subdivision for improvement services and facilities by such city county or political subdivision for the benefit of a housing project or the persons residing on or occupying such premises but in no event shall such payments exceed the estimated cost to such city county or political subdivision of the improvements services or facilities to be so furnished.

Section 24 Reports In addition to any other material which an authority must file with the State Board of Housing according to the provisions of this act it shall file with said Board.

(a) A copy of any rules regulations or resolutions and amendments thereto adopted by it from time to time

(b) At least once each year a report of its activities for the preceding year and such other reports as said Board may require.

(c) Copies of the plans layout estimated costs and proposed method of financing of proposed housing projects as well as of any changes which may be made in any such project.

Section 25 Severability If any one or more sections clauses sentences or parts of this act shall for any reason be adjudged unconstitutional or invalid such judgment shall not affect impair or invalidate the remaining provisions thereof but shall be confined in its operation to the specific provisions so held unconstitutional or invalid and the inapplicability or invalidity of any section clause or provision of this act in any one or more instances or circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

Section 26 Repeal of Inconsistent Acts All acts or parts of acts inconsistent with this act are hereby repealed.

Section 27 Effective Date This act shall become effective immediately.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. JAMES W. PATTERSON. Mr. Speaker, I move that this bill be recommitted to the Committee on Welfare for the purpose of further study and amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading of House Bill No. 917 as follows:

An Act providing for the licensing of all persons engaged as blasters except in anthracite or bituminous coal mines or on farms requiring examination for such license providing for the payment of a fee for examination and for the issuance and renewal of licenses and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the first day of January one thousand nine hundred and thirty-eight it shall be unlawful for any person to be employed or permitted to engage in the occupation of blaster or shot-firer, except in anthracite or bituminous coal mines or on farms unless he shall first have obtained a license from the Department of Labor and Industry and is a holder of a valid license No license shall be issued until the person to be licensed has first passed an examination as hereinafter provided

Section 2 Application for examination shall be made in writing to the Department of Labor and Industry on a form provided by the Department and shall be accompanied by a fee of three dollars If the applicant is successful in passing said examination a license shall be issued upon payment of an additional fee of one dollar All licenses shall be issued for the calendar year and shall expire on December thirty-first of the year for which issued Each licensee shall have his annual license renewed before January first of each year upon payment of a fee of one dollar All fees collected under this act shall be transmitted by the department to the State Treasurer through the Department of Revenue

Section 3 The Department of Labor and Industry shall have the power and its duties shall be to make alter amend or repeal general rules and regulations for carrying out the provisions of this act and applying them provisions to specific cases

Section 4 Any person or persons who shall violate any of the provisions of this act or the rules and regulations of the department as herein provided for shall upon conviction in a summary proceeding be punished by a fine of not less than ten dollars or more than one hundred dollars and in default of the payment of such fine and costs shall be sentenced to imprisonment for not more than thirty days

Section 5 Prosecutions for violation of this act may be instituted by the Secretary of Labor and Industry or his duly authorized representative

Section 6 The term blaster or shot-firer as used in this act is defined to mean any person who engages in the charging or firing of explosive materials used in commercial blasting operations

Section 7 All other acts or parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SPECIAL ORDER ON HOUSE BILL NO. 794.

The SPEAKER. The hour of 9:30 having arrived the Chair lays before the House the special order fixed for this hour, it being House Bill No. 794, Printer's No. 441.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 794 as follows:

An Act to amend sections one and two as amended and sections four and six of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" enlarging the powers of the Secretary of Banking authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof requiring licensees to file annual reports increasing the license fee reducing the rate of interest on loans increasing the penalty for operation without a license and bringing certain transactions within the scope of the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and two of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" as amended by the act approved the fourth day of June one thousand nine hundred and nineteen (Pamphlet Laws three hundred seventy-five) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That on and after the passage of this act it shall be [lawful] unlawful for any person persons partnership association or corporation within this Commonwealth [who shall comply with the requirements of this act] to make a loan of money credit goods or things in action in the amount or of the value of [in sums of] three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities and charge [and collect for the] contract for or receive on any such loan [thereof] a rate of interest [as hereinafter provided under the following conditions] discount fines charges or consideration greater than six per centum (6%) per annum except as authorized by this act without first obtaining a license from the Secretary of Banking in accordance with the provisions of this act

(a) Any person or persons firm corporation or association applying for the same under oath and in the form prescribed by the Secretary of Banking [Commissioner] and paying the sum of [fifty ($50)] one hundred ($100) dollars may in the discretion of the Secretary of Banking [Commissioner] except as hereinafter provided obtain a license for carrying on the said business The said license shall be issued by the Secretary of Banking [Commissioner] and shall expire the first day of June next following the date of its issuance but no abatement of said charge shall be made if licenses are issued for less than one year Every such license shall be renewed annually on the first day of June in each year No license shall be granted to any corporation unless and until such corporation shall in writing and in due form to be first approved by and filed by the Secretary of Banking [Commissioner] appoint an agent resident in the Commonwealth of Pennsylvania upon whom all judicial and other process or legal notice directed to such corporation may be served and in the case of the death removal from the Commonwealth or any legal disability or disqualification of any such agent service of such process or notice may be made upon the Secretary of Banking [Commissioner] The said [Commissioner] Secretary of Banking shall have the power to reject any application for license if he is satisfied that the financial responsibility experience character and general fitness of the applicant or applicants is not such as to command the confidence of the community and to warrant the conclusion that the business will be honestly transacted in accordance with the intent and purpose of this act or if he is not satisfied that allowing such applicant to engage in business will promote the convenience and advantage of the community in which the business of the applicant is to be conducted or if it shall appear to the Secretary of Banking that the business of the applicant is or is to be substantially that generally conducted by pawnbrokers The said [Commissioner] Secretary of Banking may upon thirty (30) days' written notice to the licensee forwarded by registered mail to the address of the place of business of such licensee as shown in the application for license stating the contemplated action and in general the grounds therefor revoke any license if the licensee shall violate any of the provisions of this act or if the licensee shall violate any rule or regulation made by the Secretary of Banking under and within the authority of this act or if the licensee shall fail to comply with any demand rule or regulation lawfully made by the Secretary of Banking under and within the authority of this act or if the licensee shall fail to pay the cost of an examination by the Secretary of Banking or his authorized representative or if the licensee has failed to maintain in effect the bond required under the provisions of this act or if the licensee shall fail to file the annual report to the Secretary of Banking within the time stipulated in this act or if any fact or condition exists which if it had existed at the time of original application for such license clearly would have warranted the Secretary of Banking originally in refusing to issue such license Whenever the Secretary of Banking shall issue a notice of intention to revoke a license issued pursuant to this act the licensee may within ten (10) days of the date of such notice file with the Secretary of Banking an application for a hearing before the Department of Banking Upon receipt of such application the Secretary of Banking shall fix the time and place for such hearing After such hearing the Secretary of Banking may recall the notice of intention to revoke the license or he may after the expiration of thirty (30) days of the date of the hearing and by furnishing the licensee with a written notice of his intentions proceed with the revocation of the license Whenever the Secretary of Banking issues a notice of intention to revoke a license and the licensee does not file an application for a hearing before the Department of Banking as in this act provided or whenever the Secretary of Banking issues a notice of intention to proceed with the revocation of a license after a hearing before the Department of Banking the licensee may within the period of thirty days provided in the notice appeal from such action to the Court of Common Pleas of Dauphin County Whenever such license is revoked the [Commissioner] Secretary of Banking shall not issue another to said licensee until the expiration of at least one year from the date of revocation of such license and not at all if such licensee shall have been convicted of a violation of this act for a second offense under the provision of section six (6) thereof When a license has expired and is not renewed on the first day of June or when a

license is surrendered or when a license has been revoked by the Secretary of Banking the licensee shall forfeit the privilege of granting new loans at interest permitted under this act and shall also forfeit the right to collect interest in excess of 6% per annum on outstanding loans In addition to said license fee said licensee shall pay for the examination by said Secretary of Banking [Commissioner] as hereinafter provided Every such applicant shall execute and file a bond to the Commonwealth of Pennsylvania in the penal sum of five thousand ($5,000) dollars with the Secretary of Banking [Commissioner] to be approved by him for the faithful observance of all laws relating to such business Said bond shall be executed by a surety company authorized by the laws of Pennsylvania to transact business within the Commonwealth and such bond shall be renewed and refiled annually not later than the first day of June in each year

(b) The license shall state fully the name or names of the person persons partnership association or croporation [and of every member of the firm or association] authorized to do business thereunder and the location of the office or place of business in which the business is to be conducted [and in the case of a corporation shall also state the date and place of its incorporation the names of its directors for the period for which the license is issued and the name and address of the agent as provided in section one (1) of this act] Such license shall be kept posted in a conspicuous place in the office where the business is transacted No person persons firm corporation or association so licensed shall transact or solicit business under any other name or at any other office or place of business than that named in the license Not more than one office or place of business shall be maintained under the same license and no loans or advancements shall be made applications received notes or contracts signed or payments received at any other place of business than that designated in the license But in case of a removal the Secretary of Banking [Commissioner] may on application indorse thereon a transfer to the new place of business with the date of transfer and from the time of such indorsement the new place so designated shall be deemed the place designated in the license A licensee shall not conduct the business of making loans under this act within any office room or place of business in which any other business is solicited or engaged in or in association or conjunction therewith except as may be authorized in writing by the Secretary of Banking

(c) The Secretary of Banking [Commissioner] shall either personally or by such person or persons as he may appoint for the purpose at least once a year and oftener if he deems it advisable investigate the business and affairs of every such licensee and for that purpose shall have free access to the vaults books and papers thereof and other sources of information with regard to the business of such licensee and shall ascertain the condition of the business and whether it has been transacted in accordance with the law and the rules and regulations lawfully made by the Secretary of Banking Said [Commissioner] Secretary of Banking and every examiner appointed by him shall have authority to examine under oath or affirmation any person whose testimony relative to the business of any such licensee may be required on any such examination The cost of every such examination shall be paid by the licensee so examined and said [Commissioner] Secretary of Banking may maintain an action for the recovery of such costs in any court of competent jurisdiction

(d) The Secretary of Banking is hereby authorized and empowered to make general rules and regulations governing advertising of licensees contracts with borrowers computation of interest charges books records and accounts of licensees and treatment of collateral and he is further authorized and empowered to make specific demands rulings and requirements for the proper conduct of the business contemplated by this act and for the enforcement of this act which rules and regulations shall have the force and effect of law .

(e) For the purpose of discovering violations of this act or securing information required by him hereunder the Secretary of Banking or the examiners appointed by him may at any time investigate the business and examine the books accounts records and files used therein of every person persons partnership association or corporation who or which shall be engaged in the business of making loans or who or which shall advertise or offer to make loans whether such person shal act or claim to act as principal agent or broker or under or without the authority of this act For this purpose the Secretary of Banking shall have free access to the office and places of business books accounts papers records files safes and vaults of all such persons

(f) The Secretary of Banking shall be authorized to require the attendance and testimony of witnesses and the production of any books accounts records papers and correspondence relating to such business which the Secretary of Banking has authority by this act to consider or investigate and for this purpose the Secretary of Banking may sign subpoenas administer oaths and affirmations examine witnesses and receive evidence In case of disobedience of any subpoena or the contumacy of any witness appearing before the Secretary of Banking the Secretary of Banking may invoke the aid of the Court of Common Pleas of Dauphin County or any Court of Common Pleas of the Commonwealth and such Court shall thereupon issue an order requiring the person subpoened to obey the subpoena or to give evidence or to produce books accounts records papers and correspondence relative to the matter in question Any failure to obey such order of the Court may be punished by such Court as a contempt thereof

(g) Every person persons partnership association or corporation licensed under this act shall annually on or before the first day of March file a report with the Secretary of Banking giving such relevant information as the Secretary of Banking may require concerning the business and operations during the previous calendar year of such licensed place of business conducted by such licensee within this Commonwealth Such report shall be made under oath and shall be in the form prescribed by the Secretary of Banking

Section 2 Any person persons copartnership association or corporation who shall obtain a license in accordance with the provisions of section one of this act shall be entitled to loan money in sums of three hundred ($300) dolars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities at his their or its place of business for which said license is issued and to charge the borrowers thereof for its use or loan interest at a rate not to exceed [three] two and one-half (2½) [and one-half (3½)] (2½) per centum per month on that part of the unpaid principal balance of any loan not in excess of one hundred fifty ($150) dollars and one and one-half (1½) per centum per month on any remainder of such unpaid principal balance No licensee shall induce or permit any borrower to split up or divide any loan No licensee shall induce or permit any person nor any husband and wife jointly or severally to become obligated directly or contingently or both under more than one contract of loan at the same time for the purpose or with the result of obtaining a higher rate of interest than would otherwise be permitted by this section No fees fines or other charges either in addition to or as a part of the above specified interest shall be charged or collected under any pretext whatsoever

A contract for a loan under the provision of this act shall not be made for a period in excess of eighteen (18) months Interest on the unpaid balances thereafter shall be payable at the rate of six (6%) percentum per annum Interest shall not be payable in advance or compounded and shall be computed only on unpaid balances for the time that has elapsed at date of payment Interest on judgments which have been entered of record may be computed at the rates prescribed in this section until the date of the issuance of a writ of execution thereafter the interest shall be computed at the rate of six (6%) per centum per annum If interest in excess of that hereinbefore prescribed shall be received by any licensee the said licensee shall thereupon lose all his right to oollect or receive the interest allowed under this act and shall be entitled to recover from the borrower only the amount

actually loaned together with interest at the rate of six per centum per annum upon unpaid balances less any and all amounts already paid by the borrower on account of said loan either as principal or interest Any person borrowing money from any licensee under this act who shall be charged and pay any interest in excess of that prescribed and allowed by the provisions of this act shall be entitled to recover back from the lender by actionat law begun at any time within two years from the date of the last payment any and all sums of money so charged and paid in excess of the amount of the original loan together with interest at the rate of six per centum per annum upon unpaid balances up to the date of final payment of said loan and in addition fifty ($50) dollars as a penalty to be paid to the borrower

Section 2 That sections four and six of said act are hereby amended to read as follows

Section 4 Whenever payment is made on account of a loan to which the provisions of this act shall apply the person receiving such payment shall when payment is made give to the person paying a receipt setting forth the amount then paid [the total amount previously paid] on account of interest if any the amount then paid on account of principal if any and the amount remaining due on principal identifying the instrument accompanying the loan to which the payment is to be applied

Section 6 A Every person persons copartnership association or corporation licensed under this act or any partner director officer agent or member thereof who shall violate any prevision of this act or shall direct or consent to such violation [or who shall lend money in sums of three hundred ($300) dollars or less and charge or receive for the loan or use thereof interest in excess of six per centum (6%) per annum without first having complied with the provisions of section one of this act] shall be guilty of a misdemeaner and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred ($500) dollars for the first offense and for each subsequent offense a like fine and to suffer imprisonment not to exceed six months or both in the discretion of the Court

B Every person persons copartnership association or corporation or any partner director officer agent or member thereof who shall directly or indirectly as principal agent or broker by any device subterfuge or pretense whatsoever charge contract for or receive any interest discount fees fines charges or consideration greater than six per centum (6%) per annum upon the loan use or forbearance of money goods or things in action or upon the loan use or sale of credit of the amount or value of three hundred ($300) dollars or less without having obtained a license under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred ($500) dollars or more than five thousand ($5,000) dollars or to suffer imprisonment of not less than six (6) months or more than three (3) years or both at the discretion of the Court

C No loan of the amount or value of three hundred ($300) dollars or less except as authorized by this act for which interest discount fees charges or consideration greater than six per centum (6%) per annum has been charged contracted for or received wherever made shall be enforced in this Commonwealth and the borrower shall not be required to pay any principal interest or charges whatsoever This provision shall not apply to loans legally made in any State which then has in effect a regulatory small loan law similar in principal to this act

D The payment of three hundred ($300) dollars or less in money credit goods or things in action as consideration for any sale or assignment of or order for the payment of wages salary commissions or other compensation for services whether earned or to be earned shall for the purposes of regulation under this act be deemed a loan secured by such assignment and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall for the purpose of regulation under this act be deemed interest or charges upon such loan from the date of such payment to the date such compensation is payable Such transactions shall be governed by and subject to the provisions of this act

E The payment of three hundred ($300) dollars or less in money credit gods or things in action as consideration for any sale of real or personal property which is made on condition or agreement expressed or implied that such property be sold back at a greater price shall for the purpose of this act be deemed to be a loan secured by such property and the amount by which the repurchase price exceeds such original purpose price actually paid shall be deemed interest or charges upon such loan from the date such original payment is made until the date such original payment is made until the date such repurchase price is paid Such transaction shall be governed by and subject to the provisions of this act

F When real or personal property is pledged as security on a loan of three hundred ($300) dollars or less and the lender requires the borrower to pay for insurance thereon or when the lender requires life insurance as a security to a loan of three hundred ($300) dollars or less such charge for insurance shall be construed as interest under this act when the lender has failed to have such insurence written by an insurance company legally authorized to conduct business in Pennsylvania When the amount charged for such insurance is in excess of the standard cost of similar insurance in other insurance companies legally authorized to conduct business in Pennsylvania the excess shall eb construed as interest under this act

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. PERRY. Mr. Speaker and members of the House, sometimes it has been said that we as members of this Legislature have voted upon proposed legislation without first having knowledge of the facts or any advice on the merits or demerits of the bill. However in Bill. No. 794 in its present form, that is before you, that precedent is not applicable, but we are now called upon to decide whether we shall pass legislation that is opposed to the facts and to the recommendations of one of our own departments of Government, established as a branch of Government, and based upon a two year study ordered by this House. On June 1, 1935, this House adopted a resolution, sponsored by Messrs. Simon and Mentzer which set forth therein.

"Whereas, many bills were introduced at this session of the General Assembly seeking to amend the law governing companies authorized to make small loans; and

Whereas, notwithstanding the apparent need, therefor, the Legislature has failed to enact any legislation on this subject: therefore be it

Resolved, That the Department of Banking be directed to make a study of the conditions and law under which small loan companies are operating in this and other states and counties, and make report thereon to the next regular session of the House of Representatives, together with such draft of legislation as is deemed necessary to correct deficiencies and inequities in the present law."

In accordance with that resolution, the Department of Banking, through its Secretary, Mr. Luther A. Harr, an oppointee of His Excellency Governor Earle made such a study and forwarded to this House its message and report. That study and that report incidentally has been recognized as one of the most valuable, complete and impartial contributions on this controversial subject of small loans' legislation. With his report and this part thereof Secretary Harr prepared House Bill No. 794 embodying therein

the recommendations of his Department upon that study, and in his letter to this House Secretary Harr said "I am happy to say that these measures have the full approval of the Administration." In the forward of his message Secretary Harr, an appointee of Governor Earle said "The problem of legislation on the subject of interest rates is not new to Pennsylvania nor is it confined to this State. Volumes have been written in condemnation and in defense of the taking of interest. The problem is as old as the history of mankind. It has been a constant controversy between the lender having capital and the borrower desiring the use of capital." But said Mr. Harr "Legislation on the subject of consumer credit is ineffective if it is merely prohibited. Capital is invested in this phase of financing by reason of existence of a very definite economic demand. This demand arises from human necessities and requirements. Legislation governing and regulating consumer credit must permit the flow of legitimate capital into these channels to meet the existing demand if it is to be successful."

So, Dr. Harr on behalf of the Department of Banking presented to this House the recommended bill which he claimed has the support of the Administration. House Bill No. 794 was carefully considered by your Banking Committee. A public hearing was held on that bill. The bill was then reported to this House as an Administration bill. In that bill, as reported by your Banking Committee, the provisions reducing the rate of interest on small loans from the present rate of three and one-half per cent per month to a scale of three and two percent. That bill deserves the support of every man and woman in this House who is desirous of correcting and regulating the loaning and regulating the loaning of small sums of money in the amounts of three hundred dollars or less.

But although this was an Administration bill prepared and sponsored by the Department of Banking, and approval of Secretary Harr, nevertheless on the second reading of that bill, from the floor of this House amendments were presented by which the Department's recommendations of three and two were stricken out, and the rate was reduced to two and one-half and one and one-half percent. House Bill No. 794 is now in that form by reason of the amendments presented by the gentleman from Philadelphia, Mr. Lewis.

The question, therefore, in this House is for this body to decide as to whether it will follow the advice and recommendations of that contained in the report of one of its departments, the Department of Banking, based upon actual study and experience, and which according to the Secretary of Banking has the full approval of the Administration, or whether this House will ignore those findings and those recommendations, in order to pass a bill which has been amended contrary and in opposition to the report of your Secretary of Banking.

Therefore, Mr. Speaker and members of this House, in speaking upon this bill and in order to offset in your mind any suspicion of selfish interests or political differences most all of my remarks and comments will be direct quotations from the report as filed by your Secretary Harr of the Department of Banking.

To show the far reaching effect of this legislation upon the working man or woman and the needy citizens in Pennsylvania, Dr. Harr and his Department report: "Statistics show that eighty-five percent of the people of this country have no bank credit. Prior to the passage of special legislation restricting and governing the lending of money in samll amounts for consumption purposes, the members of this class 'eighty-five percent of our people' were compelled as their only recourse to borrow from lenders operating outside the law. These lenders were commonly referred to as 'loan-sharks'. The rates charged by the 'loan-sharks' varied greatly. The minimum average rate charged by these lenders was one hundred twenty percent per year. There seems to have been no limit to the maximum which the borrower might be required to pay. In the investigation of specific cases rates of one thousand percent per year were not uncommon."

So, Dr. Harr then recites in his report the history of the bill and the many attempts that were made to eliminate the loan-sharks out of the Commonwealth of Pennsylvania, but until Act No. 432, approved June 15, 1915, all of these attempts were held unconstitutional. In 1915 the first act was passed which was held constitutional by our courts and which permitted the licensed lenders under supervision of your Department of Jusice to make loans in the sum of three hundred dollars or less to individuals pressed by lack of funds. This was amended subsequently until 1919, which was the last year in which any amendments were passed.

Operating under this law and its amendments Dr. Harr tells you in the year 1935 four hundred seventy-nine licensed offices under his supervision made three hundred and ninety-three thousand loans to these people and totaling over fifty-four million dollars; and that loans of less than one hundred dollars, said Dr. Harr, are unprofitable and yet the total number ow loans granted by the legitimate lenders in this State under the sum of one hundred dollars comprised approximately fifty percent of all those loans. The Doctor's report further discloses that the vast majority of these loans were made to people who have no security to offer, more than sixty percent of them having been made to people whose only security was the furniture in their homes, and Dr. Harr said that is unsatisfactory and most unsuitable kind of security; and that these loans were made to people of Pennsylvania to purchase the necessities and things of every day life.

So, Dr. Harr develops his report. He develops this report showing that the three and one-half percent charge of the lenders under his supervision was not necessarily the tremendous amount of profit that some have referred to in this House.

Dr. Harr and his Department who have made a two year study of this matter, however, in this report have given you a table of their findings of the income of the people and the companies operating.

Those operating at three-and one-half percent or the maximum rate, one hundred and five offices have loaned seventeen million dollars. Those operating at a three percent maximum rate, with two hundred and twenty-three offices lent over eleven million seven hundred fifty thousand dollars and made a net return for the year 1935 of 3.59%. Those are figures of your Dr. Harr in the Department of Banking based on a two year study ordered by this House.

Then Dr. Harr entered into a thing that to me appeals greatly as being based on sound study. Every man and woman in this House, if we have had any experience, and those who have been subjected to the loan-shark are

desirous of eliminating the loan-shark out of the State of Pennsylvania and of protecting our needy people from falling into their clutches. With that all men are in accord. However, Dr. Harr in his report shows plainly that the bill in its present form, instead of eliminating the loan-shark will by virtue of its amendments encourage them and once more subject our people to the loan-shark who charges one hundred, two hundred or a thousand percent.

Listen to this report of your own Department of Banking based on a two year study:

"In addition to Pennsylvania there are twenty-seven states in the United States which have enacted a special statute, in the nature of a Small Loans Act regulating the business of lending money in small sums. The rates charged under these acts vary greatly. As an example, in Alabama the rate is 8% per year of the face amount of loans of $100 or less. Georgia reduced its rate from 3½% to 1½% per month in 1935. New Hampshire has a rate of 2% per month. Under a flat rate or an aggregate rate there are three states which have fixed 2½% per month as a maximum, ten states which have fixed 3% per month as a maximum and eleven states which have fixed 3½% per month as a maximum.

In Pennsylvania lenders do not enjoy the convenience of a chattel mortgage law. In twenty-one of the twenty-seven states having a form of Small Loan Act a chattel mortgage law has been passed.

It has been contrary to the policy of the Commonwealth to permit the assignment of wages in Pennsylvania. Lenders operating under the Small Loans Act do not, therefore, have the benefit of this very effective method of collection. In twenty-five of the other states having small loan acts the assignment of wages is permitted. In the majority of these states the wage assignment can be used effectively by lenders operating under the various small loan acts.

In a questionnaire addressed by this Department to the various states having small loan acts each state was requested to advise if the passage of the small loan act had effectively eliminated socalled "loan sharks" charging exorbitant rates. It is significant that Alabama having a rate of less than 1½% per month reports that its act has not eliminated the "loan sharks." Georgia with its 1½% likewise reports that the "loan sharks" have not been eliminated and to the Superintendent of Banks, Robert E. Gormley, is attributed a statement after the reduction of the interest rate from 3½% to 1½% in 1935, that the "licensed and regulated companies are withdrawing * * * leaving the necesitous borrower to the mercies of the unregulated loan firm."

It is perhaps better that we confine our study of rates in other states to those states bordering Pennsylvania and perhaps a few others having large centers of industrial population similar to Pennsylvania.

In New Jersey the small loans act has had a rather hectic career. Prior to 1929 the maximum rate permitted was 3% per month. In 1929 the rate was reduced to 1½% per month. It remainded at this figure until 1932 at which time it was increased to 2½% per month. It is interesting to note the effect which the reduction in rates in 1929 had upon the small loan business in New Jersey. Prior to 1929 loans outstanding in New Jersey exceeded twenty millions. two years later the volume had dropped to less than six millions. In others words, practically all lenders had or were retiring from business in New Jersey. Many of the organizations licensed to do business in New Jersey prior to 1929 removed their offices to Morrisville, Pennsylvania, which is just across the Delaware from New Jersey's capital, Trenton, and to Philadelphia, where on the other side of the Delaware are Camden and many other smaller cities and towns in South Jersey. New Jersey borrowers came from points within a radius of fifty miles to obtain loans from Pennsylvania offices at 3½% per month for the reason that there were no facilities in New Jersey where these loans could be obtained at the then legal rate of 1½% per month.

Even though New Jersey did increase its rate to 2½% per month in 1932, residents of that state still continued to come to Pennsylvania in order obtain loans. It is estimated that during the year 1936 more than 9,000 residents of New Jersey crossed the Delaware to obtain loans from Pennsylvania licensees totaling one million four hundred thousand dollars.

It is an open question whether 2½% per month is adequate to induce companies to expand their lending facilities in New Jersey, or whether the continued influx of borrowers into Pennsylvania results from the fact that a large number of New Jersey companies moved into Pennsylvania following the rate reduction to 1½% in 1929 and have retained their Pennsylvania location or merged with Pennsylvania companies and have held their New Jersey clientele.

A somewhat similar situation developed in West Virginia when the rate was cut in 1929 from 3½% per month to 2% per month. In 1931 the Better Business Bureau of Huntington, West Virginia issued a bulletin from which we quote 'The high rate lenders have flourished in West Virginia since 1929, when our State Legislature reduced the maximum rates that could be legally charged from 3½% to 2% per month on the unpaid balance on loans up to $300. This change in the laws virtually forced the legitimate lenders out of business and served as an invitation to the high rate operators.' In March, 1933 the Legislature of West Virginia increased the maximum rate to 3½% per month on sums of $150 or less and 2½% on balances in excess of $150 but not exceeding $300.

A small loan act was passed in Missouri in 1927 permitting an interest charge of 3½% per month. Two years later in 1929 the act was amended reducing the rate of interest to 2½% per month. The 1927 Act has not been in operation for a sufficient length of time to determine the effect of the rate reduction on the basis of outstanding loans. As an indication of the effect of this rate reduction, it is noted that the number of licensees declined from 174 prior to the rate reduction to 95 in 1931. Those licensed lenders who remained in business practically eliminated loans of $100 or less thus the borrower having need for loans in amounts less than $100 was deprived of the legitimate source of credit and compelled to resort to the highest rate lenders operating outside the law.

In New York State a law was passed in 1932 permitting an interest charge of 3% per month on loan balances to $150 and 2½% per month on balances from $150 to $300. Statistics are not available to indicate the effect of this act on the relative volume or character of small loans in that state.

Our neighboring State of New York has had a similar

experience to this State. In 1928 it was shocked by disclosures of loan sharking on an appalling scale; discovering that twenty-five million dollars of usurious interest at rates of from 240% to 520% had been extorted that year alone from the wage earners of New York City.

President William Green of the American Federation of Labor estimated that three hundred forty-one million dollars had been loaned to 190,000 small borrowers in New York City alone, mostly through illegal sources.

Yet, New York had a small loan law in effect since 1920. The rate permitted under that law was 2¼% a month. Yet the Baumes Crime Commission, in making its report on the condition, pointed out that two chief defects of the law responsible for this condition was an insufficient rate, and a burdensome restriction on the licensees and the granting of licenses; setting forth that capital, if allotted a fair rate, would flow into the business contemplated by the Personal Loan Law. But at 2¼% per month, legitimate capital could not be attracted, and as a result the entire field was in the hands of bootleg lenders, reaping lucrative earnings from the pressing needs of the small borrower. The Committee than recommended that the Banking Law be changed by removing the restrictions on earnings. Several attempts were made to change this law, until in 1932 the New York Legislature finally passed its present law, wherein the rate of interest was fixed at 3% up to $150, 2½% on the balance. On March 26, 1935, Franklin D. Roosevelt, then Governor of then Governor of the Commonwealth of New York, signed that bill with the following message:

'TO THE LEGISLATURE:

'It appearing to my satisfaction that the public interest requires it:

'Therefore, In accordance with the provisions of Section fifteen of Article three of the Constitution and by virture of the authority conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly Bill Int. No. 1335, Pr. No. 2243, entitled An Act to amend the banking law, in relation to certain lenders of small loans.

'Given under my hand the Privy Seal of the State at the Capitol in the City of Albany this eigth day of March in the year of our Lord One Thousand Nnie Hundred and thirty-two.

(Signed) FRANKLIN D. ROOSEVELT.

'By the Governor
Guernsey T. Gross,
Sec'y to the Governor.'

The Annual Report of the Superintendent of New York for the year ending December 31, 1936, contains this significant statement:

'In view of the experience above outlined and the experience of other states in regulating rates permitted to be charged by licened lenders, the Department feels that no reason exists at the present time for a modification of the maximum rates authorized in this state.' And remember, these rates are 3% up to $150, 2½% on the remainder. A similar experience is found in a message of veto signed by Governor Wilbut L. Cross, of Connecticut, on June 21, 1935, when he vetoed a bill which would have reduced the monthly rate of charge on small loans to 2½%. Governor Cross said:

'The Committee on Banks held a public hearing and reported unfavorably on the proposal to reduce the interest rate on small loans. The bill in question, however passed both House and Senate in the closing hours of the session, notwithstanding the unfavorable report from the committee that heard the evidence. It is clear that there was not sufficient information before the general assembly upon which to base a vote.

"The question at issue goes deeper than the apparently high rate of interest for small loans. It has social aspects of considerable importance. From the information before me, it would seem that 4% per month for small loans is not excessive for this type of business, and that a lower rate would almost certainly prevent the well-managed and reputable companies from engaging in business. The individual instances of hardship and oppression are due not to the difference between 3% and 2½% a month, but either to the harshness of an individual loaner or the misfortune of an individual borrower who has not found it possible to make his payments on time.

"Such cases do not have a bearing upon the wider question of what is a proper regulation of the interest rate. The State Banking Department is in close touch with the various companies engaged in this type of business and so will be in a position to make constructive recommendations at the next session of the general assembly.

"In the meantime, I am of the opinion that the weight of evidence is that 3% is fair. For this reason and because the bill was apparently passed without sufficient study, I withhold approval."

Mr. Speaker and members of the House, when we come here it is to represent what we consider in the interests of our constituents. It is to be considered that we are to heed the voice of the men and women at home to correct the evils as they exist, and which should be corrected. In this connection it is interesting to note from the report of your Dr. Harr of the Department of Banking from whom the objections were coming, and who was making the demands for all these revolutionary and drastic changes in this particular law of the Commonwealth.

Dr. Harr states in his report: "A search of the files of the Department will disclose complaints to the Secretary of Banking by borrowers. The department makes a special investigation of every complaint received from a borrower. The examination of the report of these investigations will show that there are two types of borrowers represented by these complaints." Without taking up any more of your time on this quotation I will just read the last paragraph: "There are in Pennsylvania in excess of 360,000 persons who have borrowed from licensees operating under the Small Loans Act. During the period of one year from July 1, 1935 to July 1, 1936 the Department of Banking received a total of thirty-six complaints. This represents one complaint for every ten thousand borrowers." That is the report of the Banking Committee.

In concluding that report, I would suggest to each and every member, regardless of his political affiliations, who is interested in the question, to read the report and the study of your Department of Banking. It is worth while and it is receiving comments, it is receiving appreciation from many other states of the Union who are being faced with this same problem. And this is the way Dr. Harr closes:

"For generations the United States has been building up the greatest productive machine the world has ever

seen. To make available and to capitalize the inventive genius of our people, the immense wealth of natural resources, the intelligence, industry and ability of the working people, huge credit agencies have been organized, financing the expansion and maintenance of our productive mechanism.

"Under the leaderhip of the President purchasing power is being protected through the Social Security Act of the Federal Government and related acts of the various states, through maximum hour and minimum wage laws, the increase of workmen's compensation benefits, the elimination of child labor and the sweatshop. But all of these measures, vital and beneficial as they are, cannot alone accomplish the desired end.

"Consumers must occasionally borrow to meet unexpected emergencies and to acquire goods and services that can be paid for by low income groups only in instalments over a period of time. To that end, consumer credit agencies, lending at reasonable rates of interest, must be developed and expanded.

"It is estimated that 85 percent of the population cannot obtain credit from commerical banks, not because of any lack of honesty or good faith, but because their economic status prevents them from furnishing either the collateral or financial statement of the type required by commerical banks as a basis or security for loans.

"Most of this 85 percent should be able to obtain credit to improve their homes, to purchase necessary goods, to pay physicians' bills and hospital charges, or to meet any of the thousand and one emergencies which constantly confront the average family.

"The Legislature, in seeking to provide adequate consumer credit, should be guided by two basic rules; the borrowing public must be protected against extortionate interest charges and the rates allowed must be sufficient to permit the lender to earn a fair return on his invested capital.

"Experience has shown that it is impossible to apply the first rule without also employing the second. The Legislature when it enacted the Small Loans Act of Pennsylvania in 1915, as evidenced by the preamble to that statute, realized the futility of attempting merely to prohibit the lending of money at the exorbitant rates charged borrowers prior to the passage of this act.

"In order to put a stop to the lending of money at excessive rates it was necessarry to invite legitimate capital into the business of lending money to supply the demand which then existed. To attract legitimate capital it was necessary to offer a fair return on such capital commensurate with the risk involved. It was only through the established of legally operated small loans companies that the "loan shark" was gradually eliminated. After the borrowers learned that they could obtain loans at a lower rate of interest from legitimate lenders, the "loan shark" was finally forced to withdraw from the State.

"Based on its survey of the small loan field, the Department of Banking recommends to the Legislature that the maximum contract interest rate be lowered. Mindful of the experience of such states as West Virginia, Missouri, Georgia and New Jersey, which lowered too drastically their rates and drove the legitimate lenders out of their jurisdictions, the Department urges that the Legislature move cautiously in making reduction.

"Specifically the Department recommends that the Small Loans Act be amended to fix a maximum rate of 3 percent per month on that part of the unpaid principal balances not in excess of $100. and 2 percent per month on any remainder of such unpaid principal balances. The Departments' investigation indicates that legitimate capital can operate successfully at this rate.

"It is urged that the Legislature adopt the suggested rate schedule at this session and empower the Department to continue its study of the consumer credit problem. It will be far better for the borrowing public if the Legislature errs at this time on the side of conservatism, rather than to risk the possibility of forcing out of the Commonwealth the legitimate lender to the consumer.

"The Department is aware of the fact that the "loan shark" is only too eager to have the legislature set a rate of interest at which the legitimate lender cannot operate. Such action by the Legislature would deprive our people of adequate sources of credit and throw them into the hands of the unprincipled lender.

"And nothing the Legislature can do for the people of the Commonwealth will be of more lasting benefit than making it possible for the wage and salary worker to obtain adequate credit for legitimate purposes."

And this House must now decide whether it will fulfill the Governor's pledge to abolish the loan shark, or by the passage of this bill drive out the legitimate lender, in order that the loan shark may once again fatten on the need of our people.

Mr. Speaker and members of the House, I say sincerely, speaking to you that there is no one in this House who feels more sincere in an attempt to restrict and put under the Department of Banking for safe regulation an industry that lends to the needy people of Pennsylvania who have no credit but no one is more familiar with the loan shark who charges 200 to 500%, who works under cover, who charges such rates as to drive out of business the legitimate men and thereby subject the needy borrower to his own insidious deals and his high handed methods. And so I say to this House when this bill came up, sponsored as I understood, by the Governor in his message to the Legislature to reduce the interest and to eliminate the loan shark; when Dr. Harr, the appointee of that Governor and the head of the Department, after a two year study has presented to this House a bill which he said was an Administration bill, and a bill which to me is one hundred percent deserving of support of every man and woman in this House whether Republican or Democrat, I felt that our problem was solved and we would be doing a good job.

But I say to this House that the problem before you now is for you to decide as to whether you will fulfill the pledges of your Governor, spoken in the Speaker's Chair of this House to abolish the loan shark: whether you will support your own Administration bill presented by your own Secretary of Banking after two years study; whether you will pass that Legislation as recommended by your Department of Banking, or whether we shall in an excess of emotion accept a plan coming on the floor of that type and thereby encourage and foster once more the loan shark in the State of Pennsylvania.

For that reason and with personal regrets that I cannot vote for Bill No. 794 in the form recommended by your Administration and your Department, I am suggesting that as long as these amendments stay in this bill

that we vote down this bill in order to protect our people from the loan shark that will come in on the passage of this bill.

Mr. FLINCHBAUGH. Mr. Speaker and members of the House, in the session of 1937 the Department of Banking has drawn up a number of bills for the protection of the borrower. There was the Consumers' Credit Bill, the Pawnbroker's Bill and various other bills, and now the Small Loans Bill, which we are considering tonight. I consider it the most important of the measures presented by the Banking Department. It is true that the bill is not before you in the form in which it came from the Department of Banking, and at first blush it seems a wide depature from that bill, but on closer scrutiny it does not differ so greatly from that proposed by the Department of Banking. The bill as originally presented provided, as the previous speaker said, for a three percent monthly rate up to one hundred dollars, and two percent on amounts over one hundred dollars.

In the Banking Committee the bill was amended to make the break at one hundred and fifty dollars, and later on the floor of this House it was amended to make the break at one hundred and fifty dollars at two and one-half percent per month, and one and one-half percent on amounts over one hundred fifty dollars. As presented by the Department of Banking, the rates were at least two and one third percent per month on an average. As it stands before you at present, the rates per month are two percent, making a difference of one-third of one percent per month, and that, I submit to you, ladies and gentlemen of this House, is not a very material change.

Government in my opinion should exist and legislate largely for those who are not able to appear here or who are unwilling to appear here, and for those who have no spokesmen.

Practically every bill before this House is represented by some lobbyist. Every organization in this Comomnwealth, every craft, every trade, and every other organization, agriculture and manufacturing concerns, are represented by lobbyists in this House, but the borrower has never had any lobbyist in this House, and it behooves us, ladies and gentlemen of this House, to protect these people, because on account of inclination or on account of the fact that they fear recriminations against them, they have never come here asking for relief from these burdensome rates of interest which they have paid under the Small Loans Act enacted in 1915.

I submit to you that since 1915 a great deal of water has passed over the mill. Today money is probably cheaper than it has been for many a decade. Call money in 1928 was up as high as twenty seven percent and at the present time it is one percent. Interest has been reduced by the Farm Loan Banks, and interest has been reduced on all kinds of money borrowed or money which is loaned by various organizations. You can borrow money from commercial banks at as low as four percent, and in line with this, I believe we are perfectly safe in voting for this measure as it stands today.

It has been suggested that we take the higher rates and in two years, if we find the rates are too high we can reduce them. I want to present the other proposition, let us adopt these rates, let us vote for this bill as it stands at present, and in two years, if we find the rates are too low, we can easily raise them.

Ladies and gentlemen of this House; in the name of those people who are compelled to borrow from the small loan organizations in the name of the eighty-five percent, who have no credit at the regularly organized banks; in the name of these eighty-five percent who are compelled in times of distress to go to the loaner of small loans, let us vote for this legislation and give them some type of redress.

Mr. LEWIS. Mr. Speaker and members of the House, I have listened with a great deal of interest to the gentleman from Blair, Mr. Perry, and the most enlightening thought that I received from him was the thought that tonight, on this auspicious occasion, we find a member of the opposition speaking whole heartedly for an administration measure, and if I had no other thought on the subject, that would recommend to me a change and the adoption of the more progressive measure, more progressive than it was originally presented, for that reason alone.

I say to you with all frankness that I believe there are some things of great value in the report prepared by the Department of Banking as the result of legislation of this House. For more than fifteen years bills to correct the vicious conditions that exist in our small loan business have been introduced in this House time and again, and have failed of passage. For fifteen years the needy people of Pennsylvania who should have been supplied with this Small Loans Act have waited, and waited hopelessly, for us to do something about it. We are here tonight and we have that opportunity. I have only this fault to find with the report of the Banking Department, that they did not go far enough with the picture. I want to recite to you some figures which are facts that can not be denied. For example, of five companies that engaged in licensed lending under the Small Loans Act in Pennsylvania, company "a" with a capitalization and surplus, if you please, of $145,078, in 1928 earned eight percent on that capital and surplus. Going down the years, that same company in 1928, with very little difference in capital and surplus, earned thirteen percent. In 1934, in a depression year, if you please, they earned eight percent plus, and in 1935, they earned ten percent plus.

These figures do not favorably compare with those recited by my friend of the opposition, as to the small earnings of these poor, unfortunate individuals who are so kind and generous as to engage in this business, so that you and I, or the less fortunate people of Pennsylvania might be taken care of in the matter of loans.

Then we go down the line, we find in a small capitalized company, that even in 1927, company "c", capitalized at $53,000 earned twenty five percent plus on that capitalization and surplus. And, mind you, in 1928, at the end of the boom year, their capitalization was $58,669, and mark this well, they earned on that amount of money $29,463, or fifty percent of their total capitalization.

Does that in any way represent a real, poor soul who is doing things for charitable purposes? Go to the larger companies, the companies that they speak about, that are only going to be permitted to do business under this act as amended, company "e" in 1927, with a capitalization of ten million odd dollars, in that year earned a net profit on that capitalization of two million three hundred

thousand odd dollars, or twenty percent of the total capitalization. They earned so much money that they increased their capital and surplus in 1928 from $10,000,000 to $27,000,000, and even in the face of these figures they still earned over nine per cent on their capital and surplus. And in 1934, a depression year, not being satisfied yet, they increased their capitalization from $17,000,000 to $30,000,000, and in that year they earned more than twelve percent of their capital and surplus. My friend has referred to the loan shark and states that he will take over this business, if this bill as amended is adopted. Let me say for him and for the education of all of the members of this House, only one side of this story was recited. He recited that in 1932 they had eliminated the loan sharks in New York by increasing the rate. Gentlemen, if he had read the New York papers of two weeks ago, he would find that the Commissioner of Police in New York had made the statement that the loan shark was running rampant in New York under the increased rates. The rates are not the direct controlling factor; rather the controlling factor that applies in every place where industry employs a great number of people that attempt to engage in it, and the fellow who is willing to borrow the money cares very little, if any at all, at the time when he makes the loan, what interest he is going to pay, but he rues the day when he does have to pay it.

I do not desire to burden you any further as there is other business on the calender. I urge you to help to put this bill on the statute books of Pennsylvania, and we will then have done a thing that the Democratic party of Pennsylvania has pledged itself to do. It will be taking care of those people who my colleague, Mr. Flinchbaugh, has called to your attention, who have no lobbyists in Harrisburg, and I will ask the members of this House to support this measure.

Mr. TURNER. Mr. Speaker and members of the House, there has been a microphone installed near my chair, but as I would have to turn my back on all of you and talk to the audience in the corner, that does not seem to me to be a fair way to approach a subject which has been treated so widely and so vehemently as this has.

My young colleague from Philadelphia has gone into the departments and into the statistics and picked out five companies. Of course, on any measure that you could place before the House, you could no doubt in any industry or any business go out and pick out five companies or ten companies out of the total doing business in this State in any line of industry and could find that they had returns which made very high profits. You can not legislate on the high profit basis and expect that that will carry through to all.

I think that what has been said here on the other side of this subject, like the report of Mark Twain's death, you know, he said it was greatly exagerated, but think we are missing the main point in this whole question when we simply talk in generalities about the reduction to the people, and about the poor people, and about the poor people who are entitled to receive a reduction in interest.

I do not believe that there is any one who has made a careful study of this entire subject who does not and has not believed that there was a possibility of a reduction in rates, but as I have stood before you on many another occasion, I have tried to caution this House about reductions or imposing taxes and things of that kind that make either radical cuts or impose radical burdens upon business.

After all, as the Department of Banking report says, the thing that you are interested in is not only to secure a fair rate to the people, but to enable capital to be invested in this State in order to enable those people to secure moneys that they need in times of distress, or when they need unusual funds in order either to liquidate and indebtedness, or by accumulating their indebtedness in one lump sum, to pay it off in small sums, as they are able to do.

I think that the Chairman of the Banking Committee said a few minutes ago that money was very cheap, and he talked about call money. Of course, call money is cheap. If you have very high grade bonds, if you are going to borrow money for thirty or sixty days, you can walk into one of the big metropolitan banks and borrow money at one half or three quarters of one percent, but if you go as a business and offer your note to a bank today, you will know the difficulty you have to secure money. The reason you have that difficulty in securing money is that money is hiding, money took flight, money got scared in 1929 and went into the cellar, and that is one reason why we haven't come back as quickly as we should, that is one reason why unemployment has not decreased as it should, because small industry or the small business man today can not secure the funds that he needs, and he can not secure them because when people have money to invest they hunt around and they say, "Well, we had better put it where it is very, very liquid, that is, where we can get at it very, very quickly, or where we can sell the security."

I sat one night not long ago with a group of men in this city, who were trustees of a fund, and we had some money to invest, we needed the income to carry on the organization, and in looking around we considered all the different investments that could be made, and after very careful consideration we determined that there was only one thing we could do, which was to split that sum up into savings accounts of not more than five thousand dollars in any one bank, where we could get two percent inerest. That money would come out of its hiding if people who have finances and money to lend felt they could invest that money or could lend it with maximum security, to have it returned in a short length of time, and you would see a great expension of business and a great expansion of industry beyond that which we already have, and you would see that unemployment would be cut down very materially.

That is the problem that the Banking Department wanted to call to your attention, as presented in their report and which my young friend in his zeal to get a reduction in rates, thinks is going to benefit the borrower, has absolutely overlooked and forgotten all about the fact that this will not drive a number of these fellows out of business, but they will stay in business. He speaks of great big organizations, with ten million dollars capitalization, I do not think there is any Pennsylvania company with ten million dollars capitalization. Where is that money invested? It may be invested in the larger cities,

with a larger return. It may be invested in states that have wage assignment laws or garnishee laws or chattel mortgage laws, to which the Department of Banking refers, and in those states the percentage of loss is such that the return is greater to the lender. But to come into Pennsylvania, into an industrial State, that has been hit hard during the depression, where the percentage of unemployment has been greater the last few years, to come into Pennsylvania without any garnishee law or without any chattel mortgage law, and then to say to those companies that there is not any great risk is to deny the facts that are plain and can be seen by every one. What will happen? You are going to help the little fellow. It is easy to take the average, as Mr. Flinchbaugh did, and say that the average is two and one-third percent. But remember the Banking Department report shows and the testimony shows that it is on the small loans down below the $150 mark, where the percentage of return is very slight.

Just look at this. "On loans of two and one-half percent the average return was 3.59 percent of net profit," according to the Banking Department. If all of these high figures which the gentleman from Philadelphia has put before us today are to be true of an entire industry, then the Banking Department is deceiving us in its report, and we certainly can not say that the Banking Department is deceiving us because they examine the reports of these companies, and it is upon the average of these reports and not upon the exception that we are discussing. Of the companies loaning at three percent, there is only $375,000 out of the total of thirty seven and one half million dollars loaned in Pennsylvania, and the average return with the three percent companies was 3.72 percent, while on the eleven million dollars loaned by the three and one-half percent companies 3.59 percent was the net average profit. The average for all of them, according to the Banking Department report,—and I do not believe that the gentleman from Philadelphia means to impugn that report,—the average was 6.84 percent.

There is another consideration which the gentleman from Philadelphia undoubtedly omits from his calculation, because he goes back into the 1927 and the 1928 figures, and then comes down into 1934 and 1935. The whole history of this industry as set forth by the Banking Department, is that losses have been greatest in the depression years. I hold in my hand a report issued by the Thrift and Investment Corporation of Pittsburgh. There are twenty-eight companies, all separate companies, they say, that belong to this particular group which has a certain system. They say that the average taxes paid by the twelve companies in 1932, out of gross income dollars equalled 5.60 percent. while the average taxes paid by eighteen companies in 1936 out of gross income dollars equalled 11.08 percent. In other words, between the period of 1932 and 1936 the taxes of these companies had doubled in the Commonwealth of Pennsylvania. And that tax not come from the borrower; it come out of the pockets of the corporations. And so I say to you, as Mr. Perry has said, if you will peruse this report, I do not believe that there is any one who will not be convinced that there was no justification even in the cut in the rate which the Banking Department made,—there isn't anything in this report on the basis of the 6.84 and the finding by the Banking Department that the companies charging rates of one percent had a loss of 2.01 percent; that the companies charging one and one-half percent had a loss of .20 percent; that on the companies charging two percent, they had a profit of 2.88 percent; that the companies charging two and one-half percent had a profit of 3.59 percent; the companies charging three percent had a profit of 7.32 percent; that the companies charging three and one-half percent had a profit of 3.59 percent, and that the companies charging an aggregate rate, that is the rate that changes on the amount as it went up, the one hundred and fifty dollar split, had 11.22 percent profit.

Where is there in that report anything to show any justification for a cut in the rate below three and one-half percent, when the average of the companies loaning eleven million seven hundred and fifty thousand dollars was 3.59 percent. Where is there a justification and what will happen? The minute you carry this rate down below that which has been established as three and two, and carry, it into the two and one-half percent bracket up to $150 and one and one-half percent beyond, people making loans below one hundred and fifty dollars will be excluded, and a great number of them will be unable to find access to the loans that they want in Pennsylvania because the companies will not make that character of loan where there is a district loss, where experience shows that there is a loss. Therefore you will not benefit the small man, you cannot help him, he just won't get the loan. He won't be able to get the money unless he goes to one of those companies that operate outside the law, from those people who loan money outside the law, with rates up to 100, 200, and 300 percent.

Mr. Speaker, the gentleman from Philadelphia seemed to be surprised that the gentleman on this side would arise and praise the Banking Department. Of course his experience in this House only goes back a couple of months, but if he had been a member of this House from 1935 he would have known that I on the floor of this House on several occasions supported and helped to secure the passage of legislation introduced by the Banking Department. I have had contact with a number of the secretaries of banking. I have had contact with much legislation that has come from the Banking Department. I have always believed that legislation of the Banking Department was nonpartism, that it should be dealt with as a problem affecting all the people of Pennsylvania, and that there was no room in the minds of the legislators for and partisanship.

I have always found that the Banking Department was willing to sit down with us and discuss any differences that might exist in proposed legislation with the members of the House. In 1935 I had the pleasure of meeting the present Secretary of Banking. I found him to be very intelligent and I believe his department is honest. I believe the department was sincere and honest when it passed out this report. I do not think it is fitting or becoming to anyone else to rise upon this floor and say that the Banking Department in its report only went part way and did not disclose the earnings of large corporations. I believe if the earnings of large corporations, I believe if any appreciable percentage of the companies doing a small loan business in Pennsylvania had shown such large profits, I believe that the Banking Department would have so stated in its report. I do not believe that the Banking Department had any axe to

grind. I do not believe that the Banking Department had any ulterior purpose. I do not believe that the Banking Department wanted to put the rate on three and two but that they would rather have put it at one percent, if they could. The Banking Department consists of intelligent men; it consists of men who are skilled in the banking business; it consists of men who have had contact with this small loan business for a number of years, and those men prepared a report and submitted it to this House and they prepared a bill and submitted it to this House, and upon the basis of that bill they said that the rate should be three and two and that it should split at one hundred dollars. Some of us differed with them on this and we made the split at one hundred fifty dollars, and the Banking Department made no objection to that split.

Therefore, in view of the situation that exists here, in view of the mis-statements, I will say, that have been made here and there about this business, in view of the fact that many people seem to consider the bill on the surface without knowing what the real facts are about it, when you consider that this business has been studied for years and there are row after row of volumes on the subject, when you consider that the Russell Sage Foundation decided that the right rate was three and one-half percent, when you consider the situation in New York, Connecticut and other states, when you find that the banking commissioners say when you put these rates down to those points, you are going to drive away the source of the small loan and throw them into the hands of a loan shark, how can you stand here and fight for that kind of a measure? In order that this measure may be brought back to its proper place and in order that we may have an opportunity for studying it, because there are many other good features of the bill, there are regulatory features in which we are all interested, things that will be good for the business and things that will be good for the borrower.

Therefore, I ask unanimous consent at this time to offer amendments to make this bill three and two, as it was when the Banking Department sent it over.

The SPEAKER. For the information of the gentleman from Delaware, the Chair would state that the bill has been agreed to on third reading. In order to submit his amendments he would have to make a motion to reconsider the vote by which the bill was agreed to on third reading.

MOTION TO RECONSIDER VOTE

Mr. TURNER. Mr. Speaker, I move that the vote by which this bill was agreed to on third reading be reconsidered.

Mr. McDEVITT. Mr. Speaker, I second the motion.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. TURNER and Mr. SNYDER and were as follows:

YEAS—52.

Atkins,	Imbrie,	Schrock,	Trout,
Baker, F. T.,	Kline,	Schumacher,	Turner,
Boose,	Leisey,	Serrill,	VanAllsburg,
Boyer,	Longaker,	Simon,	Wall,
Cadwalader,	Lyons,	Simpson,	Wampole,
Davies,	Matthews, J. F.,	Sloan,	Watkins,
Eckels,	McDevitt,	Snyder,	Webster,
Fiss,	McKinney,	Sollenberger,	Weidemann,
Gillette,	Merrell,	Sproul,	Wilson,
Habbyshaw,	Muir,	Stackpole,	Winner,
Hall,	Peale,	Stewart,	Wood,
Hamilton, R. S.,	Perry,	Stockham,	Woodside,
Huntley,	Royer,	Strode,	Yeakel,

NAYS—140

Achterman,	Dubbs,	Marino,	Ruffennach,
Alexander,	Elpern,	Matthews, H. T.,	Rush,
Allmond,	Falkenstein,	McArdle,	Sarraf,
Arnold,	Finnerty,	McCullough,	Scanlon,
Aukerman,	Fitch	McDermott,	Schor,
Baine,	Flanagan,	McElroy,	Schrope,
Baker, J. J.,	Flannery,	McFall,	Shea,
Balthaser	Flinchbaugh,	McGee,	Shepard,
Bierly,	Ganser,	McShane,	Shoemaker,
Blank,	Gerard,	Melchiorre,	Siegel,
Bohn,	Gorski,	Mellott,	Skale,
Boies,	Haberlen,	Mihm,	Smith, James A.,
Boltz,	Hagerty,	Moomaw,	Smith, John A.,
Bradley,	Hamilton, F. P.,	Mooney,	Spengler,
Brancato,	Harkins,	Moran,	Stank,
Brigerman,	Harmuth,	Moul,	Thomas,
Broad,	Hays,	Munley,	Thompson,
Brown,	Hering,	Murrin,	Tronzo,
Brownfield,	Hess,	Nagel,	Tumelty,
Burrows,	Hetrick,	O'Brien,	Valibus,
Caesar,	Hindman,	O'Connor,	VanSickle,
Caputo,	Hirsch,	O'Keefe,	Vogt,
Chervenak,	Holland,	Ominsky,	Wagner,
Coakley,	Holmes,	O'Neill,	Walsh,
Cohen, R. E.,	Holstrom,	Ostroff,	Weiss, D. H.,
Coleman,	Hontz,	Patterson, J. W.,	Weiss, S. A.,
Coolahan,	Jirolanio,	Pearson,	Welliver,
Corrigan,	Keenan,	Piole,	Welsh,
Costanzo,	Kelso,	Powers,	Whalen,
Decker,	Kilroy,	Readinger,	Whitenight,
DeNote,	LaRue,	Reese,	Wright,
Dickinson,	Levy,	Reising,	Yanoshat,
Donohoe,	Lewis,	Richter,	Yourishin,
Dougherty,	Lopresti,	Robinson,	Zappala,
Downey,	Lovett,	Rothenberger,	Furman,

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—179.

Achterman,	Finnerty,	McCullough,	Schrock,
Alexander,	Fiss,	McDermott,	Schrope,
Allmond,	Fitch,	McDevitt,	Serrill,
Arnold,	Flanagan,	McElroy,	Shaw,
Atkins,	Flannery,	McFall,	Shea,
Aukerman,	Flinchbaugh,	McGee,	Shepard,
Baine,	Ganser,	McKinney,	Shoemaker,
Baker, F. T.,	Gerard,	McShane,	Siegel,
Baker, J. J.,	Gillette,	Melchiorre,	Simpson,
Balthaser	Gorski,	Mellott,	Skale,
Bierly,	Haberlen,	Merrell,	Sloan,
Blank,	Hagerty,	Mihm,	Smith, James A.,
Bohn,	Hall,	Moomaw,	Smith, John A.,
Boies,	Hamilton, F. P.,	Mooney,	Spengler,
Boltz,	Hamilton, R. S.,	Moran,	Sproul,
Boose,	Harkins,	Moul,	Stank,
Boyer,	Harmuth,	Muir,	Stewart,
Bradley,	Hays,	Munley,	Stockham,
Brancato,	Hering,	Murrin,	Thomas,
Brigerman,	Hess,	Nagel,	Thompson,
Broad,	Hetrick,	O'Brien,	Tronzo,
Brown,	Hindman,	O'Connor,	Tumelty,
Brownfield,	Hirsch,	O'Keefe,	Valibus,
Burrows,	Holland,	Ominsky,	VanAllsburg
Caesar,	Holmes,	O'Neill,	VanSickle,
Caputo,	Holstrom,	Ostroff,	Vogt,
Chervenak,	Hontz,	Patterson, C. S.,	Wagner,
Coakley,	Imbrie,	Patterson, J. W.,	Walsh,
Cohen, R. E.,	Jirolanio,	Peale,	Wampole,
Coleman,	Keenan,	Pershing,	Watkins,
Coolahan,	Kelso,	Piole,	Weidemann,
Corrigan,	Kilroy,	Powers,	Weiss, D. H.,
Costanzo,	Kline,	Preston,	Weiss, S. A.,
Davies,	LaRue,	Readinger,	Welliver,
Decker,	Levy,	Reese,	Welsh,
DeNote,	Lewis,	Reising,	Westrick,
Dickinson,	Long,	Richter,	Whalen,

Donohoe,	Longaker,	Robinson,	Whitenight,
Dougherty,	Lopresti,	Rothenberger,	Winner,
Downey,	Lovett,	Ruffennach,	Wright,
Dubbs,	Lyons,	Rush,	Yanoshat,
Dyson,	Marino,	Sarraf,	Yourishin,
Eckels,	Matthews, H. T.,	Scanlon,	Zappala,
Elpern,	Matthews, J. F.,	Schor,	Furman,
Falkenstein,	McArdle,		

NAYS—20

Cadwalader,	Perry,	Sollenberger,	Wall,
Habbyshaw,	Royer,	Stackpole,	Webster,
Huntley,	Schumacher,	Strode,	Wilson,
Leisey,	Simon,	Trout,	Wood,
Pearson,	Snyder,	Turner,	Woodside,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. PEARSON filed the following reasons for his vote.

My reason for voting "No" on House Bill 794 are these:

The Bill as amended is not in conformity with the report submitted by the Banking Department and in its present form does not meet with the approval of the Banking Department.

The Bill as amended will impose a hardship on the smaller loan companies, forcing many of them out of business, and, in my opinion tends to set up a monopoly in the business of lending money in amounts up to $300.

The bill as it is now written cannot be considered an administration bill but rather a bill of an individual member who has only a slight knowledge of the small loan business.

Mr. SCHUMACHER filed the following reasons for his vote:

I am voting "No" on this Bill (H. R. 794) because it was amended contrary to the report of the Department of Banking

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 31.

A Joint Resolution proposing an amendment to Article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen

SENATE BILL No. 77.

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" empowering counties of the second class to employ police officers at the expense of such counties and defining their powers

SENATE BILL No. 231.

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors where there is no evidence of fraud of conspiracy and to authorize ratify confirm and validate payments on such contracts by the school district

SENATE BILL No. 370.

An Act authorizing cities of the first class to set-off delinquent taxes and interest penalties and costs due thereon against claims and accounts due by such cities and prescribing the powers and duties of the city controller in such cases

Whereupon,

The SPEAKER, in the presence of the House signed the same.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which were laid upon the table.

RECONSIDERATION OF HOUSE BILL No. 662.

Mr. REISING. Mr. Speaker, I move that the vote by which House Bill No. 662, Printer's No. 381, entitled:

An Act to amend sections four hundred thirteen and seven hundred ten of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrains and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing the registration year and adjusting registration fees

was defeated on final passage on Wednesday, March 24, 1937, be reconsidered.

Mr. CAPUTO. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Beaver, Mr. Reising vote on the final passage of the bill?

Mr. REISING. Mr. Speaker, I voted in the negative.

The SPEAKER. How did the gentleman from Beaver, Mr. Caputo vote on the final passage of the bill?

Mr. CAPUTO. Mr. Speaker, I voted in the negative.

On the question,

Will the House agree to the motion?

Mr. REISING. Mr. Speaker and members of the House, owing to the fact that on Wednesday afternoon, when this bill was defeated, there were sixty-six members absent and the membership was quite restless, the bill did not have in my opinion a fair chance of passage. The vote on the bill at that time was 91 yeas and 55 nays, lacking 14 votes for passage. So out of respect for those members who were absent, I would ask the House to vote to reconsider this bill.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—127.

Achterman,	Hall,	Muir,	Sproul,
Alexander,	Hamilton, R. S.,	Murrin,	Stackpole,
Atkins,	Harkins,	Nagel,	Stank,
Aukerman,	Harmuth,	O'Connor,	Stewart,
Baine,	Hays,	O'Keefe,	Stockham,
Baker, F. T.,	Hess,	Patterson, C. S.,	Strode,
Bohn,	Hirsch,	Peale,	Thomas,
Boles,	Holland,	Pearson,	Thompson,
Boose,	Holstrom,	Perry,	Tronzo,
Boyer,	Hontz,	Pershing,	Trout,
Bradley,	Huntley,	Piole,	VanAllsburg,
Brigerman,	Imbrie,	Preston,	VanSickle,
Broad,	Kane,	Reese,	Vogt,
Brown,	Keenan,	Reising,	Wagner,
Brownfield,	Kline,	Richter,	Wall,
Burrows,	LaRue,	Robinson,	Wampole,
Cadwalader	Leisey,	Rothenberger,	Watkins,
Caputo,	Longaker,	Royer,	Webster,
Chervenak,	Lopresti,	Ruffennach,	Weidemann,
Coakley,	Lyons,	Rush,	Weiss, D. H.,
Coolahan,	Matthews, H. T.,	Sarraf,	Weiss, S. A.,
Davies,	Matthews, J. F.,	Schrock,	Welliver,
Dickinson,	McArdle,	Schumacher,	Welsh,
Downey,	McCullough,	Serrill,	Wilson,
Dyson,	McDermott,	Shaw,	Winner,
Eckels,	McKinney,	Shoemaker,	Wood,
Fiss,	Mellott,	Siegel,	Woodside,
Ganser,	Merrell,	Simon,	Wright,
Gerard,	Mihm,	Simpson,	Yeakel,
Gillette,	Mcomaw,	Sloan,	Yourishin,
Gorski,	Mooney,	Snyder,	Zappala,
Habbyshaw,	Moran,	Sollenberger,	Furman,
Haberlen,			

NAYS—56.

Allmond,	Dougherty,	Kelso,	Patterson, J. W.,
Baker, J. J.,	Dubbs,	Kilroy,	Powers,
Balthaser,	Elpern,	Levy,	Readinger,
Bierly,	Falkenstein,	Lewis,	Scanlon,
Blank,	Finnerty,	Long,	Shepard,
Boltz,	Fitch,	Lovett,	Skale,
Brancato,	Flanagan,	Marino,	Smith, James A.,
Caesar,	Flannery,	McFall,	Tumelty,
Cohen, H. B.,	Hagerty,	McGee,	Turner,
Cohen, R. E.,	Hamilton, F. P.,	McShane,	Valibus,
Corrigan,	Hetrick,	Melchiorre,	Walsh,
Costanzo,	Hindman,	O'Brien,	Whalen,
DeNote,	Holmes,	Ominsky,	Yanoshat,
Donohoe,	Jirolanio,	Ostroff,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 678 Printer's No. 304 was passed over at the request of Mr. SPOUL.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1156 as follows:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

Short Title Citation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Permanent Registration Act for boroughs towns and townships"

Section 2 Definitions (a) The word "Commission" shall mean any registration commission having jurisdiction in boroughs towns and townships

(b) "Commissioner" shall mean a county commissioner acting as a member of the registration commission

(c) "Oath" shall indicate affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special municipal or primary election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any party or political body one of whose candidates at the general election next preceeding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for an elected candidate or any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county containing therein any borough town or township

(j) "Political Body" shall mean any political body not recognized as a political party which has filed proper nomination papers as required by law

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commissions as hereinafter provided

(m) "County" shall mean any county of this Commonwealth

(n) "Public Office" shall mean and include any National State judicial county city borough town township school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(o) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(p) "District" shall mean any election district or precinct of a borough town or township

(q) All references to police officers clerks secretaries

courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school districts and other officials of counties boroughs towns townships and school districts where not otherwise specified shall refer only to those of any borough town or township or to those of any county within which such borough town or township is located or to any school district containing contained in or co-extensive with any borough town or township

(r) "County Election Board" or "County Board" shall mean the county board of elections of any county as now or hereafter provided for by the election laws of this Commonwealth

(s) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculation or reckoning Provided however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered as the last day for said purpose

Section 3 County Commissioners to Act as Registration Commission for Boroughs Towns and Townships (a) The county commissioners of each county containing one or more boroughs towns or townships shall act as a registration commission in and for such county which commission shall have jurisdiction over the registration of electors in the boroughs towns and townships of such county under the provisions of this act

(b) The commissioners shall receive no compensation in addition to their compensation as county commissioners

(c) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(d) Each commission shall keep a record in permanent form of its proceedings

Section 4 Powers of Commission Regulations Enforcement Correction of Errors or Irregularities Cancellation of Registration Powers of Commissioners

(a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witness as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The Commission and any commissioner shall have power on its or his own motion (1) to summon and interrogate any person concerning the registration of electors or any matter related thereto (2) to investigate any irregularities in registration (3) to summon and examine witnesses (4) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission or commissioner shall be first duly sworn or affirmed

Section 5 Employes Registrars Inspectors of Registration Duties Appointment Incompatible Offices

(a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The number and compensation of all such assistants and employes shall be fixed by the salary board of the county The commission may appoint employes of the county to act for the registration commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include (1) Registrars or clerks who shall be empowered to register the qualified electors of such boroughs towns and townships and in so doing to administer oaths and affirmations and (2) inspectors of registration who shall have and may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the county No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per deim basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission shall appoint a chief clerk who may be the chief clerk of the county commissioners and who shall have authority to administer oaths and to sign vouchers

(f) Any inspector of registration when directed by the commission shall (1) investigate all questions relating to the registration of electors in boroughs towns and townships and for that purpose shall have power to enter and inspect any house dwelling building inn lodging-house or hotel within any borough town or township and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or herein regarding any person or persons residing or claiming to reside therat or therein without being required to show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodging-house inn or hotel relating to do affecting the right of any person to vote or to be registered in any borough town or township

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such borough town or township to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest.

Section 6 Counsel The County solicitor shall be counsel for the Commission and shall receive no compensation in addition to his compensation as county solicitor Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal procedure for carrying out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common pleas as herein provided

Section 7 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations

(a) The county commissioners shall appropriate annually and from time to time the fund that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of a sufficient number of registrars inspectors of registration and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in

accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purposes of this act and for all other necessary expenses

(c) The county commissioners shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties

(d) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the effective date of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 8 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 9 Commissioners and Chief Clerk May Act as Registrars and Inspectors A commissioner or the chief clerk may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 10 Immunity from Arrest Commissioners registrars and inspectors of registration shall be privileged from arrest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for a criminal violation of this act

Section 11 Acts to be Done on Legal Holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 12 Records and Documents to be Open to Public Inspection The records of such commission and all district registers street lists voting check lists voter's certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of any borough town or township during ordinary business hours at any time when they are not necessarily being use by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 13 Watchers at Places of Registration Privileges (a) Any party or political body which now is or hereafter may be entitled to have watchers at any election as well as may organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three qualified electors of the county to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration and to interrogate or challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commission and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And Provided That not more than one watcher for any party or political body or citizens' organization represented shall be allowed in a place of registration at any one time

Section 14 Watchers or Attorneys at Sessions of Commission Any party or political body or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of any borough town or township or attorneys to represent such party or political body or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at places of registration but the number who may be present at any one time may be limited by the commission to not more than three for any party or political body

Section 15 Candidates May be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 16 Days and Hours of Registration Places of Registration Use of Polling Places Payment of Rentals Use of School Buildings Public Notice

(a) From and after the first day of May one thousand nine hundred and thirty-seven each commission or any commissioner or a registrar or clerk appointed by the commission shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sunday holidays the day of each election and each primary the thirty days next preceding each election and each primary and the thirty days next following each election and the five days next following each primary at the office of the commission and at such additional places in the boroughs towns and townships as the commission may from time to time designate in accordance with the provisions of subsection (b) herein receive personal applications from persons who claim that they are entitled to be registered as electors of any borough town or township and who appear for registration Provided however that in the year one thousand nine hundred and thirty-seven applications for personal registration shall be received up to and including the first day of September anything in this section to the contrary notwithstanding and provided further that in the year one thousand nine hundred and thirty-seven each commission shall arrange to have two (2) registrars present to receive applications for the personal registrations of electors at the polling place or some other suitable place in each election district in the boroughs towns and townships of such county on at least three separate days prior to September second (one of them being in July and another in August and the third day being September first) Of the two registrars who shall sit in each election district prior to September second in the year one thousand nine hundred and thirty-seven one shall be a member of the party enrolling the largest number of voters within the election district for the preceding November election and the other shall be a member of the party enrolling the second largest number of voters

within the election district for such election Such registrars shall be appointed by the commission for the year of one thousand nine hundred and thirty-seven and shall hold office only during such year No person shall be so appointed unless his name is suggested in writing by the county chairman of the party which is entitled to a registrar in such district as herein provided unless the county chairman of the proper party fails to make such suggestion on or before the nineteenth day of June one thousand nine hundred and thirty-seven in which case the commission may appoint any qualified person

(b) The Commission by its own action may or upon the signed petition of at least one hundred qualified electors of any borough town or township requesting the same shall cause at least two registrars to sit not later than thirty days prior to the primary or election for the purpose of receiving personal applications for registrations applications for change of party enrollment and removal notices from electors of said borough town or township at a suitable and cenveniently located place in said borough town or township for at least three days prior to the election or primary continuously between the hours of 10 A M and 3 P M and between the hours of 7 P M and 10 P M Such petitions to be effective shall be filed with the Commission at least forty-five days prior to any primary or election immediately upon such motion of the commission or immediately upon the receipt of any such petition the commission shall notify in writing the county chairmen of the political parties enrolling the largest and second largest number of voters within the county at the preceding November election of the filing of said petition and of the number of registrars the commission will appoint to serve in said boroughs towns and townships Not later than the third day after receipt of said notice said chairmen shall submit to the commission a list of qualified electors of the county to serve as registrars for said days Of the registrars appointed by the commission for such registration days an equal number shall be appointed from the names on each of the lists so submitted Provided however That if either or both of said chairmen shall fail to submit such list within the time herein provided the commission shall appoint an equal number of persons from the list actually submitted and an equal number of any qualified electors of the county or shall appoint as all of such registrars any qualified electors of the county as the case may be

(c) The county election board shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission or required by the provisions of this act for use as a place of registration and the county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(d) The board of public education or school directors of each school district shall furnish suitable space in any public school building under its jurisdiction or control and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be desired by the registration commission for use as a place of registration in accordance with the provisions of this act Provided That such use shall not interfere with instruction for the conduct of which such board of public education or school directors shall be responsible

(e) The proper borough town and township authorities shall furnish suitable space in any borough town or township hall or other municipal building under their jurisdiction or control and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be desired by the commission for use as a place of registration Provided That such use shall not interfere with the use for which such room or space is primarily designed

(f) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least ten placards or notices thereof in conspicuous places throughout said borough town or township at least three days prior to the date when the place shall be so open and shall also give notice of such time and place of registration by publication at least once in one newspaper of general circulation published in the county at least three days prior to the date when the place shall be so open and by such other newspaper publication as it deems desirable

Section 17 Registration Cards Preparation and Distribution

(a) For the purpose of registering the qualified electors of each borough town or township the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

Registration Affidavit

State of Pennsylvania }
County of } ss:

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this .....day of .....19..

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards which binders can be locked The keys of all such binders shall at all times be retained by the commission.

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 18 Manner of Registration

(a) Every person claiming the right to be registered as an elector must appear in person before the commission a commissioner a registrar or a clerk at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with other information herein required shall be recorded in his presence by the registrar commissioner or clerk in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street or road and number if any of his residence (5) if his resi-

dence is a portion only of the house the location or number of the room or rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father mother or husband through whom naturalized (13) whether he is unable by reason of illiteracy to read the names on the ballot or on the voting machine labels (14) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) the designation of the political party of the elector for the purpose of voting at primaries (16) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar or clerk and dated by him (17) his height in feet and inches (18) the color of his hair (19) the color of his eyes and (20) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (21) the borough town township ward and election district if any in which the elector resides and to which he may from time to time remove together with his street address in each borough town or township and the other data required to be given upon such removal (22) the date of each election and primary at which the elector votes the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (23) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed alphabetically for the county the registration cards will be known as the General Registers when filed by election districts as the District Registers

(e) If the applicant shall allege inability to sign his name the registrar or clerk shall require him to present the affidavits subscribed in person before a registrar commissioner or clerk of two electors who are personally acquainted with the applicant and who know his qualification as an elector Each of said two electors shall state in his affidavit the applicant's residence his own residence his knowledge of the statements made by the applicant under oath or affirmation in applying for registration and his belief that they are true Upon the filing thereof the applicant shall be permitted to subscribe to his oath or affirmation by making his mark except that if the applicant's inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar or clerk an affidavit of his inability to sign his name Every affidavit required because of an applicant's inability to sign his name shall be filed with the duplicate registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

(f) When the registration of an elector has been completed the registrar commissioner or clerk shall deliver to the registered elector a written or printed statement signed by such registrar commissioner or clerk setting forth the name and address of the elector giving borough town or township and his ward and district if any the fact of registration designation of party enrollment and the date thereof

(g) Any person employed in the service of this Commonwealth or in the service of the Federal Government and required thereby to be absent from any borough town or township wherein he resided when entering such employment his wife or her husband shall be registered as of the district wherein he or she shall have resided immediately prior to entering such service and be enrolled as a member of the political party he or she designates without declaring a residence by street and number All persons employed by this Commonwealth who register in this manner shall produce a certificate from the Auditor General under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of this Commonwealth and also setting forth the nature of such employment and the time when such person first entered such employment

All persons employed by the Federal Government who register in this manner shall produce a certificate from the head of the proper department or chief of the proper division or bureau under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of the United States and also setting forth the nature of such employment and the time when such person first entered such employment

The commission shall retain such certificates and shall cause to be noted on the registration card of each person so registered the fact that such person is an employe of this Commonwealth or of the Federal Government as the case may be

At least once every two years the commission shall verify the employment of all persons thus registered at either the office of the Auditor General of this Commonwealth or at the office of the department division or bureau of the Federal Government in whose employ such person is alleged to be If any such person is found to be no longer an employe of this Commonwealth or of the Federal Government his registration card shall be removed from the district register until such time as said person appears at the office of the commission and declares the street or road and number if any of his residence in the borough town or township

Section 19 Who May Register Who May Vote Electors Need Register Only Once Exception Every person living in a borough town or township who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will have obtained such qualifications before the next ensuing election shall be entitled to be registered as herein provided From and after the effective date of this act no person shall be permitted to vote at any election or primary held in any borough town or township unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided

Section 20 Applicants to Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by any clerk or by a qualified elector of the borough town or township Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them by his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) Serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residence for the four months immediately preceding date of execution (9) the name of his present employer (10) the city town borough and street and number of his place of business (11) the name of his last employer and the year in which he left his employ (12) the city

town borough and street and number of said last employers place of business (13) sex of the applicant (14) his color (15) the date of his birth and (16) such distinguishing marks peculiarities and further information for identification as the commission shall prescribe

(d) The challenged applicant shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his residence in the election district If such challenged applicant shall establish his right to be registered as required by this act he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the county Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe to an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for persidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 21 Naturalized Applicants Applicants Whose Fathers Mothers or Husbands Were Naturalized All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which his naturalization was effected before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father or mother during his minority may be registered either by the production of his father's or mother's original papers or a certified copy thereof or certificate of the court or by making affidavit as to the court in which and time when his father or mother was naturalized and that he the applicant was then less than twenty-one years of age and that he is unable to produce his father's or mother's papers or a certified copy thereof or certificate And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or certificate of the court in which the naturalization was effected or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and the court in which such naturalization took place and that she the applicant is unable to produce his original naturalization papers or a certified copy thereof or certificate or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 22 Incomplete or Rejected Applications to be Recorded The Registrar commissioner or clerk shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar commissioner or clerk shall note thereon the reason for the rejection and shall sign his name thereto The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 23 Appeal of Rejected Applicant Any person whose application to be registered has been denied by a registrar commissioner or clerk may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar commissioner or clerk who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar commissioner or clerk to register him in the usual manner and shall amend accordingly the records affected but any registrar clerk inspector of registration or qualified elector of the county may appear and show cause why the petitioner should not be registered

Section 24 General Register The duplicate registration cards for all boroughs towns and townships within the county shall be placed in exact alphabetical order and shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These cards shall constitute the General Register of all such boroughs towns and townships in the county and shall not be removed from the office of the Commission except upon order of a court of record of the county wherein such borough town or township is located

Section 25 District Registers The original registration cards shall be filed by election districts and within each election district in exact alphabetical order and indexed The cards so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to public inspection at all times subject to reasonable safeguards rules and regulations

Section 26 Removal Notices (a) The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the borough town or township the street or road and number if any of his present residence and the specific location thereof including the number of the room or rooms apartment flat or floor if his residence is a portion only of a house (2) the borough town or township the street or road and number if any of the address from which he was last registered (3) the date of his removal to his present residence and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring at least two months after the date of his removal into the new district Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission as the elector's signature in the general and district register Each removal notice to be effective must be received at the office of the commission at least thirty days prior to any primary or election which warning shall also be contained on the removal notice

(b) Any elector who removes his residence from one place to another within the same election district must notify the commission by filing a removal notice with the commission not later than ten days next preceding the primary or election

Section 27 Transfer of Registration (a) Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same county the commission shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in

the same county shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence In any case the commission shall advise the elector promptly in writing of its action

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon a removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration card of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any such case the commission shall advise the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector promptly notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission or before a registrar at any registration place designated by the commission and establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar a commissioner or clerk who shall affix his own signature thereto as witness the information required of registered electors in a removal notice

Section 28 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Cancellation (a) At any time prior to the fifteenth day next preceding a primary or an election excepting the thirty days next following each election and the five days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in writing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identify when an elector has applied for a change in the enrollment of his political designation as provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the electors card attesting his registration

(b) At any time not later than the tenth day preceding any primary any qualified elector of the borough town or township including any watcher may petition the commission to cancel the party enrollment of any registered elector of such borough town or township who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least twenty-four hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last general or municipal election at which he voted he voted for a majority of the candidates of the party with which he is enrolled at the time of said hearing all of the candidates of a party for presidental elector being counted as two candidates the petition shall be refused otherwise the party enrollment of such elector shall be forthwith cancelled

(c) Any elector who has since the time of registration suffered a physical disability which renders him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance shall at least ten days prior to the next succeeding primary or election personally make application under oath to the commission or a registrar or a clerk thereof to have such fact entered on his registration card together with the exact nature of his physical disability which entry shall be made accordingly

(d) When the commission shall ascertain that any elector who has declared his need for assistance is no longer illiterate or no longer suffers from the physical disability stated by him or has voted without assistance it shall forthwith cancel on his registration card the entry relating to illiteracy or physical disability which authorized him to have assistance and shall forthwith notify such elector by mail of its action

Section 29 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration Correction if Person is Falsely Reported Deceased Reports of Removals from Municipal Officers Departments and Bureaus Certain Public Utility Corporations and Real Estate Brokers and Rental Agents Notice

(a) The registrar of vital statistics of every borough town and township shall report in writing at least weekly to the registration commission the deaths of residents of the borough town or township except residents less than twenty years of age Said written report shall contain the full name of the decedent his last residence address the date of his birth if available and the date of his death The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased by any registrar of vital statistics may appear in person before a registrar commissioner or clerk at the office of the commission in such county and prove his identity and the commission thereupon shall correct its records accordingly

(c) All municipal officers departments bureaus and all public utility corporations furnishing electricity gas water or steam to householders in any borough town or township shall report in writing at least once a month to the commission upon forms supplied by the commission all cases of discontinuance of their service to residences together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them All real estate brokers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in any of the foregoing reports and to all the members of his family and household who are electors registered from the same address the notice provided for by section thirty of this act and shall proceed thereupon in accordance with the provisions of that section

Section 30 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside

a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the boroughs towns and townships by either of the methods provided for in sub-sections (a) and (b) above

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee can not be found there or upon report by the Post Office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-one of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personaly appears and proves his qualifications as an elector

Section 31 Canvass of Registered Voters

(a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district in the boroughs towns or townships of the county by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day proceeding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered the envelope containing such confirmation to be plainly marked that it is not to be forwarded

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration They shall be qualified electors of the county and shall be appointed without reference to residence in election districts or to their political affiliations or beliefs

(e) The commission shall instruct each special inspector in his duties

Section 32 Comparison and Correction of Registers Preliminary Street Lists

(a) Commencing thirty days prior to each election and primary the commission shall compare and correct the general and district registers

(b) Three months after each municipal election and seven months after each general election the commission shall prepare for each election district a preliminary street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers

(c) The commission shall cause to be made a sufficient number of exact copies of each such list and as soon as possible and not later than the first day of March in each even-numbered year and the first day of July in each odd-numbered year shall distribute the same among the inspectors concerned with the conduct of primaries and elections and among the parties political bodies candidates and organized bodies of citizens interested therein giving at least ten copies of each street list to the county committee of each political party or political body upon the written application of the chairman thereof and at least ten copies of each street list to the executive or governing board or committee of each organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds upon the written application of the presiding officer of such body of citizens and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 33 Corrected Street Lists Posting Commencing not later than the thirtieth day prior to each primary and election the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers The commission shall cause to be made a sufficient number of exact copies of each such list which may be made by correcting and supplementing exact copies of the preliminary street lists Said lists shall be distributed in the same manner as required for the distribution of preliminary street lists in section thirty-two (c) herein two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 34 Petition to Strike Off Names At any time not later than the tenth day preceding any election or primary any qualified elector of the borough town township including any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such borough town or township setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered personally at least twenty-four hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no such person is residing at the address given whereupon the commission shall forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 35 Delivery of District Registers to Election Officers

(a) Not later than noon of the third day preceding an election or primary the commission shall have the district register accurately corrected to date for each election district and shall deliver the same to the election officers for use on election day in the manner in which the county election boards now are or hereafter may be required to deliver election materials Provided the registration commission shall not deliver the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are so delivered

(b) District registers when so delivered shall be con-

tained in suitable binders so constructed and locked that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards cannot be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the number of the district and ward if any Said binders shall be enclosed within a case or container and shall be locked and sealed by the commission before delivery

Section 36 Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature Proviso Evidence of Registration Discrepancies Persons Registered and Enrolled May Vote at Primaries if Identified by Signatures Proviso Persons Not Registered are Not Entitled to Vote Challenging of Persons Registered Voter's Certificates Voting Check List Elections and Primaries Counting Et Cetera of Names Checked as Having Voted Sealing of Registers and Voting Check Lists Return of Voting Check List and Registers

(a) Any person whose name is in the district register of any election district in any borough town or township and who upon applying to vote shall have signed his name and address to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting bribery at elections

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each elector shall establish his identity to the satisfaction of the election officers and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name and address or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases Any person although personally registered may be challenged by any qualified elector watcher overseer or election officers at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting bribery at elections and if challenged as to identity or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and if challenged as to bribery he shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received

(f) The county election board shall cause to be printed for each election district in the borough town or township a suitable number of Voter's Certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19....

I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....

Address .....

.....Pennsylvania

Approved .....

Number of stub or ballot issued (or number of admission to voting machines).....

(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county election board After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the elector's signature is not readily legible shall print such elector's name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "Voting Check List" and the number of the district and ward if any and date of the primary or election The voter's certificates so bound shall constitute the voting check list of the district All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the voting check list

(g) The district registers herein provided for shall constitute the ballot check list of the district As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at the primaries a letter or abbreviation designating the party in whose primary he votes and shall sign his name or initials in the proper space on the registration card or such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted be immediately counted and the result compared with the number of persons voting shown by the voting check list and numbered lists of voters and announced and the cause of any difference ascertained is possible before the ballot-box or voting machine is opened The district register and the voting check list shall be immediately locked and sealed and shall be returned to the custody of the registration commission by the judge of election immediately upon completion of the count and tabulation of the votes cast in the district

Section 37 Entry of Information in General Registers Following Elections and Primaries Report of Indications of Fraud to District Attorney (a) Immediately following each election or primary the commission shall cause each district register to be examined

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance with the procedure outlined in Sections 30 and 31 herein

(c) The commission specifically shall compare the signature of each elector on each voter's certificate with his signature in the district register and shall report forthwith in writing to the district attorney and evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voter's certificates and registers hereby prescribed

(d) Whenever the registration card of any registered elector shall have been entirely filled up so that the entries required to be made thereon by this act can no longer be made the commission shall have prepared and attached to such registration cards in each register a supplemental card Each supplemental card shall be printed in a color different from the registration cards It shall have the same serial number as the registration card followed by the letter "A" "B" et cetera according to the number of supplemental cards attached to each registration card Each supplemental card shall have space thereon for the entry of the surname of the registered elector his Christian name or names the street and number of his residence the ward and election district in which he resides and to which he may from time to time remove together with his street address in each such district and the other data required to be given upon such removal the elector votes and the signature or initials of the election officer who enters the record of voting on the card Each supplemental card shall be attached to the registration card to which it relates by permanent fasteners in such a manner that the contents of the registration card may be examined and the entries required by this act may be made on the supplemental card Whenever supplemental cards are attached to the registration card of any elector the registration card shall be stamped with the words "Supplemental cards attached" together with the date thereof

Section 38 Cancellation of Registration Upon Failure to Vote Within Two Years Request for Reinstatement Within three months after the municipal election held in the year one thousand nine hundred and thirty-nine and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in case of each registered elector who is not recorded as having voted at any election or primary within the period of two years immediately preceding the date of said municipal or general election the commission shall send to such elector by mail at his address appearing upon his registration card a notice setting forth that the records ot the commission indicate that he has not voted within a period of two years and that his registration will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for reinstatement of his registration setting forth his place of residence and signed by him At the expiration of the time specified in the notice the commission shall cancel the registration of such elector unless he has filed with the commission a signed request for reinstatement of his registration as above provided The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently reregister by personal application to the commission or a commissioner or a registrar or a clerk in the manner provided by this act

Section 39 Cancellation Removal and Preservation of Registration Cards Whenever he registration of an elector is cancelled for any cause the commission shall mark on the registration cards of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such card shall be kept for five years after which the commission may destroy it

Section 40 Correction by Commission of Errors in Cancellation of Registration Whenever the registration of an elector has been cancelled through error such elector may petition the commission for the reinstatement of his registration not later than the tenth day preceding any primary or election and after a hearing on said application if error on the part of the commission is proved the commission shall reinstate the registration of such elector

Section 41 Appeals to Court Time of Hearing Notice Postponement Hearing Decision of Court Costs and Fees

(a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of any borough town or township whose rights are impaired by any general order made by the commission not including refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the seventh day preceeding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court shall fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commissin at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Ony judge of the court may enlarge the time with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner provided however that in in all cases where the appeal is sustained by the court the costs advanced by the appellant shall be ordered refunded

Section 42 Production of Documents Et Cetera at Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 43 Subpoenas and Witness Fees (a) Any person filing any petition of any kind with the commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid

to be paid out of any money to be provided for the purpose to the commission by the county commissioners in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by said commission

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridan of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoena issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission taking their receipts therefor so long as there are sufficient funds available for such payments provided however that in all cases where the petition of the elector is sustained all costs advanced by him for witness fees and subpoenas shall be refunded to the elector so petitioned

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriation made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 44 Crimes and Penalties (a) Any person who wilfully disobeys a lawful order of the commission or of a commissioner or refuses to obey its or his subpoenas duly issued and served under the provisions of this act act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

(b) Any wilful false statement made under oath by any person regarding any material matter or thing relating to any subject investigated heard or acted upon by any registrar commissioner clerk judge watcher inspector of registration court or commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(c) Any registrar commissioner or clerk who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(d) Any person who applies for registration or who notifies the commission of a change of his residence address knowing or having reason to know that he is not entitled to be registered or have his residence address changed or any person who declares as his residence a place or address which he knows is not his legal residence or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(e) Any registrar commissioner clerk or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered either at the office of the commission or before a registrar appointed by the commission at a place properly designated as provided herein or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service or a person having an order of court as aforesaid) or who knowingly receives a vote from a person failsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(g) Any commissioner registrar clerk inspector or registration or other officer assistant or employe or any person partnership or corporation upon whom a duty is laid by this act who shall wilfully delay neglect or refuse to perform such duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(h) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(i) Any person who neglects or refuses to furnish to any commissioner or to any inspector of registration any information which he is herein authorized to obtain or to exhibit any records papers or documents herein authorized to be inspected by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(j) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced

to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(k) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(l) Any registrar commissioner clerk assistant or employe of a commission or any other person who knowingly and wilfully prevents a person from being registered or who by the coercion threats of bodily injury or intimidation prevents or attempts to prevent any person from being registered or from changing his political enrollment in accordance with the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(m) Any registrar commissioner clerk assistant or employe of a commission or any other person who unlawfully destroys or attempts to destroy any card book paper affidavit or other record of the commission or who unlawfully removes or attempts to remove same from the office of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

Section 45 Effective Date Partial Invalidity Legislative Intent (a) Except as otherwise provided herein this act shall become effective immediately upon its final enactment

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 46 Repeal of Prior Laws Proviso (a) The following acts of Assembly and amendments and supplements and supplements thereto are hereby repealed absolutely insofar as they affect the personal registration and enrollment of voters in borough towns and townships

1 Section fifty-nine of an act entitled "An act relating to the elections of this Commonwealth" approved July second one thousand eight hundred and thirty-nine (Pamphlet Laws five hundred nineteen)

2 Sections one two three ten and eighteen of an act approved January thirtieth one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled "A further supplement to the act regulating elections in this Commonwealth"

3 Section one of an act entitled "An act declaratory of and amending the act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four" approved February thirteenth one thousand eight hundred and seventy-four (Pamphlet Laws forty-four)

4 An act entitled "An act to amend sections one two and three of an act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four changing the time and manner of making the registry of voters and the duties of registry assessors" approved the twenty-ninth day of May one thousand eight hundred and ninety-one (Pamphlet Laws one hundred thirty-four)

5 An act entitled "An act to authorize the election of assistant assessor for the purpose of registration of voters in the townships and boroughs containing more than one election district wherein but one assessor for valuation resides" approved June sixteenth one thousand eight hundred and ninety-one (Pamphlet Laws two hundred ninety-eight)

6 An act entitled "An act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four as amended by the act of May twenty-ninth one thousand eight hundred and ninety-one (Pamphlet Laws one hundred thirty-four) fixing the place at which the assesors shall sit to perform the duties imposed upon them by the second section of the said supplement of May twenty-ninth on thousand eight hundred and ninety-one in all voting districts or precincts in this Commonwealth where temporary voting places are or may be established" approved the twelfth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred fifty-five)

7 An act entitled "An act to amend sections two and three of an act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the twenty-ninth day of May one thousand eight hundred and ninety-one (Pamphlet Laws one hundred and thirty-four) changing the time and manner of making the registry of voters and the duties of registry assessors" approved the sixteenth day of May one thousand eight hundred and ninety-five (Pamphlet Laws seventy-five)

8 Sections three four five six seven and eight of an act entitled "An act to provide for the registration and enrollment of the voters of the State according to their respective party preferences fixing the compensation of assessors and registry assessors for making said registration and enrollment and prescribing penalties for false registration or enrollment and for voters voting or attempting to vote and for election officers wilfully permitting or conspiring to permit them to vote at a primary by or on any other than their own party ticket" approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand forty-three)

9 An act entitled "An act fixing the compensation of election assessors in boroughs and townships at primary elections" approved June second one thousand nine hundred and fifteen (Pamphlet Laws seven hundred twenty-four)

10 An act entitled "An act to amend section one of an act approved the sixteenth day of June one thousand eight hundred ninety-one entitled 'An act to authorize the election of assistant assessor for the purpose of registration of voters in the townships and boroughs containing more than one election district wherein but one assessor for valuation resides' " approved April twentieth one thousand nine hundred and seventeen (Pamphlet Laws eighty-seven)

11 An act entitled "An act regulating the registration and enrollment of voters in boroughs and townships before the primary election" approved the eleventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred seventy-two)

12 An act entitled "An act to amend sections four and seven of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand forty-three) entitled 'An act to provide for the registration and enrollment of the voters of the State according to their respective party preferences fixing the compensation of assesors and registry assessors for making said registration and enrollment and prescribing penalties for false registration or enrollment and for voters voting or teempting to vote and for election officers wilfully permitting or conspiring to permit them to vote at a primary by or on any other than their own party ticket' eliminating one of the days required of the assessors and registry assessors sitting at the polling places" approved the seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws twenty-five)

13 An act entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assesment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten)

14 Sections one two three four and six of the act entitled "An act to further amend sections one two three

ten fifteen eighteen and nineteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh one thousand nine hundred thirty-three eliminating the tax-paying qualification for voters" approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred thirty-six one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four)

(15) An act entitled "An act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten) entitled 'An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto' by changing such compensation" approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws six hundred seventy)

(16) An act entitled "An act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten) entitled 'An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto' by changing such compensation" approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws six hundred ninty-four)

(b) The following acts of Assembly and parts of acts are hereby repealed insofar as they relate to assessors who perform duties relative to elections in boroughs towns or townships or to the assessment or registration of voters therein

1 Sections fifteen and nineteen of an act entitled "A further supplement to the act regulating elections in this Commonwealth" approved January thirtieth one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one)

2 Sections five and seven of an act entitled "An act to further amend sections one two three ten fifteen eighteen and nineteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in his Commonwealth' as amended pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh one thousand nine hundred and thirty-three eliminating the taxpaying qualification for voters" approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred thirty-six one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four)

(c) All other acts or parts of acts of Assembly in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(d) The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofor repealed or superseded

(e) The provisions of this act shall not affect any act done or any suit or prosecutions pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

An said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—122

Achterman,	Falkenstein,	McCullough,	Scanlon,
Alexander,	Fitch.	McDermott,	Schor,
Allen,	Flanagan,	McElroy,	Schrope,
Allmond,	Flannery,	McFall,	Shaw,
Aukerman,	Ganser,	McGee,	Shea,
Baine,	Gerard,	McShane,	Shepard,
Baker, J. J.,	Gorski,	Melchiorre,	Siegel,
Balthaser	Haberlen,	Mellott,	Simon,
Bierly,	Hagerty,	Mihm,	Skale.
Bohn,	Hamilton, F. P.,	Moomaw,	Spengler,
Boles,	Hamilton, R. S.,	Mooney,	Stank,
Boltz,	Harkins,	Moran,	Thomas,
Bradley,	Harmuth,	Murrin,	Thompson.
Brancato.	Hays,	Nagel,	Tronzo,
Brigerman,	Hering,	O'Brien,	Tumelty,
Broad,	Hess,	O'Connor,	Valibus,
Brown,	Hindman,	Ostroff,	VanSickle,
Caesar,	Hirsch,	Patterson, J. W.,	Vogt,
Caputo,	Holland,	Pearson,	Wagner,
Coakley,	Holmes,	Pershing,	Walsh,
Cohen, H.	Holstrom,	Piole,	Waidemann,
Cohen, R.	Hontz,	Powers,	Weiss, D. H.,
Coolahan,	Jirolanio,	Preston,	Weiss, S. A.,
Corrigan,	Keenan,	Readinger,	Welliver,
Costanzo,	Kilroy,	Reese,	Welsh,
DeNote,	Long,	Reising,	Whalen,
Dickinson,	Lopresti,	Richter,	Wright,
Donohoe,	Lovett,	Robinson,	Yourishin,
Downey,	Marino,	Rothenberger,	Zappala,
Dubbs,	Matthews, H. T.,	Ruffennach,	Furman,
Elpern,	McArdle,	Sarraf,	

NAYS— 54

Atkins,	Huntley,	Perry,	Strode,
Baker, F. T.,	Kane,	Royer,	Trout,
Boose,	Kline,	Schrock,	Turner,
Boyer,	LaRue.	Schumacher,	VanAllsburg,
Brownfield,	Longaker,	Serrill,	Wall,
Cadwalader,	Lyons.	Shoemaker,	Wampole,
Chervenak,	Matthews, J. F.,	Simpson,	Watkins,
Dougherty,	McDevitt,	Sloan,	Webster,
Eckels,	McKinney,	Snyder,	Wilson,
Fiss,	Merrell,	Sollenberger,	Wood,
Gillette.	Muir,	Sproul,	Woodside.
Habbyshaw,	Munley,	Stackpole,	Yanoshat,
Hall,	O'Neill,	Stewart,	Yeakel,
Hetrick,	Peale,	Stockham,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

REASON FOR VOTE

Mr. SPROUL filed the following reasons for his vote:

I am voting no on this bill on account of the effective date of the act which should be advanced to January 1, 1938. This will cost our county of Delaware about $50,000 and no provision has been made in this year's budget for it by any county.

Our counties operate under the uniform budget act and the tax rate has been set for the year. This expense was not provided for in their budget and the counties should have the opportunity to prepare for this expenditure.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 391, entitled:

An Act relating to wages; regulating the time, place and manner of payment of wages; providing for the enforcement of wage claims; imposing certain new liabilities upon contractors and certain duties and liabilities upon employers and waiving certain exemptions in certain cases and conferring certain powers and imposing certain duties on

the Department of Labor and Industry and providing penalties and repealing existing laws

On the question,
Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1304, entitled:

An Act to amend section eight of the act approved the sixteenth day of May one thousand eight hundred and ninety-one (P. L. 75) entitled "An act in relation to the laying out opening widening straightening extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth the grading paving macadamizing or otherwise improving streets and alleys providing for ascertaining the damages to private property resulting therefrom the assessment of the damages costs and expenses thereof upon the property benefited and the construction of sewers and payment of the damages costs and expenses thereof including damages to private property resulting therefrom" as amended by providing for a temporary improvement or paving the assessment of costs and expenses upon property benefited thereby and assessment of costs and expenses upon property benefited by a subsequent permanent improvement upon credit being given for the prior assessment.

On the question,
Will the House agree to the bill on third reading?
It was agreed to.
On the question,
Shall the bill pass finally?

Mr. TURNER. Mr. Speaker this is the bill that I asked the gentleman from Allegheny to pass over for me last week. I have endeavored to give it some study, not only my own personal study but have referred it to other attorneys who I feel are familiar with municipal law. On page 4 of the bill, line 3, it says: "Upon petition of the property owners requesting a temporary improvement or paving the municipal corporation shall have the right to make the same the costs and expenses thereof being assessed against the property benefited in the manner heretofore provided." Now it does not say what number of property owners. I would, therefore, take it that under his bill it means all of the property owners. If that is the case it seems to me that is exactly in line with the present law and that if all the property owners are to petition, why should there be any need for this new act. I understand the intent of the gentleman from Allegheny to be that where there is a temporary improvement made the municipal authorities can pass an ordinance that shall provide for a new improvement and give a credit for a permanent improvement made, but if that is to be done on the petition of property owners the municipality now has the authority to do that, and the municipality will not go ahead and make an improvement if there is a danger that the property owners are going to come in and are going to say that the first improvement was the original improvement of paving and, therefore, they cannot charge for the second improvement under the law. But if that is to be done upon petition of the property owners, that can now be done under the present law and I can see no reason for this act.

Therefore, Mr. Speaker, I would like to ask the gentleman from Allegheny if he would not place this bill upon the postponed calendar until he has a chance to straighten it out and if his intent is what I think it is, then this bill needs amendment and clarification.

Mr. BROWN. Mr. Speaker and members of the House, I did not understand clearly all that the gentleman from Delaware was saying because of the noise. I believe I was able to hear though the main part of his argument. For the benefit of the gentleman from Delaware, Mr. Turner, I think it is a well settled law in this Commonwealth, from a long time of decisions beginning in 65 Pa. 146, that a municipality once having made an improvement cannot make a subsequent improvement on a street, that if a subsequent improvement is made it must be paid for by the city. That law is well settled in a long line of decisions both of our Supreme Court and our Superior Court. I shall not take the time to cite those decisions. This piece of legislation is designed to confer upon the municipality the right to make permanent improvement. The situation exists in the city of Pittsburgh now and no doubt in many other municipalities where they have made temporary improvements because of the lack of funds and then subsequently the municipality desires to make a permanent or a better improvement and under the law it cannot do so.

In answer to the contention of the gentleman on page 4, line 3, as I was able to hear it: This amendment does not change the procedure in any way whatsoever, it simply gives the municipality a right which it does not have, which it does not create by ordinance. A municipality cannot create by ordinance something that has not been conferred upon the municipality by legislative authority and under the well settled law legislative authority has not conferred upon the municipality the right to make a subsequent improvement and charge it to the abutting property owner. Therefore, this bill, simply creates a new right for the municipality upon petition to make some permanent or temporary improvement by the majority of the interests. The permanent improvement may be made with the cost deducted from the amount they paid for the temporary improvement.

Mr. TURNER. Mr. Speaker I would like to interrogate the gentleman from Allegheny, Mr. Brown.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. BROWN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I quite agree with the statement of the law as given by the gentleman from Allegheny in reference to improvements. I know nothing, however, in the law that says so-called temporary improvements can be assessed. If it is a street improvement it is assessed once under the long line of decisions which the gentleman from Allegheny has given, there is no question about it that there cannot be a second assessment, but I know of nothing in the municipal law that provides for the property owners and I might say that I have been in on this on a number of occasions, that if the property owners on a street come in to Council to improve the street and say that they will pay the

costs of the improvements on that street there is nothing in the law to prevent Council from passing an ordinance and passing upon the petition if there is an agreement by the property owners that the municipality would have the right to assess and that is the reason why I think this bill is unnecessary, because if it is to be done upon the petition of all the property owners then it is perfectly simple for Council and the property owners on a petition by the property owners in which the property owners agree that they shall be assessed, and then having agreed that they shall be assessed the municipality goes ahead and does the work.

What the gentlemen from Allegheny is apparently endeavoring to get at is that he wants to be able to give a credit, is that not correct?

Mr. BROWN. It is correct, Mr. Speaker.

Mr. TURNER. Mr. Speaker, for a first improvement upon which a lien has been filed and for which payment has been secured from the property owners?

Mr. BROWN. That is correct, Mr. Speaker.

Mr. TURNER. Well then, Mr. Speaker, if the gentleman intends that they shall give a credit that likewise can be taken care of, can it not, in the original petition?

Mr. BROWN. Mr. Speaker, it cannot. I will refer the gentleman to the long line of decisions if he wants them. Beginning in 65 Pennsylvania, Pa. 246, down to Pa. 219. 513. I won't clutter up the record with the rest of them, but these are cases in which the Supreme Court has held unanimously that once an improvement is made, though it may be temporary in character, the abutting property owners cannot be charge for further improvement.

Mr. TURNER. Mr. Speaker, I do not agree with the gentleman from Allegheny that if it is temporary in character a further improvement cannot be charged for, because if a municipality throws cinders on a street that might be called a temporary improvement, but that is not such an improvement for which an assessment cannot be made, subsequently upon a permanent improvement, because all of that line of holds that the question is whether the improvement is a permanent improvement or not. Now in this case the question is not to my mind whether this arises where the municipality has sought to charge the property owners for an improvement, but is it not true that in all those cases there was a petition by the property owners in which they agreed to pay for the second improvement.

Mr. BROWN. Mr. Speaker, in answer to the gentleman from Delaware Mr. Turner, a number of these cases turned on the point where the municipality attempted to put down a temporary street improvement with the idea of making a permanent or a more substantial improvement later on, and when the municipality attempted to make this more substantial or a more permanent improvement the taxpayer went into court and enjoined the municipality from levying an assessment against the abutting property owners on the very theory,—I think the law is well settled as I take it from these cases,—that regardless of the nature of the improvement,—and I think there is where the gentleman from Delaware is in error,—some of these improvements are just the ordinary grading and throwing cinders on the ground after the abutting property owners had asked for these improvements or the municipality did not see fit to put down permanent improvements and then later attempted to do so but could not do so under the law.

In Pittsburgh we have some two hundred streets, I am informed, where the city can well afford to put down some form of pavement, probably not permanent. I might say to the gentleman from Delaware that a large number of streets in our cities are not improved by permanent improvements on property lines and other things.

Mr. TURNER. Mr. Speaker, I desire to differ with the gentleman from Allegheny, and there is no use our continuing to argue. Neither one of us perhaps has cases here. I have lost some of these cases and I think I know that line of decisions pretty nearly backwards and forwards, and I think that I am safe in saying to the gentleman from Allegheny that if he will sit down with me and check up these cases, while it is true that the claim of the municipality is that the original improvement was not permanent, that the defense raised has been on the basis that the improvement was a permanent improvement and that is the only basis upon which they can defend in those cases. Now then if they can get all of the property owners to sign a petition then there is no difficulty at all. I have handled a number of these cases on a number of streets. Then there is no difficulty for the property owners to sign a petition and getting them to agree, then there is no difficulty in collecting.

I dislike to oppose a bill which has such a far reaching effect but there is such well established law and so many decisions on the subject and the codes have been established for it so long that I am afraid this bill may raise further litigation instead of squelching it.

On the question, recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Achterman,	Finnerty,	McDermott,	Scanlon,
Alexander,	Fiss,	McElroy,	Schor,
Allmond,	Fitch	McFall,	Schrope,
Arnold,	Flanagan,	McGee,	Shaw,
Aukerman,	Flannery,	McShane,	Shea,
Baine,	Flinchbaugh,	Melchiorre,	Shepard,
Baker, J. J.,	Ganser,	Mellott,	Shoemaker,
Balthaser	Gorski,	Mihm,	Siegel,
Bierly,	Haberlen,	Moomaw,	Simon,
Bohn,	Hagerty,	Mooney,	Skale,
Boles,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boltz,	Harkins,	Moul,	Smith, John A.,
Brancato,	Harmuth,	Munley,	Spengler,
Brigerman,	Hays,	Murrin,	Stank,
Broad,	Haring,	Nagel,	Thomas,
Brown,	Hess,	O'Brien,	Thompson,
Brownfield,	Hetrick,	O'Connor,	Tronzo,
Burrows,	Hindman,	O'Keefe,	Trout,
Caesar,	Hirsch,	Ominsky,	Tumelty,
Caputo,	Holland,	O'Neill,	Valibus,
Chervenak,	Holmes,	Ostroff,	VanSickle,
Coakley,	Holstrom,	Patterson, C. S.,	Vogt,
Cohen, H. B.,	Hontz,	Patterson, J. W.,	Wagner,
Cohen, R. E.,	Huntley,	Pearson,	Walsh,
Coleman,	Jirolanio,	Pershing,	Weidemann,
Colahan,	Keenan,	Plole,	Weiss, D. H.,
Corrigan,	Kelso,	Powers,	Weiss, S. A.,
Costanzo,	Kilroy,	Preston,	Welliver,
Decker,	LaRue,	Readinger,	Welsh,
DeNote,	Levy,	Reese,	Westrick,
Dickinson,	Lewis,	Reising,	Whalen,
Donohoe,	Long,	Richter,	Whitenight,
Dougherty,	Loprestl,	Robinson,	Wright,
Downey,	Lovett,	Rothenberger,	Yanoshat,
Dubbs,	Marino,	Ruffennach,	Yourishin,
Dyson,	Matthews, H. T.,	Rush,	Zappala,
Elpern,	McArdle,	Sarraf,	Furman,
Falkenstein,	McCullough,		

NAYS—28

Atkins,	Kline,	Snyder,	Wampole,
Boose,	Merrell,	Sproul,	Watkins,
Boyer,	Peale,	Stewart,	Webster,
Cadwalader,	Perry,	Stockham,	Wilson,
Hamilton, R. S.,	Royer,	Strode,	Winner,
Imbrie,	Serrill,	Turner,	Wood,
Kane,	Simpson,	Wall,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 64, entitled:

An Act to amend section two hundred and one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" making the real estate of public service companies subject to taxation and providing certain exceptions.

On the question

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. TROUT. Mr. Speaker, Ladies and gentlemen of the House: This bill in my opinion is unfair and unjust. It purports to be a tax on wealth for the benefit of the poor. But if enacted it will actually add to the cost of living of thousands of people while benefitting unfairly a comparative few at the expense of the many.

Ladies and gentleman, it is common knowledge that this bill was jammed through the Democratic caucus last week with a bare majority of votes by orders of the party bosses.

You have seen the reasonable amendments offered on the floor of this House, by which the bill would have been robbed of most of its inequalities, first withdrawn by their original author, reluctantly complying to the mandate of the Governor's office, and then when re-introduced laid on the table as Democratic party leaders stood on the side-lines and cracked the whip.

Seldom has this House seen such a disgraceful display of political force ruthlessly exerted to compel members to vote against the dictates of their consciences.

This bill, if enacted, would make power generating and distributing plants pay local taxes to the communities in which they are located.

These plants serve huge territories, from which the revenues to support them are collected for services widely rendered.

Thus it must be apparent that, while the immediate units of governments in which these plants are located would benefit from this bill, the taxes which the utility would pay to it would have to come from the pockets of utility patrons in a score, or a hundred, other political sub-divisions which would receive not one cent of the taxes imposed.

Members of the House, this bill is part and parcel of a lot of other tax bills typical of an Administration, which cries from the housetops its friendship for the common man and its desire to relieve him of some of his burdens, while it continues to dip more and more deeply, and more and more frequently, into the pay envelope of every wage-earner and the purse of every housewife in the Commonwealth.

The Governor has repeatedly asserted his intent to put the burden of taxes on those best able to pay. But we note in his recent budget message $19,500,000 collected in cigarette taxes the past two years, $23,000,000 collected in emergency gasoline taxes, $34,400,000 in personal property taxes, much of which was taken from the paltry savings of the thrifty poor; $6,700,000 from amusement taxes, and $650,000 from taxes on building and loan shares—a total of $84,250,000.

Who paid the large bulk of this $84,000,000?

The rich?

You and I know it was the poor who carried that load, and who will continue to carry most of it for two more years.

How much food, how many new dresses, how many new automobiles, how many little luxuries would eighty-four million dollars buy?

Answer me that, and you will have told me how greatly this Administration, which now comes before us with a new and unjust tax bill, has already robbed our people of opportunities for cheaper or better living.

Last week we were told that a new tax on food, through the imposition of a levy on chain stores, is necessary to raise the salaries of unpaid school teachers in certain of our districts.

I sympathize with these teachers. They ought to receive more. But if Governor Earle will fire a lot of recently hired and unnecessary State employes, there will be available for these teachers and others a total of at least $10,000,000, without levying another cent of tax on anybody, or adding to anybody's utility rates, as the bill now before us is certain to do.

The last figures available to me covering the State payroll are those of last September, and these totals, I am reliably informed, have considerably increased since then.

So when I tell you that the State was then meeting a yearly payroll at the rate of $38,921,584.68, an increase of ten million dollars in one year's time, I am being conservative.

And these figures do not include the army of per diem and hourly employes, the numbers of which are cleverly concealed in that mysterious maze of accounting passing under the name of State bookkeeping.

Taxes—open taxes on the rank and file of our citizenship—and hidden taxes on every article of clothing we wear and every bite of food we eat, are rapidly driving this nation down the broad road of inflation leading to

such an economic catastrophe as threatens to make the late unpleasantness of 1929 resemble a Sunday School picnic by comparison.

And here we have, in House Bill No. 64, another inflationary measure, another excuse for utilities to advance their rates, another certain burden on the budgets of the poor.

Members of the House, I bid you turn from taxes to economy as a cure for our ills. I bid you give your thoughts to taking off some of the taxes we now have, instead of the imposition of new taxes, I ask you, therefore, to vote against this measure, which a majority of you must know in your hearts, is, in its present form, unworthy of your support.

Mr. MARINO. Mr. Speaker and members of the Assembly, the problem that is before this House is one that has been before the people of this Commonwealth. It was an issue in the last compaign. The subject was thoroughly discussed at almost every meeting by speakers representing both political parties. At the election the citizenry decided by an overwhelming majority that no favoritism should be shown to any group in matters of taxation. An unmistakable mandate, a clear, simple and specific command has been directed to each of the members of this House. Surely this is an Assembly that does recognize the will of a sovereign people. Surely we are equal to the task of enacting into law the desires of the people.

Let us show the electorate that we are a responsible body, ever-alert to the public pulse. Let our actions be such as to justify the faith that the people have placed in us.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—143

Achterman,	Dyson,	Matthews, H. T.,	Scanlon,
Alexander,	Elpern,	McArdle,	Schor,
Allmond,	Falkenstein,	McCullough,	Schrope,
Arnold,	Finnerty,	McDermott,	Shaw,
Atkins,	Fitch,	McElroy,	Shea,
Aukerman,	Flanagan,	McGee,	Shepard,
Baine,	Flannery,	Melchiorre,	Shoemaker,
Baker, J. J.,	Gerard,	Mellott,	Siegel,
Balthaser,	Gorski,	Mihm,	Simon,
Bierly,	Haberlen,	Mcomaw,	Skale,
Blank,	Hagerty,	Mooney,	Smith, John A.,
Bohn,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boics,	Harkins,	Moul,	Spengler,
Boltz,	Harmuth,	Munley,	Stank,
Bradley,	Hays,	Murrin,	Thomas,
Brancato,	Hering,	Nagel,	Thompson,
Brigerman,	Hess,	O'Brien,	Tronzo,
Broad,	Hetrick,	O'Connor,	Tumelty,
Brown,	Hindman,	O'Keefe,	Valibus,
Brownfield,	Hirsch,	Ominsky,	VanAllsburg,
Burrows,	Holland,	O'Neill,	VanSickle,
Caesar,	Holmes,	Ostroff,	Vogt,
Caputo,	Holstrom,	Patterson, C. S.,	Wagner,
Chervenak,	Hontz,	Patterson, J. W.,	Walsh,
Coakley,	Jirolanio,	Pearson,	Weiss, D. H.,
Cohen, H. B.,	Keenan,	Pole,	Weiss, S. A.,
Cohen, R. E.,	Kelso,	Powers,	Welliver,
Coleman,	Kilroy,	Preston,	Welsh,
Coolahan,	LaRue,	Readinger,	Westrick,
Costanzo,	Levy,	Reising,	Whalen,
Decker,	Lewis,	Reese,	Whitenight,
DeNote,	Long,	Richter,	Wright,
Dickinson,	Lopresti,	Robinson,	Yanoshat,
Donohoe,	Lovett,	Rothenberger,	Zappala,
Dougherty,	Lyons,	Ruffennach,	Furman,
Dubbs,	Marino,	Sarraf,	

NAYS—49.

Baker, F. T.,	Kane,	Schumacher,	Turner,
Boose,	Kline,	Serrill,	Wall,
Boyer,	Leisey,	Simpson,	Wampole,
Cadwalader,	Longaker,	Sloan,	Watkins,
Davies,	Matthews, J. F.,	Snyder,	Webster,
Fiss,	McDevitt,	Sollenberger,	Weidemann,
Ganser,	McKinney,	Sproul,	Wilson,
Gillette,	Merrell,	Stackpole,	Winner,
Habbyshaw,	Muir,	Stewart,	Wood,
Hall,	Peale,	Stockham,	Woodside,
Hamilton, R. S.,	Perry,	Strode,	Yeakel,
Huntley,	Royer,	Trout,	Yourishin,
Imbrie,	Schrock,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 840, as follows:

An Act requiring employers making deductions from the wages or other compensation of their employes to give to such employes a statement showing the amounts and purposes of such deductions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Asembly met and it is hereby enacted by the authority of the same That whenever any employer is authorized or required by law or otherwise to make deductions for any purpose from the wages or other compensation at the request of the employe of his employes he shall with each periodic payment of wages or other compensation give to each employe from whose wages or other compensation any deduction is made a statement in writing showing the amount and purpose of each such deduction as well as a statement of the total amount deducted from the wages or other compensation covering the period for which such payment is made

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of further study and amendment.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1200 as follows:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provisions for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eight million five hundred and fifty thousand dollars is hereby appropriated to the Department of Highways for the two calendar years beginning January first one thousand nine hundred thirty-eight out of the Motor License Fund for expenditure in the various townships of the second class of the Commonwealth in the amounts upon the terms in the manner and for the purposes hereinafter set forth in this act

Section 2 The Department of Highways shall expend in each of the townships of the second class for the maintence and repair of township roads and bridges therein not repaired and maintained by the Department of Highways under the provisions of any other law such portion of the total amount hereinbefore provided as the Secretary of Highways shall deem necessary for the proper maintenance and repair of such township roads and bridges

Section 3 Any surplus of the funds appropriated by this act over the amount required for maintenance and repair may with the approval of the Secretary of Highways be expended by the Department of Highways in the construction and reconstruction and resurfacing of any township road or bridge in the townships of the second class which is not maintained by the Department of Highways under the provisions of any other law Nothing herein contained shall prevent the use of any of the aforesaid surplus for Federal projects sponsored by the township supervisors and approved by the Secretary of Highways

Section 4 Nohting in this act shall be construed to relieve any of the second-class townships from any obligation they may have incurred under any contract or agreement entered into prior to January first one thousand nine hundred thirty-eight for the construction or repair of any highway or structure now under their jurisdiction

Section 5 The board of supervisors of townships of the second class shall at the time of the adoption of the annual budget and at the time of fixing the road tax levy for the years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine exclude from the said annual budget and tax levy for road and street purposes any provision for the maintenance and repair of the roads and bridges Nothing herein contained shall prevent any township from making proper provisions for interest sinking fund debt repayment charges snow removal resurfacing construction reconstruction obligations incurred under any contract or agreement such other administrative and overhead expenses as may be necessary and for any other purposes other than for maintenance and repair of the roads and bridges

Section 6 The Department of Highways is hereby authorized to rent from the several second-class townships any road building machinery or equipment now or hereafter owned by such municipality for use under the provisions of this act in the maintenance resurfacing reconstruction and construction of any township road or bridge either in or outside of the legal limits of the township owning the equipment at such rentals or rates as the Department of Highways shall deem reasonable

Section 7 Any balance of the funds appropriated by this act which shall remain unexpended or unencumbered on January first one thousand nine hundred forty shall lapse upon that date and become a part of the Motor License Fund

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. HOLSTROM. Mr Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1043, as follows:

An Act to re-enact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and and making an appropriation" as amended by imposing annual taxes for State purposes making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon modifying and further defining certain exemptions from said taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended is hereby re-enacted amended or further amended as the case may be to read as follows

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "State Personal Property Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Department" The Department of Revenue of this Commonwealth

"Resident" A person copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or a joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable to taxation within this Commonwealth

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section heading shall not be deemed or construed to limit the text of the sections of this act

Section 3 State Tax on Mortgages Judgments Et Cetera Imposing and Rate of Tax Exceptions All personal property of the classes hereinafter enumerated owned held or possessed by any resident whether such personal property be owned held or possessed by such resident in his own right or as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation [and

the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom] is hereby made taxable annually for State [purposes] purposes at the rate of [four] four mills on each dollar of the value thereof as of a date to be fixed annually in the manner provided in section five of this act and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section [eighteen] seventeen hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank and trust company national banking association savings institution building and loan association corporation or limited partnership liable to a tax on its shares or [its capital stock] a capital stock or franchise tax for State purposes under the laws of this Commonwealth [or relieved from the payment of tax on its shares or capital stock for State purposes by the laws of the Commonwealth] all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital [in the hands of] owing to individual citizens of the State [all stages omnibusses hacks cabs and other vehicles used in transporting passengers for hire except steam and street passenger railway cars owned or used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies] and the principal value of all annuities [yielding annually over two hundred dollars ($200.00)] Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest-bearing accounts in any bank or banking institution savings institution employes thrift or saving association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said [four] four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same or any part thereof nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said [four] four mills tax on any of the said securities bonds or other evidences of indebtedness as may be held owned by or owing to the said saving institution having no capital stock And provided further That the provisions of this act shall not apply to fire comporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or union And provided further That corporations limited partnerships and joint-stock associations liable to [tax on capital stock] a tax on their shares or a capital stock for franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth except for county purposes and in cities coextensive with counties for city and county purposes as now provided by law And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated [hereafter] received from any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state government other than this Commonwealth and not doing business within this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benfiet or advantage of any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth Nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or education purposes

[The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein]

Section 4 Returns and Payment of Tax (a) For the purpose of ascertaining the amount of tax payable under the third section of this act it shall be the duty of every resident liable to pay such tax on or before the fifteenth day of February of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return in duplicate the original under oath or affirmation of

(1) The aggregate actual value of each part of the different classes of property made taxable by the third section of this act held owned or possesed by such resident as of the date fixed annually in the manner provided in section five of this act either in his own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company limited partnership joint-stock association or corporation

(2) The amount of interest dividends or other income derived from each class of such property at any time during the preceding calendar year and

(3) Such other information as may be required by the department concerning [such property] each of the

different clases of property whether or not taxable enumerated in the third section of this act owned held or in any manner possessed by such resident

The duplicate unsworn return shall be forwarded by the Department of Revenue to the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the case may be of the county from which the return was made for its use and information

The failure of any taxable resident to receive or procure a return from shall not excuse him from making a return

(b) The return so made shall be sworn or affirmed to by the person making the same if an individual and in the case of copartnerships unincorporated associations and joint-stock associations and companies by some member thereof and in the case of limited partnerships and corporations by the president chairman or treasurer thereof

(c) Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by this section for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year either or both in the discretion of the court

(d) The tax imposed by section three hereof shall be due and payable when such return is required to be filed and every resident at the time of making every return shall compute and pay to the department the tax due the Commonwealth by such resident

Section 5 Listing Date The Department shall on or before the fifteenth day of January one thousand nine hundred [thirty-seven] thirty-eight and annually thereafter fix a day as of which the property made taxable by the third section of this act shall be listed and [assessed] returned The day so fixed shall be between the first and the fifteenth days of the month of January both inclusive and the day so fixed shall be printed or stamped on the forms for making returns of all such property If through inadvertence mistake or otherwise the department fails to designate or fix such date or if such date does not appear on the form for making return of such property the date as of which such property shall be listed and assessed shall be the immediately preceding first day of January

Section 6 [Estimated Asessment Notice If any resident liable for or believed by the department to be liable for the tax imposed by the third section of this act within the time prescribed by this act the department shall fail or refuse to file a return in the manner and shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so give or sent such resident may file a return under oath or affirmation with the department and at that time shall compute and pay to the department the tax due by him to the Commonwealth with interest thereon at the rate of six per centum per annum from the time such property should have been returned together with a penalty of ten per centum of the amount of the tax due Any resident against whom an estimated assessment is made who shall fail or refuse to file a return and compute and pay the tax interest and penalty in the manner and within the time provided in this section shall have no right to appeal therefrom or to petition for a reassessment and in any suit for the collection of a tax so assessed shall not be permited to set up as a defense that he owned held or possessed no property made taxable by the third section of this act or any other matter of defense whatsoever If any resident shall file a return before an estimated assessment is made but not within the time required by this act such resident at that time shall compute and pay to the department the tax due by him to the Commonwealth with interest thereon at the rate of six per centum per annum from the time such property should have been returned together with a penalty of ten per centum of the tax due

Section 7 Additional] Assessment by the Department Notice If any taxable resident shall fail to file a return or fail to include in any return all of his propetry made taxable by the third section of this act or shall fail to compute and pay the tax [thereon] due the Commonwealth as required in this act the department shall make an [additional] assessment of tax against such resident [on] of the amount of [such omitted property] tax for which such resident is liable or for which he is believed by the department to be liable together with a penalty of ten per centum of such [additional assessment] tax Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident If such resident is dissatisfied with the [additional] assessment so made he may petition for a re-assessment in the manner hereinafter provided

Section [8] 7 Assessments Made at any Time within Five Years An [additional assessment or estimated] assessment as heretofore provided may be made by the department at any time within five (5) years after any property owned held or possessed or alleged to have been so owned held or possessed by any resident should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous [additional or estimated] assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section [9] 8 Petition for Reassessment Appeal (a) Any resident against whom an [additional] assessment is made may petition the department for a re-assessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department within ninety (90) days after notice of such [additional] assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings [in each county] as may be necessary to hear and determine petitions for re-assessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly notified the department of an intention to file a petition for re-assessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the [additional] assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for re-assessment is filed with the department the petitioner may in lieu thereof appear at the hearing and present his petition orally in which event all testimony or statements of facts shall be made under oath or affirmation

(b) If such petitioner is dissatisfied with the action of the department on his petition for re-assessment he shall have the right to appeal to the court of common pleas of the [proper] county where he resides at any time within sixty (60) days after notice of such action is given to him by the department If any resident shall fail to give due notice of an intention to petition for re-assessment and to file a petition for re-assessment or to appear and be heard after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid in all cases of petitions for re-assessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section [10] 9 Information at Source Reports (a) The executor of every will and the administrator of every estate at the time of filing with the register of wills or clerk of the orphans' court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal estate of such decedent for the purpose of determining the transfer inheritance tax imposed thereon by existing law shall in addition thereto file with such register of wills or clerk of the orphans' court a statement in duplicate under oath or affirmation setting forth the items included in such inventory or affidavit which may be liable to the tax imposed by the third section of this act The register or clerk with whom the same is filed shall forthwith send one copy thereof to the department It shall be the duty of the department to proceed at once to assess the tax due from such decedent with interest [and penalties] as heretofore provided in this act and to present a claim therefor through the Department of Justice to the orphans' court of the proper county or to proceed by action or suit at law through the Department of Justice in any court of competent jurisdiction for the recovery thereof or to take any or all appropriate steps or procedure necessary for the collection of such tax

(b) It shall be the duty of the recorder of deeds in each and every county in this Commonwealth to keep a daily record separate and apart from all other records of every mortgage or article of agreement given to secure the payment of money entered in this office for recording which record shall set forth the following information to wit the date of the mortgage or agreement the names of the parties thereto the just sum of money secured the precise residence of the mortgage or person to whom interest is payable a brief description of the real estate upon which such mortgage is secured and the date or several dates when the said sum or portion of the said sum shall become due and payable and a like daily record of every assignment of a mortgage or an article of agreement given to secure the payment of money and also the number of mortgage and agreements together with the amount of same and the names of the parties thereto which shall have been that day satisfied of record For the purpose of obtaining with accuracy the precise residence of all mortgages assignees and persons to whom interest is payable on articles of agreement it shall be the duty of the recorder of deeds in each county whenever a mortgage assignment or agreement given to secure the payment of money shall be presented to him for record to refuse the same unless the mortgage assignment or agreement has attached thereto and made part thereof a certificate signed by the mortgage assignee or person entitled to interest or his duly authorized attorney or agent setting forth the precise residence of such mortgagee assignee or person entitled to interest and such certificate shall be recorded with the mortgage assignment or agreement Every recorder of deeds on the first Monday of each month shall file the aforesaid daily record or a copy thereof with the department

(c) It shall be the duty of the prothonotary or clerk of the court of common pleas in each and every county in this Commonwealth forthwith upon the passage of this act to keep a daily record separate and apart from all other records of every single bill bond judgment or other instrument securing a debt entered of record in his office Such daily record shall set forth the following information to wit The date of the instrument the names of the plaintiff and defendant together with the precise residence of the plaintiff or person to whose use such bill bond judgment or other obligation to pay money is marked whenever such residence can be ascertained the just sum secured and the date or several dates when the said sum or portion of the same shall become due and payable with the further information whether any of said bonds or judgments are accompanied with mortgages and also the number of every single bill bond judgment or other instrument securing a debt together with the amount of same and the names of the plaintiff and defendant thereto which shall have been that day satisfied The prothonotary or clerk of the court of common pleas shall file the aforesaid daily record or a copy thereof with the department on the first Monday of each Month

Section [11] 10 Compensation of Recorders and Prothonotaries The several recorders of deeds prothonotaries and court clerks as aforesaid shall be entitled to receive ten cents for each and every mortgage judgment or lien assignment or satisfaction thereof reported to the department as heretofore required in this act Such fees shall be paid by the respective county treasurers on the presentation of proper vouchers certified by the department and shall be applied in like manner as other fees received by such recorders prothonotaries or clerks Provided That no fee shall be allowed in any case where the residence of any plaintiff mortgage or assignee is omitted in such reports And provided further That the amount allowed any prothonotary or clerk or recorder of deeds under this act shall not exceed the sum of six hundred dollars ($600.00) per annum

Section [12] 11 Due Date All taxes [whether a report is filed as herein required or whether an estimated or additional assessment is made by the department] imposed by the the third section of this act shall be due and payable on the fifteenth day of February of each year

Section [13] 12 Interest The tax imposed by the third section of this act shall bear interest at the rate of [twelve] six per centum per annum from the date such tax is due and payable until thirty (30) days after the department shall make an assessment and thereafter at the rate of twelve per centum per annum until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid

Section [14] 13 Lien of Taxes (a) All taxes imposed under the third section of this act together with all penalties and interest shall be considered a public account after becoming due and payable in the manner prescribed in this act and as such shall be a lien upon the franchises and real property of the resident against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by the third section of this act and penalties and interest upon which record it shall be unlawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section [15] 14 Credits for Overpayment The Board of Finance and Revenue may allow a credit for any taxes imposed by the third section of this act and penalties and interest thereon paid to the Commonwealth [and] to which the Commonwealth is not rightfully or equitably entitled Claims for such credits shall be made in accordance with the provisions of "The Fiscal Code" relative to petitions for refunds of taxes No petition for such credit shall be considered by the board unless filed with the board within two (2) years of the payment alleged to have been erroneously made

Upon the allowance of any such petition the credit so determined may be applied against any amount due or subsequently becoming due by such petitioner on account of taxes imposed by the third section of this act and penalties and interest thereon or may be assigned in whole or in part to any other taxable resident to be applied against any amount due or subsequently becoming due by such resident on account of taxes imposed by the third section of this act and penalties and interest thereon Upon the allowance of a petition for credit the board shall issue its certificate under its hand and seal and no credit claimed whether assigned or not shall be allowed unless evidenced by such certificate

Section [16] 15 Penalties Costs (a) Every person or officer who shall wilfully and corruptly make a false and fradulent return of property made taxable by the third section of this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law

(b) Any wilful failure on the part of recorders of deeds or prothonotaries or clerks to carry out the duties imposed upon them by section [ten] nine of this act shall be deemed a misdemeanor and upon conviction thereof the person or persons so failing to comply shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(c) Every register of wills who shall fail to send copies of affdavits filed with him by executors or administrators to the department as required by section [ten] nine of this act shall be guilty of a misdemeanor and upon conviction thereof the register so failing shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(d) Every executor or administrator who wilfully fails to file the affidavit with the register of wills as required by section [ten] nine of this act shall be subject to a penalty of twenty-five dollars ($25.00) for the first day and ten dollars ($10.00) for each succeeding day during which such affidavit is not filed to be collected by the department through the Department of Justice in the same manner as debts are by law collected

(e) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section [17] 16 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any resident in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such resident is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by "The Fiscal Code" relating to inquisitorial powers of fiscal officers

Any information gained by the department as a result of any return investigations hearings or verifications required or authorized by this act [and any information gained by the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the result of duplicate returns received from the department] shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

(c) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section [18] 17 State Tax on Scrip Bonds Et Cetera Imposition and Rate of Tax All script bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth or the laws of any other state or of the United States and doing business in this Commonwealth and having a resident corporate treasurer therein are hereby made taxable for State purposes at the rate of eight mills on each dollar of the nominal value thereof and all scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable for State purposes at the rate of four mills on each dollar of the nominal value thereof during the calendar year one thousand nine hundred [thirty-six] thirty-eight on reports filed for the calendar year one thousand nine hundred [thirty-five] thirty-seven or for the fiscal year beginning in the calendar year one thousand nine hundred [thirty-five] thirty-seven and annually thereafter [at the rate of one mill on each dollar of the nominal value thereof and during the calendar year one thousand nine hundred thirty-seven on reports filed for the calendar year one thousand nine hundred thirty-six or the fiscal year beginning in the calendar year one thousand nine hundred thirty-six at the rate of four mills on each dollar of the nominal value thereof which tax shall be in addition to the tax imposed for section seventeen of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred seven) and its amendments or supplements] Provided That whenever under the provisions of this section any private corporation shall become liable for such taxes upon evidences of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten (10) days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the third section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed thereon by this section Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of the third section of this act upon such evidences of indebtedness so assumed or on which the corporation shall pay interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon such evidences of indebtedness by it assumed or on which it shall pay interest for the balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebtedness so assumed or on which the corporation shall pay interest as provided for in the third section of this act Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are assumed or for the entire period for which interest shall be paid Neglect or failure to give such notice before the first day of October of each and every subsequent year during which

such corporation is liable for the payment of such interest shall make the corporation liable for such taxes for the year following without any deduction from interest due as hereinbefore provided Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to interest-bearing accounts in any bank banking institution savings institution employes thrift or savings association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said [four mills] tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said [four mills] tax on any of [the said] such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shal be liable for the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for county school or other local purposes

It is the intent of this act that all scrip bonds certificates and evidences of indebtedness made taxable under this section are not taxable under the third section of this act and that only such scrip bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under the third section of this act

[Section 19 Collection of Taxes The tax for State purposes imposed upon obligations of private and public corporations by section eighteen of this act shall be collected in the same manner as the tax imposed for State purposes upon such obligations by section seventeen of the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred eleven) and its amendments or supplements it being the true intent and meaning of this act that the provisions of the law in force at the time of the passage of this act relating to the manner of the collection of the State tax upon such obligations shall remain unaffected by this act]

Section 18 Reports and Payment of the State Tax by Private Corporations and Municipalities (a) It shall be he duty of the resident treasurer of each private corporation incorporated by or under the laws of this Commonwealth or the laws of any other state or of the United States or any foreign country and doing business in this Commonwealth except non-profit corporations and cooperative agricultural associations not having capital stock and not conducted for profit and it shall be the duty of the treasurer of each county city borough township school district or incorporated district of this Commonwealth upon the payment of any interest on any scrip bond certificate or evidence of indebtedness issued or assumed by such corporation county city borough township school district or incorporated district or upon which it is liable for the payment of the interest to residents of this Commonwealth and held by them to assess the tax imposed for State purposes by the seventeenth section of this act upon the nominal value of each such scrip bond certificate or evidence of indebtedness and to report under oath or affirmation annually on or before the fifteenth day of March for the calendar year next preceding to the department the amount of such indebtedness owned held or in any manner possessed by residents of this Commonwealth together with such information as the department may require and it shall be his further duty to deduct the tax imposed by the seventeenth section of this act on the payment of any interest upon such indebtedness and return the same to the State Treasury through the department within the time prescribed by law and his compensation for his services shall be five per centum on the first one thousand dollars ($1,000.00) or fractional part thereof one per centum on all amounts over one thousand dollars ($1,000.00) and not over two thousand dollars ($2,000.00) and one-half of one per centum on all amounts over two thousand dollars ($2,000.00) Upon the payment of said State tax such scrip bonds certificates or evidences of indebtedness shall be exempt from all other taxation in the hands of the holder of the same

The time for filing reports may be extended taxpayers may be permitted to file their reports on a fiscal year basis and the procedure and penalties in case of failure to report and pay the tax shall be as prescribed by law

(b) It is the intent and meaning of this act that the tax for State purposes imposed upon obligations of private and public corporations by section seventeen of this act shall be collected in the same manner as the tax heretofore imposed for State purposes upon such obligations

Section 19 Disposition of Tax Interest Fees Fines Forfeitures and Penalties All taxes and interest that shall be received recovered paid or collected under the provisions of this act shall be paid into the State Treasury through the department

All moneys paid into the State Treasury from taxes for the first year for which a tax is imposed by the provisions of this act shall be used only for unemployment relief purposes and for such purposes are hereby appropriated and all moneys paid into the State Treasury during the second year this act is in effect shall be credited to the General Fund

Section [21] 20 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section [22] 21 [Effect on Other Acts of Assembly Nothing contained in this act shall be deemed to repeal or modify the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and its amendments or supplements The taxes imposed by this act shall be in addition to all other taxes which are now or hereafter imposed by law] Repealer and Saving Clause (a) All acts or parts of act inconsistent with the provisions of this act are hereby repealed but the provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments

(b) Sections seventeen and eighteen of the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of

the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and its amendments are hereby repealed but this act shall not be construed to repeal any of the remaining provisions of said act

(c) Nothing herein contained shall be construed as reviving any act repealed by the act which this act repeals and the passage of this act shall not be taken or construed to relieve any person association or corporation from the payment of any taxes penalties and interest imposed by section seventeen of the said act of June seventeenth one thousand nine hundred and thirteen (Pamphlet Laws 507) on reports filed for the calendar year one thousand nine hundred thirty-six or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-six and prior years or from any taxes penalties and interest imposed by the provisions of any act or parts of acts in force at the time this act becomes effective or to affect or terminate any petitions investigations prosecutions legal or otherwise or other proceeding pending under the provisions of any act or parts of acts in force at the time this act becomes effective or repealed by this act or to prevent the commencement or further prosecution of any legal proceedings by the proper authorities of the Commonwealth for violations of such acts or for the collection or recovery of taxes penalties and interest due or owing to the Commonwealth under such acts

Section [23] 22 Effective Date This act shall become effective immediately upon its final enactment and [shall remain] be in force for the assessment and collection of taxes under section three of this act for the calendar [years one thousand nine hundred and thirty-six at the rate of one mill on each dollar of the value thereof and one thousand nine hundred and thirty-seven at the rate of four mills on each dollar of the value thereof] year one thousand nine hundred thirty-eight and every year thereafter and for the collection of taxes under section [eighteen] seventeen of this act [during the calendar years one thousand nine hundred and thirty-six at the rate of one mill on each dollar of the nominal value thereof and one thousand nine hundred and thirty-seven at the rate of four mills on each dollar of the nominal value thereof on reports filed for the calendar years one thousand nine hundred and thirty-five and one thousannd nine hundred and thirty-six or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six] for the calendar year one thousand nine hundred thirty-eight on reports filed for the calendar year one thousand nine hundred thirty-seven or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-seven and for every year thereafter

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. HARKINS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1558, entitled:

An Act to repeal the act approved the second day of April one thousand eight hundred sixty-eight (Pamphlet Laws fifty-five) entitled "A supplement to an act entitled 'An act to increase the revenues of the Commonwealth by taxation of the shares of stock of the national banks' approved April twelfth one thousand eight hundred and sixty-seven"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Ganser,	McShane,	Simpson,
Alexander,	Gerard,	Melchiorre,	Skale,
Allmond,	Gorski,	Mellott,	Sloan,
Arnold,	Habbyshaw,	Mihm,	Smith, James A.,
Atkins,	Haberlen,	Moonaw,	Smith, John A.,
Aukerman,	Hagerty,	Mooney,	Snyder,
Baine,	Hall,	Moran,	Sollenberger,
Baker, F. T.,	Hamilton, F. P.,	Moul,	Spengler,
Baker, J. J.,	Hamilton, R. S.,	Muir,	Sproul,
Baldwin,	Harkins,	Munley,	Stackpole,
Bierly,	Harmuth,	Murrin,	Stank,
Blank,	Hays,	Nagel,	Stewart,
Bohn,	Herring,	O'Brien,	Stockham,
Boles,	Hess,	O'Connor,	Strode,
Boltz,	Hetrick,	O'Keefe,	Thomas,
Bradley,	Hindman,	Ominsky,	Thompson,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Caesar,	Imbrie,	Perry,	VanSickle,
Caputo,	Jirolanio,	Pershing,	Vogt,
Chervenak,	Kane,	Piole,	Wagner,
Coakley,	Keenan,	Powers,	Wall,
Cohen, H. B.,	Kelso,	Preston,	Walsh,
Cohen, R. E.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	LaRue,	Reising,	Webster,
Corrigan,	Levy,	Richter,	Weidemann,
Costanzo,	Lewis,	Robinson,	Weiss, D. H.,
Decker,	Long,	Rothenberger,	Weiss, S. A.,
DeNote,	Longaker,	Royer,	Welliver,
Dickinson,	Lopresti,	Ruffennach,	Welsh,
Donohoe,	Lovett,	Rush,	Westrick,
Dougherty,	Lyons,	Sarraf,	Wheatley,
Downey,	Marino,	Scanlon,	Whitenight,
Dubbs,	Matthews, H. T.,	Schor,	Wilson,
Dyson,	Matthews, J. F.,	Schrock,	Winner,
Eckels,	McArdle,	Schrope,	Wood,
Eipern,	McCullough,	Schumacher,	Woodside,
Falkenstein,	McDermott,	Shaw,	Wright,
Flaherty,	McDevitt,	Shea,	Yanoshak,
Fiss,	McElroy,	Shepard,	Yeakel,
Fitch,	McFall,	Shoemaker,	Yourishin,
Flanagan,	McGee,	Siegel,	Zappala,
Flannery,	McKinney,	Simon,	Furman,
Flinchbaugh,			

NAYS—6

Boose,	Cadwalader,	Merrell,	Serrill,
Boyer,	Leisey,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1635, entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-four) entitled as amended "An act imposing a State tax payable by those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages tax-

able hereunder and providing penalties" as amended and re-enacted by imposing an additional reciprocal tax by providing for the assessment and revision of and appeal from additional taxes and by making further provision with regard to refunds evidence of payment of the tax and penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flanagan,	McFall,	Shoemaker,
Alexander,	Flannery,	McGee,	Siegel,
Allmond,	Flinchbaugh,	McKinney,	Simon,
Arnold,	Ganser,	McShane,	Simpson,
Atkins,	Gerard,	Melchiorre,	Skale,
Aukerman,	Gillette,	Mellott,	Sloan,
Baine	Gorski,	Merrell,	Smith, James A
Baker, F. T.,	Habbyshaw,	Mihm,	Smith, John A.,
Baker, J. J.,	Haberlen,	Moomaw,	Snyder,
Balthaser,	Hagerty,	Mooney,	Sollenberger,
Bierly,	Hall,	Moran,	Spengler,
Blank,	Hamilton, F. P.,	Moul,	Sproul,
Bohn,	Hamilton, R. S.,	Muir,	Stackpole,
Boles,	Harkins,	Munley,	Stank,
Boltz,	Harmuth,	Murrin,	Stewart,
Boose,	Hays,	Nagel,	Stockham,
Boyer,	Hering,	O'Brien,	Strode,
Bradley,	Hess,	O'Connor,	Thomas,
Brancato,	Hetrick,	O'Keefe,	Thompson,
Brigerman,	Hindman,	Ominsky,	Tronzo,
Broad,	Hirsch,	O'Neill,	Trout,
Brown,	Holland,	Ostroff,	Tumelty,
Brownfield,	Holmes,	Patterson, C. S.,	Turner,
Burrows,	Holstrom,	Patterson, J. W.,	Valibus,
Cadwalader,	Hontz,	Peale,	VanAllsburg,
Caesar,	Huntley,	Pearson,	VanSickle,
Caputo,	Imbrie,	Perry,	Vogt,
Chervenak,	Jirolanio,	Pershing,	Wagner,
Coakley,	Kane,	Piole,	Wall,
Cohen, H. B.,	Keenan,	Powers,	Walsh,
Cohen, R. E.,	Kelso,	Preston,	Wampole,
Coleman,	Kilroy,	Readinger,	Watkins,
Coolahan,	Kline,	Reese,	Webster,
Corrigan,	LaRue,	Reising,	Weidemann,
Costanzo,	Leisey,	Richter,	Weiss, D. H.,
Davies,	Levy,	Robinson,	Weiss, S. A.,
Decker,	Lewis,	Rothenberger,	Welliver,
DeNote,	Long,	Royer,	Welsh,
Dickinson,	Longaker,	Ruffennach,	Westrick,
Donohoe,	Lopresti,	Rush,	Whalen,
Dougherty,	Lovett,	Sarraf,	Whitenight,
Downey,	Lyons,	Scanlon,	Wilson,
Dubbs,	Marino,	Schor,	Wood,
Dyson,	Matthews, H. T.,	Schrock,	Woodside,
Eckels,	Matthews, J. F.,	Schrope,	Wright,
Elpern,	McArdle,	Schumacher,	Yanoshat,
Falkenstein,	McCullough,	Serrill,	Yeakel,
Finnerty,	McDermott,	Shaw,	Yourishin,
Fiss,	McDevitt,	Shea,	Furman,
Fitch,	McElroy,	Shepard,	

NAYS—1

Winner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1016, entitled:

An Act to amend section twelve to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-five, (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation;" as amended; providing that the Commonwealth shall pay to the recorders of deeds, prothonotaries and clerks of courts the fees provided by the act for filing with the Department of Revenue certain records.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. SIMON. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1053, entitled:

An Act to amend section one as re-enacted sections two and three as amended sections four and five and section six as amended of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (P. L. 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania providing further for the distribution and use of unclaimed human bodies fixing the time for the claiming and distribution of bodies and the duties of carriers of bodies requiring thoses receiving bodies to give bond and providing penalties

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finaly?

Mr. McDEVITT. Mr. Speaker, may I interrogate the sponsor of this bill?

The SPEAKER. Will the gentleman from Allegheny, Mr. Tronzo, permit himself to be interrogated?

Mr. TRONZO. Mr. Speaker, I yield to the gentleman from Philadelphia, Mr. Shea.

The SPEAKER. The gentleman from Allegheny, Mr. Tronzo, yields to the gentleman from Philadelphia, Mr. Shea. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHEA. Mr. Speaker, I will.

Mr. McDEVITT. Mr. Speaker, I should like to ask the gentleman from Philadelphia, Mr. Shea, whether a coroner can better dispose of a body than a county commissioner?

Mr. SHEA. Mr. Speaker, a Democratic coroner can.

Mr. McDEVITT. Mr. Speaker, I would like to follow that question up. What would be the difference in treatment.

Mr. SHEA. Well, gentlemen—or Mr. McDevitt, the difference in treatment is—

Mr. TURNER. Mr. Speaker, I move that the remark of the gentleman from Philadelphia, Mr. Shea, be ex-

punged from the record. He apparently cast aspersions upon the gentleman from Philadelphia in calling him no gentleman.

Mr. SHEA. Mr. Speaker, if I called the gentleman from Philadelphia no gentleman I want it expunged from the record. I don't think I did though.

Mr. McDEVITT. Mr. Speaker, does the gentleman care to answer that question.

Mr. SHEA. Mr. Speaker, will the gentleman please repeat the question. I did not understand the gentleman.

Mr. McDEVITT. Mr. Speaker, I should like to ask the gentleman what would be the difference in the disposition of a body by a Democratic coroner as against a county commissioner?

Mr. SHEA. Mr. Speaker, I think the gentleman has been led into a trap. It is a matter of history, and in answering the question I am going to differentiate between the Republican members of this House and the members who made up the House from the city of Philadelphia five years ago when a suicide's bullet—

Mr. McDEVITT. Mr. Speaker, if the gentleman will yield, may I interrogate the sponsor of the bill? I know it is rather late but I would like to interrogate the sponsor.

The SPEAKER. Will the gentleman from Allegheny, Mr. Tronzo, permit himself to be interrogated?

Mr. TRONZO. Mr. Speaker, I again yield to the gentleman from Philadelphia, Mr. Shea.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be further interrogated?

Mr. SHEA. I will, Mr. Speaker.

Mr. McDEVITT. Mr. Speaker and members of the House, I do not want to discuss the merits of this bill because it involves a subject that perhaps only a doctor can understand. The feature that I am interested in is that which would give an exception or possibly a special privilege, or whatever you might choose to call it, to the people of Philadelphia and particularly to the coroner's office. We have here a bill that would provide a situation entirely different from that in any other part of the State. You will recall that we had an election in 1935 and elected all Republican office holders, but now with a Democratic Legislature, it appears to be a great opportunity to sort of reverse the will of the people. Here we have a bill that provides that in every county having a coroner and in every county having a county commissioner that the county commissioner shall dispose of the body in every county in the State except in Philadelphia where the coroner shall dispose of it. I think it is only fair to the city of Philadelphia, and particularly to the county commissioners, to point out that this is a sanitary service and I hate to believe that the Democratic leaders of Philadelphia are sincere in their efforts to pass such a measure as this bill and that they are so desperate that they would engage in a body snatching contest between the coroner and the county commissioner. After all, these bodies are those of paupers and perhaps a pauper does not have very much status, but nevertheless it is a high handed proposition, and I think it is only fair that the members of the House should understand it and the people of Pennsylvania should understand it. Personally I am going to vote "no." I did not want to criticize the bill of the gentleman from Allegheny and that is why I asked to interrogate him.

Mr. SHEA. Mr. Speaker and members of the House, I have the greatest admiration in the world for my adversary, Mr. McDevitt, and I also have the greatest admiration in the world for the Republican members of this House. I am sorry that they have been led into a trap on this bill, because the bodies were taken away from the Republican coroner, Mr. Sellers, who at that time committed suicide and who robbed every body that came into his custody, and not only that but the authors of this bill, who are four men high up in educational attainments, Prof. Addinell H. Ewson, Prof. J. Parsons Schaeffer, Prof. John H. Clark, of the University of Pennsylvania, and Prof. Henry Raddash, personal friend of mine, and a professor in the Jefferson Medical College, all Republicans—the authors of this bill are all Republicans, and it was at a conference with those gentlemen that this Bill No. 1053 was arrived at. You all know back five years ago when the first onslaught was made politically in the city of Philadelphia, when the old organization there got its first knock through the coroner's office, and then Addinell H. Ewson asked for the privilege of taking the bodies away from the office of the coroner and the coroner at that time said to him. "I will get you." He wanted to pick the living as well as the dead. We all know what happened. Every headline in the papers showed it at that time. I was living very close to his home on Oxford Street at that time when the word went out through that great city of ours, his controversy with Ben Golder, we knew then that the Republican party was licked throughout the State of Pennsylvania and our forecast was fulfilled Now Mr. Witkins, formerly of this House, has made insulting remarks about this bill. He said that the Democratic party was engaged in grave stealing, in ghoulism and all that sort of thing, but let me tell you that the last election in the State of Pennsylvania was a selective affair. On the Republican side of this House are selected gentlemen. "Selected" is right. Mr. Witkin is not with them and we were afraid of Mr. Witkin and as a result we have—

POINT OF ORDER

Mr. SPROUL. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. SPROUL. Mr. Speaker, is the gentleman discussing the merits of the bill?

The SPEAKER. Does the gentleman from Delaware desire to interrogate the gentleman from Philadelphia?

Mr. SPROUL. Yes, Mr. Speaker.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Shea, permit himself to be interrogated?

Mr. SHEA. I will, Mr. Speaker.

Mr. SPROUL. Mr. Speaker, I would like to ask the gentleman from Philadelphia whether he is making a political speech or discussing the merits of the bill?

Mr. SHEA. Mr. Speaker, I thank the gentleman from Delaware, Mr. Sproul. I will try to adhere to the question, but the question was put to me as to why I was trying to have the work done by the coroner in Philadelphia. The reason I am doing so is because we have an honest coroner in Philadelphia, thank God. Mr. Speaker,

I think that is reason enough for placing the bodies where they are to be placed. We have had quite a few casualties in the city of Philadelphia, and our investigating committees, our friends, who are going down there are going to have all kinds of casualties, and when they arrive we want to have somebody to take care of them. I know that there has been a complaint recently from the coroner that his morgue is cluttered up with bodies because he cannot get any cooperation from the county commissioners of the city of Philadelphia.

Mr. TURNER. Mr. Speaker and members of the House, I thought this was sort of a dead issue but the gentleman from Philadelphia in his usual jocular manner and with his great force and vehemence has turned it into a real issue. Now he said something that was rather enlightening to me. I have not thought very much about this bill, I have not been very much interested as to who shall dispose of the bodies, whether it be the county commissioners or the coroner. Of course, it rather disappointed me to note that in this bill they did not leave the spinal column for the chiropractors, but as long as the medical profession feels that they have got to have it all we won't raise any question about that. However, the gentleman from Philadelphia was very enlightening, he was very honest in his statement. He said they were leading us into a trap. Now when somebody tells me that they are leading me into a trap I generally sort of button up my pockets and look around for something like a rock that I can use in case of trouble, and so I have looked at this bill again to see just where we are going. This bill is rather peculiar. It starts out talking about bodies and then it gets down to where dentists become medical doctors, because they have a section here which reads, "Any physician or dentist licensed to practice medicine." Of course, when a dentist becomes licensed to practice medicine, as I understand the laws of the Commonwealth, he becomes a medical doctor; he is not a dentist any longer he is a medical doctor. So I have been wondering why you should put this section in unless it is intended to give the dentists the same opportunity. Somebody pointed out that under this bill if a dentist should pull out your tooth and then have it taken across the bridge to Camden to have it filled, say, he would be liable to fine and imprisonment, on the ground that he was snatching somebody from a dead body. Therefore, Mr. Speaker, I do not think that under this bill we are being led into a trap, but I have been wondering as to whether or not it should be changed by some amendment, amending, of course, that part that gives the body to the coroner and also to take out that part that makes dentists licensed practising physicians in the Commonwealth of Pennsylvania.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken as follows, viz:

YEAS—169

Achterman,	Fitch,	Mallen,	Rothenberger,
Alexander,	Flanagan,	Marino,	Ruffennach,
Allmond,	Flannery,	Matthews, H. T.,	Rush,
Aukerman,	Flinchbaugh,	Matthews, J. F.,	Sarraf,
Baker, J. J.,	Ganser,	McArdle,	Scanlon,
Balthaser,	Gerard,	McCullough,	Schor,
Bierly,	Gillette,	McDermott,	Schrock,
Blank,	Gorski,	McElroy,	Schrope,
Bohn,	Habbyshaw,	McFall,	Schumacher,
Boies,	Haberlen,	McGee,	Serrill,
Boltz,	Hagerty,	McShane,	Shaw,
Boyer,	Hall,	Melchiorre,	Shea,
Bradley,	Hamilton, F. P.,	Mellott,	Shepard,
Brancato,	Harkins,	Merrell,	Shoemaker,
Brigerman,	Harmuth,	Mihm,	Siegel,
Broad,	Hays,	Moomaw,	Simon,
Brown,	Hering,	Mooney,	Skale,
Brownfield,	Hess,	Moran,	Smith, James A.,
Burrows,	Hetrick,	Moul,	Smith, John A.,
Caesar,	Hindman,	Muir,	Spengler,
Caputo,	Hirsch,	Munley,	Stank,
Chervenak,	Holland,	Murrin,	Thomas,
Coakley,	Holmes,	Nagel,	Thompson,
Cohen, H. B.,	Holstrom,	O'Brien,	Toole,
Cohen, R. E.,	Hontz,	O'Connor,	Tronzo,
Coleman,	Huntley,	O'Keefe,	Tumelty,
Coolahan,	Imbrie,	Ominsky,	Valibus,
Corrigan,	Jirolanio,	O'Neill,	VanSickle,
Costanzo,	Keenan,	Ostroff,	Vogt,
Davies,	Kelso,	Patterson, C. S.,	Wagner,
Decker,	Kilroy,	Patterson, J. W.,	Walsh,
DeNote,	Kline,	Peale,	Weiss, D. H.,
Dickinson,	Kroll,	Pearson,	Weiss, S. A.,
Donohoe,	LaRue,	Pershing,	Welliver,
Dougherty,	Leisey,	Piole,	Welsh,
Downey,	Levy,	Powers,	Westrick,
Dubbs,	Lewis,	Preston,	Whalen,
Dyson,	Long,	Readinger,	Whitenight,
Eckels,	Longaker,	Reese,	Wright,
Elpern,	Lopresti,	Reising,	Yanoshat,
Falkenstein,	Lovett,	Richter,	Zappala,
Finnerty,	Lyons,	Robinson,	Furman,
Fiss,			

NAYS—21

Baker, F. T.,	Perry,	Stewart,	Weidemann,
Boose,	Royer,	Stockham,	Wilson,
Cadwalader,	Simpson,	Trout,	Winner,
Hamilton, R. S.,	Sloan,	Turner,	Wood,
McDevitt,	Snyder,	Wall,	Woodside,
McKinney,	Sproul,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 76, as follows:

An Act to promote the safety of employes and travelers upon railroads by compelling common carriers by railroad to man locomotives trains and other self propelled engines or machines with competent employes to provide the least number of men that may be employed on locomotive trains and other self propelled engines or machines to provide the qualifications of certain employes and to provide a penalty for the violation thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That when used in this act and for the purposes of this act (a) the word "carrier" means a common carrier by railroads or partly by railroad and partly by water and any receiver or any other individual or body judicial or otherwise when in possession of the business of carriers covered by this act excluding street suburban and interurban electric railways unless operated as a part of a general railroad system of transportation

(b) The word "locomotive" means only self propelled unit operated by any form of energy or power whether produced thereon or furnished from any outside source and adopted for use in moving cars upon rails or for the transportation of passengers or freight or property except locomotive cranes pile drivers brown hoists and other self propelled engines or machines not used for the transportation of passengers or freight or property for hire

(c) The term "light engine" means any locomotive op-

erated without cars and not transporting passengers freight or property

(d) The term "passenger train" means any self propelled unit while transporting passengers or any locomotive with one or more cars construed for the purpose of transporting passengers baggage mail express or combination of either or any

(e) The term "freight train" means any train composed of one or more locomotives with one or more cars or other vehicles construed for the purpose of transporting freight or other property not specifically referred to in the above definition of a passenger train

(f) The word "engineer" means a person who operates a locomotive and performs related work

(g) The word "fireman" means a person who fires a locomotive and assists an engineer in the performance of his duties as such or performs either of said duties

(h) The word "conductor" means a person having charge of the operation of a train en route at stations and between stations and who performs related work

(i) The word "brakeman" means a person who assists a conductor in the operation and protection of a train and who performs related work

(j) The word "baggageman" means a person whose duties include receiving caring and handling baggage mail and express on trains and who performs related work

(k) The term "yard conductor" or "foreman" means a person whose duties are to supervise and assist in the work of switching and yard work train service including supervision of the breaking up of trains and to perform related work

(l) The term "yard brakeman" or "helper" means a person whose duties are to couple uncouple and ride cars in connection with the breaking up and making up of trains to handle switches and to perform related work in connection with yard switching service

(m) The term "main track" means any continuous track over which through trains operate through and between stations

(n) The term "competent employe" means

(1) One who is able to read and understand the time tables of the carrier by whom he is employed and read ordinary hand writing in the English language and who is able to speak hear and understand the English language and to see distinguish and understand the signals required by the book of rules of the carrier governing the operation of the locomotive and trains of such carrier When defective sight can be remedied by the use of glasses or other means such defective sight shall not thereby render an employe incompetent under this act

(2) As applied to an engineer one who in addition to being possessed of the qualifications prescribed in paragraph (1) hereof shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing the position of an engineer

(3) As applied to a conductor one who in addition to being possessed of the qualifications prescribed in paragraph (1) hereof shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing conductors

(4) As applied to a fireman a brakeman or a yard brakeman or helper one who in addition to being possessed of the qualifications prescribed in paragraph (1) hereof shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing foreman brakeman or yardman or helpers

(5) As applied to a yard conductor or fireman one who in addition to being possessed of the qualifications prescribed in paragraph (1) hereof shall have passed a regular examination prescribed by the carrier concerning rules and regulations governing yard conductors or foreman

(6) As applied to a baggageman one who in addition to being possessed of the qualifications prescribed in paragraph (1) hereof has before being so employed as a baggageman passed the regular examination prescribed by the carrier concerning rules and regulations governing the position of a baggageman

Section 2 It shall be unlawful for any carrier to operate or permit to be operated any passenger train in this Commonwealth consisting of less than five cars unless said train shall be manned by a full crew of competent employes which crew shall consist of not less than one engineer one fireman on conductor and one brakeman When any passenger train consists of five cars or more any one or more of which carries passengers or consisting of ten or more cars none of which is carrying passengers such passenger train shall be manned by one additional brakeman When baggage is received cared for handled and transported on any such train at least one baggageman shall be added to the members of the crew above described in this section Except a single motor unit carrying passengers shall be manned by not less than three men

Section 3 It shall be unlawful for any carrier to operate or permit to be operated in the State of Pennsylvania any freight train consisting of less than fifty cars without a full crew of competent employes which crew shall consist of not less than one engineer one fireman one conductor and two brakemen

Section 4 It shall be unlawful for any carrier to operate or permit to be operated any freight train consisting of fifty cars or more without a full crew of competent employes which crew shall consist of not less than one engineer one fireman one conductor and three brakemen

Section 5 It shall be unlawful for any carrier to operate or permit to be operated any local freight train doing any switching or unloading of any freight of any nature whatever without a full crew of competent employes which crew shall consist of not less than one engineer one fireman one conductor and three brakemen

Section 6 All other trains not specifically referred to hereinbefore shall be manned by a crew of not less than one engineer one fireman on conductor and two brakemen

Section 7 It shall be unlawful for any carrier to use operate or permit any locomotive to be used or operated in any railroad yard or on any railroad track to handle or switch cars or to transfer cars from one railroad to another or from one railroad yard to another railroad yard unless each and every such locomotive while handling or switching cars shall be manned by a full crew of competent employes which crew shall consist of not less than one engineer one fireman one yard conductor or fireman and two yard brakemen or helpers When any such locomotive is so used or operated over or upon a highway or street within the corporate limits of a municipality such locomotive shall be manned by one additional yard brakeman or helper No such employe shall be detailed to more than one locomotive at the same time or be assigned to any other service unless his place be filled by another competent employe or the locomotive laid up while short-handed except that in case of the sudden disability of a member of such crew through sickness accident or death the carrier shall have three hours to replace such member during which time such locomotive may be operated short-handed

Section 8 It shall be unlawful for any carrier to operate or permit to be operated on its main track any single locomotive unless said locomotive is manned by a full crew of competent employes which crew shall consist of not less than one engineer one fireman one conductor or brakeman Provided however That where two or more locomotives are operated under their own power on any main track and coupled together there shall be provided a crew of one engineer and one fireman for each locomotive and in addition thereto one conductor or brakeman

Section 9 It shall be unlawful for any carrier to operate as a locomotive or permit to be operated as a locomotive on its main track any self propelled crane pile driver brown hoist or other self propelled engine or machine not used for the transportation of passengers or freight or property for hire which has sufficient power to draw or propel itself and one or more standard railroad cars unless such engine or machine shall be manned by a full crew of competent employes consisting of not less than one engineer one conductor and one brakeman

Section 10 In the case of the disability of a member of a full crew between terminals the carrier shall have the right to operate the locomotive or train short-handed until such locomotive or train arrives at the next terminal

or other intermediate place on the line where men of the same class as the person disabled are available when such carrier shall fill the vacancy on such crew This act shall not apply to relief or wrecking trains where sufficient men are not available

Section 11 Any railroad company its officers or agents officers of the court receiver or any person or persons operating a railroad violating any of the provisions of this act shall be guilty of a misdemeanor and liable to a penalty of one hundred dollars ($100) for each and every such violation to be recovered with costs as debts are now by law recoverable by a suit in the name of the Commonwealth for the use of the county in which such violation takes place Provided however That nothing in this act shall apply or relate to trains owned or operated by manufacturers made up of hot metal ladles ingots slag or table trucks

Section 12 It shall be the duty of the Public Service Commission of the Commonwealth of Pennsylvania or any other agency empowered to enforce the law to execute and enforce the provisions of this act and for such purposes shall have all the powers granted to it under the laws of this Commonwealth

Section 13 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 14 All acts or parts of acts inconsistent herewith are hereby repealed

Section 15 This act shall become effective immediately upon its final enactment

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Ominsky.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. OMINSKY. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, may I ask the gentleman if he is not one of the sponsors of House Bill No. 851.

Mr. OMINSKY. That is correct, Mr. Speaker.

Mr. TURNER. Mr. Speaker, under Article 4, of House Bill No. 851, Printer's No. 445, is not the power given to the commission to determine the very thing that is contained in House Bill No. 76?

Mr. OMINSKY. That is partly correct, Mr. Speaker.

Mr. TURNER. In what respect is it not correct, Mr. Speaker?

Mr. OMINSKY. Mr. Speaker, the new section in House Bill No. 851 relating to full crews gives the commission power to step in at places where it is necessary for safety, whereas this bill makes it mandatory.

Mr. TURNER. Mr. Speaker, is it not the opinion of the gentleman that it would be better to give the commission the power to step into places where it is necessary than to make it a uniform rule?

Mr. OMINSKY. Mr. Speaker, in answer to the question of the gentleman from Delaware, I would say that at this time I am not prepared to answer the question. We are now on House Bill No. 76 making it mandatory upon the commission or upon the railroads to have a full crew and if he wants my opinion about this bill I will be glad to give it to him.

Mr. TURNER. Mr. Speaker, I am not asking the gentleman about this bill. I thank him very much. I have had perhaps more letters from people in my county asking me to vote against this bill than on any measure that is now before the House. I have had no request to vote for this bill. If House Bill No. 851 is to be enacted and if there is a necessity for a full crew bill, it seems to me that the proper approach lies under No. 851. In other words, where the Public Service Commission determines that there is a necessity for more men upon these trains, then the Commission can so determine after hearing and examination of the facts. This bill would make it mandatory on all of the railroads and under all the conditions and circumstances I am going to vote against this bill.

Mr. REISING. Mr. Speaker and members of the House, I had hoped that there would be no discussion on this bill but since there seems to be some question as to whether or not this manadatory bill would be preferable to the authority of the Commission I might say this that the members of the Commission, I am certain none of whom are now or ever have been in actual train service and not having been in actual train service it will probably be equally as difficult to make them understand the necessity for additional men as has been our experience in the past with the present Public Service Commission. I just want to give for the benefit of the members of this House a few figures here as to why additional men are required on trains at this time and have been for a considerable length of time. For instance, in tests made by railroad men of experience with perfect vision, in good health in every respect, on a train sixty cars in length there were thirty-five signals given thirty-three of them were understood and two were misunderstood. A train of seventy cars in length, thirty-five signals were given, thirteen understood and twenty-two misunderstood. A train eighty cars in length, forty-five signals were given, three were understood and forty-two misunderstood. A train of ninety cars in length, twenty-five signals given, one understood and twenty-four misunderstood.

Now, what does it mean to misinterpret or misunderstand a signal in train service? It means that some one's life or limb is likely to be taken, and therefore it is a safety measure and one of the most important that can be thought of, and I would ask the members of this House, —there is no use of my taking up a lot of time here as you all have heard the arguments pro and con,—we have had public hearings,—therefore, I would ask your support of this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. MORAN. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—145

Achterman,	Elpern,	McCullough,	Shaw,
Alexander,	Falkenstein,	McDermott,	Shea,
Allmond,	Finnerty,	McElroy,	Shepard,
Arnold,	Fitch,	McFall,	Shoemaker,
Aukerman,	Flanagan,	McGee,	Siegel,
Baine,	Flannery,	McShane,	Simon,
Baker, J. J.,	Ganser,	Melchiorre,	Skale,
Bierly,	Gerard,	Mihm,	Smith, James A.,
Blank,	Gorski,	Moomaw,	Smith, John A.,
Bohn,	Habbyshaw,	Mooney,	Spengler,
Boies,	Haberlen,	Moran,	Stank,
Bradley,	Hagerty,	Munley,	Stockham,
Brancato,	Hamilton, F. P.,	Murrin,	Thomas,
Brigerman,	Hamilton, R. S.,	Nagel,	Thompson,
Broad,	Harkins,	O'Brien,	Toole,
Brown,	Harmuth,	O'Connor,	Tronzo,
Brownfield,	Hering,	O'Keefe,	Tumelty,
Burrows,	Hindman,	Ominsky,	Valibus,

Caesar,	Hirsch,	O'Neill,	VanSickle,
Caputo,	Holland,	Ostroff,	Vogt,
Chervenak,	Holstrom,	Patterson, S.,	Wagner,
Coakley,	Hontz,	Patterson, W.,	Walsh,
Cohen, H. B.,	Jirolanio,	Pearson,	Watkins,
Cohen, R. E.,	Keenan,	Pershing,	Weiss, D. H.,
Coleman,	Kelso,	Piole,	Weiss, S. A.,
Coolahan,	Kilroy,	Powers,	Welliver,
Corrigan,	Kline,	Preston,	Welsh,
Costanzo,	Levy,	Reese,	Westrick,
Davies,	Lewis,	Reising,	Whalen,
Decker,	Long,	Richter,	Wilson,
DeNote,	Lopresti,	Robinson,	Woodside,
Dickinson,	Lovett,	Ruffennach,	Wright,
Donohoe,	Lyons,	Rush,	Yanoshat,
Dougherty,	Marino,	Sarraf,	Yourishin,
Downey,	Matthews, H. T.,	Scanlon,	Zappala,
Dubbs,	Matthews, J. F.,	Schor,	Furman,
Eckels,	McArdle,	Schrope,	

NAYS—51

Atkins,	Holmes,	Peale,	Stackpole,
Baker, F. T.,	Huntley,	Perry,	Stewart,
Balthaser,	Imbrie,	Readinger,	Strode,
Boltz,	Kane,	Rothenberger,	Trout,
Boose,	LaRue,	Royer,	Turner,
Boyer,	Leisey,	Schrock,	VanAllsburg,
Cadwalader,	Longaker,	Schumacher,	Wall,
Fiss,	McDevitt,	Serrill,	Wampole,
Flinchbaugh,	McKinney,	Simpson,	Webster,
Gillette,	Mellott,	Sloan,	Weidemann,
Hall,	Merrell,	Snyder,	Wood,
Hess,	Moul,	Sollenberger,	Yeakel,
Hetrick,	Muir,	Sproul,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. PERRY filed the following reasons for his vote:

Since the presentation of this bill to the House of Representatives, there has been forwarded to me, and are now in my possession, many petitions opposing the passage of this bill.

One of these petitions came from the Altoona Works Local No. 42 of the Brotherhood Shop Crafts of America, representing more than eleven thousand employes of the Locomotive and Car Departments of the Pennsylvania Railroad, Altoona Works. Similar petitions are signed by many hundreds of business men and laboring men of my Legislative District. These petitions oppose the passage of the bill, alleging that it will seriously retard the prosperity of their community, and will necessitate a stringent curtailment of employment, and by reason thereof hurt the working man of my community and his dependents.

Therefore, because of such widespread and definite objection by many of my constituents, and believing that these petitions represent the public opinion of my Legislative District. In response to these petitions, I cast a negative vote on this bill.

Mr. SOLLENBERGER filed the following reason for his vote:

During the past two months there has been sent and handed to me, and now in my possession, petitions signed by hundreds of business, professional, and laboring men from my Legislative District on House Bill No. 76, commonly known as Full Crew Bill. Eighty-five (85%) per cent of these petitions are in opposition to the above named bill.

Therefore, because of this widespread and definite objection upon the part of such a large number of my constituents, and in response to their petitions, I am casting a negative vote upon this bill.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1164 (Senate Bill No. 4), as follows:

An Act prohibiting the employment of miners as herein defined in the bituminous coal mines unless certificated by a miners' examining board providing for the appointment of such boards and defining their powers and duties providing penalties and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the first day of April one thousand nine hundred and thirty-eight no person shall be employed or engaged as a miner in any bituminous coal mine in this Commonwealth except as hereinafter provided for without first having obtained a certificate of competency and qualification from a miners' examining board appointed under this act Provided however That any miner holding such certificate may have one person working with him and under his direction as an apprentice for the purpose of learning the business of mining For the purposes of this act the term "miner" shall mean all underground workers in bituminous coal mines except as hereinafter provided

Section 2 The Secretary of Mines with the approval of the Governor shall appoint as many miners' examining boards as may be deemed necessary but not exceeding five in number each board to be composed of three practical and experienced bituminous miners who shall have had at least ten years experience in the bituminous mines of this Commonwealth and who shall be at least thirty years of age Each member of an examining board shall hold office at the pleasure of the appointing authority

The boards first appointed shall have authority to issue to their respective members the certificates of competency required by this act without examination

The boards first appointed shall be so located by the Secretary of Mines as to meet the needs of the various regions in which bituminous coal is mined

Each miners' examining board shall organize by the selection of one of its members as chairman and one as secretary All records reports books and papers of a board shall be kept by the Secretary who shall also be furnished with a seal by the Department of Mines

Each member of a miners' examining board shall be entitled to compensation at the rate of ten dollars for each day of seven hours necessarily employed and all necessary and legitimate expense incurred in the discharge of his duties which compensation and expenses shall be paid from appropriations made for such purposes

The number of miners' examining boards may be reduced at the pleasure of the Secretary of Mines after the first day of March one thousand nine hundred and thirty-eight

Section 3 The several miners' examining boards shall hold examinations at such times and places prior to the thirty-first day of March one thousand nine hundred and thirty-eight as the Secretary of Mines may designate and thereafter shall meet at least once every three months in each mine inspection district at such places as the Secretary of Mines may designate so that all persons in the State who wish to engage in coal mining may be examined as to their competency and qualifications Public notice of the time and place of examinations shall be given through the press or otherwise by the board not less than seven days in advance of the date set for the examination

Each board shall keep an accurate record of its proceedings and meetings and in said record shall show a correct detailed account of the examination of each ap-

plicant with questions asked and their answers Such records shall be open to public inspection

Section 4 Each applicant for examination shall pay to the miners' examining board a fee of two dollars All fees collected by a miners' examining board shall be promptly transmitted to the Department of Mines and by it paid into the State Treasury through the Department of Revenue

Section 5 All examinations held by miners' examining boards shall be conducted in the English language and shall be of a practical nature so as to determine the competency and qualifications of the applicant to engage in the mining of bituminous coal The board or boards shall examine under oath all applicants as to their previous experience in mines Each member of the examining board or boards shall have power to administer oaths and any false statement wilfully made by an applicant under oath shall be deemed perjury All persons who shall be actually engaged as miners in a bituminous mine in this State at the time of the passage of this act and who shall have reached the age of twenty-one years and have had at least two years practical experience as mine workers shall be entitled to a certificate without examination upon the payment of a fee of one dollar and after producing satisfactory proof that they have been employed in a bituminous mine in this Commonwealth but no certificates of service shall be issued after the first day of April one thousand nine hundred and thirty-eight The form and manner of issuing such certificates shall be designated by the Secretary of Mines Certificates granted by a board shall entitle the holder thereof to be employed as and to do the work of a miner in the bituminous mines of the Commonwealth

All persons possessing certificates of qualification issued by the Commonwealth of Pennsylvania entitling them to act as mine foreman assistant mine foreman or fire boss shall be eligible to engage at any time as miners in bituminous mines of this State Supervisory and technically trained employes of the operator whose work contributes only indirectly to mine operations shall not be required to possess a miner's certificate

No person shall be qualified to take the examination unless he produces evidence of having had not less than two years' practical experience in the bituminous coal mines of this Commonwealth as a miner or who has served as a miner's apprentice for a period of two years A certificate shall not be granted unless the applicant appears in person before the board and answers orally intelligently and correctly at least eight practical questions propounded to him

A certificate granted by a board shall not be transferable and a transfer shall be deemed a violation of this act

Certificates shall be issued only at meeting of the board and shall be signed by at least three members of the board and sealed with the seal of the board

Section 6 No person shall after the first day of April one thousand nine hundred and thirty-eight engage as a miner other than as an apprentice in any bituminous coal mine in this Commonwealth without first having obtained a certificate of competency and qualification as provided for in this act except as hereinbefore stated nor shall any person firm or corporation or his or its agent employ as a miner other than as an apprentice any person who does not hold such certificate except as aforesaid Any person firm or corporation violating any of the provisions of this act shall upon conviction in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars and costs nor more than one hundred dollars and costs and in default of the payment of such fine and costs be imprisoned in the county jail for a period of ten days

Section 7 The sum of seventy thousand dollars ($70,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Mines for the purpose of carrying out the provisions of this act

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

PERMISSION REQUESTED FOR COMMITTEE TO MEET DURING SESSION.

Mr. BROWNFIELD. Mr. Speaker, I would like to ask consent of the House to call a meeting of the Committee on Education in the House Caucus Room immediately.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. O'CONNOR. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. O'CONNOR. Mr. Speaker, I desire to know why it requires the unanimous consent of this House for a committee to hold a meeting during a session of this House?

The SPEAKER. It does not require unanimous consent, it only requires the consent of the House under the rules.

Mr. O'CONNOR. I object, Mr. Speaker.

The SPEAKER. Will the House give its consent for the Committee on Education to meet during the session of the House?

The SPEAKER declared the ayes appear to have it.

Whereupon a division was called for.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, is it permissible to interrogate the chairman of the Committee on Education, Mr. Brownfield, as to his reasons for wanting to hold this meeting?

The SPEAKER. The Chair feels that an interrogation would be in order, provided the gentleman will permit himself to be interrogated.

Mr. TURNER. Mr. Speaker, I ask leave to interrogate the gentleman from Fayette, Mr. Brownfield.

The SPEAKER. Will the gentleman from Fayette permit himself to be interrogated?

Mr. BROWNFIELD. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, what is the regular time for the meetings of this committee?

Mr. BROWNFIELD. Wednesday mornings, Mr. Speaker.

Mr. TURNER. Mr. Speaker, has there been a meeting called for tomorrow?

Mr. BROWNFIELD. No, Mr. Speaker.

Mr. TURNER. Mr. Speaker, may I ask what is the purpose of calling the meeting tonight?

Mr. BROWNFIELD. Mr. Speaker, to consider Senate Bill No. 369, the Teachers Tenure Bill.

Mr. TURNER. And, Mr. Speaker, what is the particular haste on that?

Mr. BROWNFIELD. Mr. Speaker, it is thought this Tenure Bill ought to be passed by April 1 if it is going to do the good it is hoped it will do for teachers who might be dismissed during April.

Mr. TURNER. Mr. Speaker, under what conditions would they be dismissed during April and how would this bill save them?

Mr. BROWNFIELD. By the blanket dismissals, Mr. Speaker.

Mr. TURNER. Mr. Speaker, how would this bill save them from that?

Mr. BROWNFIELD. Mr. Speaker, this Tenure Bill would put teachers under tenure and they cannot be dismissed after the bill goes in effect.

Mr. TURNER. Do not their contracts now existing continue on, Mr. Speaker?

Mr. BROWNFIELD. Mr. Speaker, sixty days before the end of the term the boards must act sixty days before the end of the term or the contract is continued.

Mr. TURNER. Mr. Speaker, most of the school district terms end on the first day of June, do they not?

Mr. BROWNFIELD. Mr. Speaker, some school districts have their terms ending in April, the last of April, and of course those teachers, many of them, have already been dismissed.

Mr. TURNER. Is it not true, Mr. Speaker, that there was a meeting arranged for nine o'clock tomorrow morning?

POINT OF ORDER

Mr. OMINSKY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. OMINSKY. The point of order, Mr. Speaker, is that the gentleman from Delaware by his interrogation is discussing the merits of the bill and we are now on a request for consent as to whether or not the Committee on Education may meet at once.

The SPEAKER. The Chair thinks that the point of order is well taken, that the merits of the bill are being discussed, but in order to explain the reasons for calling the meeting the Chair sees where it is necessary to discuss the bill. The Chair will ask the gentlemen to confine their remarks to the motion before the House and to refrain from discussing the merits of the bill as much as possible.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, I have asked the gentleman to explain why he is calling a meeting at this time. In answer thereto he has stated that the reason is haste. In answer to that I cannot do anything else but ask him questions which must be pertinent to the bill. I am not discussing the merits of the bill. May I not merely ask him questions which pertain to his reason?

The SPEAKER. The Chair is attempting to give the gentlemen as much latitude as possible and ask the gentlemen to proceed, refraining from discussing the merits of the bill as much as possible.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Fayette, Mr. Brownfield further.

The SPEAKER. The gentleman will proceed.

Mr. TURNER. Mr. Speaker, is it not true that the Committee on Education agreed to meet at 9:30 o'clock tomorrow morning.

Mr. BROWNFIELD. Mr. Speaker, that was talked about in the meeting last week. However, the bill has now been out for first reading, comes up for second reading tomorrow, and for third reading on Wednesday, that is the shortest possible time in which it could be acted on to be within the sixty day period.

Mr. TURNER. Mr. Speaker, if amendments are desired what opportunity has any one to offer amendments if the bill were reported out tonight and were passed on second reading tomorrow.

Mr. BROWNFIELD. In the meeting last week, Mr. Speaker, the members were asked to have their amendments, all amendments they desired submitted no later than today, so that those amendments would be ready now.

Mr. TURNER. Mr. Speaker, it was my understanding that a number of men who desired to submit amendments had the understanding that they were to submit their amendments at the meeting tomorrow morning.

Mr. BROWNFIELD. Of course, Mr. Speaker, we said nothing last week about this meeting tonight. The only way we can get the bill through within the sixty day period, would be to meet tonight. I do not suppose we thought of that last week or it would have been taken up.

Mr. TURNER. Mr. Speaker, in view of the fact that some of the contracts expire in April and that in some of the school districts the terms do not end until the end of June, the sixty day period is not of very great value, is it?

Mr. BROWNFIELD. Practically all of the terms end, Mr. Speaker, along toward the last of May, I believe. Very few of them run into June, some of them do.

Mr. TURNER. Mr. Speaker, most of the schools in my county run until about the 20th of June, or about the 25th of June.

Mr. BROWNFIELD. That is very much later, Mr. Speaker, than they run in most places. A great many of them would be out by the 20th of May, I believe.

Mr. TURNER. Of coure, It would be too late on the twentieth of April for the sixty days, would it not, Mr. Speaker?

Mr. BROWNFIELD. Mr. Speaker, in many districts it is too late already.

The yeas and nays were required by Mr. HERBERT B. COHEN and Mr. OMINSKY and were as follows:

YEAS—121.

Achterman,	Dougherty,	Lovett,	Reising,
Alexander,	Downey,	Marino,	Richter,
Allmond,	Dubbs,	Matthews, H. T.,	Robinson,
Aukerman,	Dyson,	McArdle,	Sarraf,
Baine,	Elpern,	McCullough,	Scanlon,
Baker, J. J.,	Falkenstein,	McDermott,	Shea,
Balthaser,	Fitch,	McElroy,	Shepard,
Bierly,	Flanagan,	McFall,	Shoemaker,
Blank,	Flannery,	McGee,	Siegel,
Bohn,	Flinchbaugh,	McShane,	Simon,
Boies,	Ganser,	Melchiorre,	Skale,
Bradley,	Gerard,	Mellott,	Smith, James A.,
Brancato,	Haberlen,	Merrell,	Smith, John A.,
Brigerman,	Hagerty,	Mihm,	Spengler,
Broad,	Hamilton, F. P.,	Moomaw,	Stapp,
Brown,	Hess,	Mooney,	Thomas,
Brownfield,	Hetrick,	Moran,	Tronzo,
Burrows,	Hindman,	Murrin,	Valibus,
Caesar,	Hirsch,	Nagel,	Wagner,
Caputo,	Holland,	O'Brien,	Walsh,
Cohen, H. B.,	Holmes,	O'Keefe,	Weiss, D. A.
Cohen, R. E.,	Holstrom,	Ominsky,	Weiss, S. A.,
Coleman,	Hontz,	O'Neill,	Welliver,
Coolahan,	Huntley,	Ostroff,	Welsh,
Corrigan,	Keenan,	Patterson, S.,	Whalen,
Costanzo,	Kelso,	Patterson, W.,	Whitenight,
Davies,	Kilroy,	Pearson,	Wright,
Decker,	LaRue,	Pershing,	Yourishin,
DeNote,	Lewis,	Piole,	Zappala,
Dickinson,	Long,	Powers,	Furman,
Donohoe,	Lopresti,	Readinger,	

NAYS—43.

Baker, F. T.,	Kane,	Royer,	Turner,
Boltz,	Kline,	Schrock,	VanAllsburg,
Boyer,	Leisey,	Schumacher,	Vogt,
Cadwalader,	Levy,	Simpson,	Wall,
Chervenak,	Matthews, J. F.,	Sloan,	Watkins,
Eckels,	McKinney,	Snyder,	Webster,
Finnerty,	Muir,	Sollenberger,	Weidemann,
Habbyshaw,	O'Connor,	Sproul,	Westrick,
Hall,	Peale,	Stackpole,	Wilson,
Harkins,	Perry,	Stewart,	Wood,
Hays,	Rothenberger,	Trout,	Woodside,
Imbrie,			

So the question was determined in the affirmative and permission was granted for the Committee to meet during the session.

BILL ON THIRD READING

Mr. FLANNERY. Mr. Speaker, I desire to call up at this time House Bill No. 825, Printer's No. 318, on page 18 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. FLANNERY.

The House resumed the consideration on third reading of House Bill No. 825, entitled:

An Act to validate contracts for the erection and construction of school buildings additions to and improvements of existing school buildings and improvements of the grounds appurtenant to the same and orders for extra work and material in connection therewith and to authorize payment therefor by the school districts where there is no evidence of fraud or conspiracy

On the question recurring,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. FLANNERY. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of further study.

The motion was agreed to.

STATEMENT BY MR. YOURISHIN

Mr. YOURISHIN asked and obtained consent to make the following statement:

Mr. Speaker and members of the House, last week from Allegheny County and Luzerne County our future citizens met in a bitter athletic struggle in certain field of sport. Unfortunately Luzerne County lost out and while we feel keenly the loss of our supremacy in the State of Pennsylvania in certain sports, nevertheless we in Luzerne County being good sports are now offering the following resolution and asking for its adoption.

RESOLUTION

CONGRATULATING SOUTH HIGH SCHOOL

Messrs. YOURISHIN, WRIGHT, BIERLY, FLANNERY, WHALEN, VALIBUS, BOHN, TOOLE, JOHN J. BAKER, and SARRAF offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, March 29, 1937.

Resolved, That the Members of the House of Representatives hereby extend their sincere congratulations to the members of the basket ball team representing the South High School of Pittsburgh and their coach for winning the State high school basket ball championship at State College, Saturday night, March 27th, when this team defeated the strong team representing Newport.

Resolved, That a copy of this resolution be transmitted to the principal of the South High School of Pittsburgh by the Chief Clerk of this House.

RESOLUTION

RECALLING HOUSE BILL No. 561 FROM THE GOVERNOR

Mr. REISING offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, March 29, 1937.

Resolved, (if the Senate concur), That House Bill No. 561, Printer's No. 385, entitled "An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof; declaring void certain condemnations and appropriations of waters by municipalities, corporations, co-partnerships or persons; providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities, corporations, co-partnerships or persons, and appeals therefrom; conferring jurisdiction on the court of Common Pleas of Dauphin County in relation thereto; providing for future condemnation and appropriations of waters by, and allocation of waters to, municipalities, corporations, co-partnerships or persons, and for compensation for waters hereafter to be taken for public water supply purposes; and conferring powers, and imposing duties upon the Water and Power Resources Board," be recalled from the Governor for the purposes of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

SYMPATHY EXTENDED

Messrs. WOODSIDE and HABBYSHAW offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, March 29, 1937.

John A. Laudenslager, widely known former school teacher, merchant, legislator, justice of the peace, and post office employe passed away at his home in Pillow, Dauphin County, last Wednesday, at the age of eighty-seven years. He served in this House during the Sessions of 1891 and 1893 as a Republican member during the term of Governor Robert E. Pattison. He was a leader in his community and a devout member of the same church for a period of almost seventy-five years.

Resolved, That the Members of the House of Representatives extend their sincere sympathy to the surviving daughter of the late John A. Laudenslager in the loss she has sustained in the passing of this venerable father, and that a copy of this resolution be transmitted to the daughter by the Chief Clerk of this House.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 548.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 24, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 548, Printer's No. 85, entitled "An Act providing for the organization government discipline maintenance and regulation of an additional land force to be known as the Pennsylvania Reserve Militia for the defense of the Commonwealth during any war in which the United States may be engaged."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 235.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 24, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 235, Printer's No. 384, entitled "An Act authorizing the adjournment and readjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight validating any action in adjourning or readjourning tax sales taken prior to the effective date of this act and preserving the lien of all taxes on lands to be sold at such sales."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS No. 241, 738, 748 AND 1160.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 24, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 241, Printer's No. 41, entitled "An Act providing that in all bailable criminal or quasi criminal prosecutions desertion and non-support and surety of the peace cases bail may be entered on Sunday."

House Bill No. 738, Printer's No. 166, entitled "A Supplement to the act, approved the twelfth day of July one thousand nine hundred thirty-five (One thousand nine hundred thirty-five Appropriation Acts page twenty-three) entitled 'An act making appropriations to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals.'"

House Bill No. 748, Printer's No. 172, entitled "A Supplement to the act approved the nineteenth day of July one thousand nine hundred thirty-five (One thousand nine hundred thirty-five Appropriation Acts page forty-one) entitled 'An act making an appropriation to the Department of Welfare for Pensions for the Blind.'"

House Bill No. 1160, Printer's No. 245, entitled "A Supplement to act No. 31-A approved the twelfth day of July one thousand nine hundred thirty-five (One thousand nine hundred thirty-five Appropriation Acts page twenty-five) entitled 'An act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for Mothers' Assistance Pensions for the Blind and Old Age Assistance.'"

GEORGE H. EARLE.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 733.

An Act to amend section one thousand seven hundred and five of and to add section one thousand seven hundred and ten to the act, approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of cerain departments board and commissions shall be determined" imposing certain additional powers and duties upon the Department of Agriculture.

HOUSE BILL No. 988.

An Act to amend section eight hundred seventy-four of the act, approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties to rent and lease road machinery.

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, March 24, 1937.

The people of the nation were shocked to learn of the sudden calamity which happened recently in the State of Texas where hundreds of school children were killed by an explosion. On such occasions the hearts of the people of a nation are one with those who grieve for those they loved.

Resolved, (if the Senate concur), That the members of the General Assembly of the Commonwealth of Pennsylvania extend to the people of the State of Texas, through the Governor of that state, their sincere sympathy in the loss which the people of that state have sustained in the death of so many children in the recent calamity.

Resolved, That a copy of this resolution be transmitted to the Governor of the State of Texas by the Chief Clerk of the House of Representatives.

REPORTS FROM COMMITTEES

Mr. AUKERMAN, from the Committee on Insurance, reported as committed, House Bill No. 1779, entitled:

An Act to amend Section three hundred and fifty-four of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," to include contracts pertaining to pure endowments and annuities; policies of fire, marine, and title insurance; and contracts issued by assessment insurance corporations; and all other forms of insurance contracts issued in Pennsylvania.

Mr. JIROLANIO, from the Committee on State Government, reported as amended, House Bill No. 455, entitled:

An Act to amend section one of the act, approved the twenty-fourth day of June, one thousand nine hundred and nineteen, (P. L. 579), entitled "An act to fix the salary and mileage of the members of the General Assembly, and to provide for the furnishing of such postage, stationery, and supplies, as may be necessary for the conduct of their offices; and repealing all acts or parts of acts inconsistent therewith," as amended; increasing the compensation of members of the General Assembly.

Mr. HIRSCH, from the Committee on Education, rereported as amended, House Bill No. 114, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by requiring certain school districts to merge with other districts and thereafter to function as a part of the districts with which they have been merged; creating a county board of school directors for school districts under the direction of a county superintendent; defining its powers and duties; further regulating the affairs of certain school districts; conferring powers and imposing duties on the Department of Public Instruction, the State Council of Education and County Superintendent of schools; and imposing certain expenses on counties.

Mr. WHITENIGHT, from the Committee on Agriculture, re-reported as committed, House Bill No. 1058, (Senate Bill No. 151), entitled:

An Act relating to the protection of agriculture and horticulture including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts or products thereof from plant pests, and revising, consolidating and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; providing penalties and repealing present laws.

ANNOUNCEMENTS BY THE CLERK

The Sub-Committee on Game will meet tomorrow morning at 9:30 in the House Caucus Room for further consideration of House Bill No. 1000.

A public hearing tomorrow at 11:30 a. m. on House Bill No. 1018 before the Committee on Boroughs in the House Caucus Room.

A public hearing on Tuesday, April 6, at 11:00 a. m. on House Bill No. 1155 in the House Caucus Room before the Committee on Banking.

A public Hearing on House Bill No. 1119 at 4:00 p. m. before the Committee on State Boards in the House Caucus Room.

Committee meetings for tomorrow:

Agriculture at 11:00 a. m. in Room 521;

Constitutional Amendments at 12:30 p. m. in Room 324;

Corporations at 12:30 p. m. in Room 245;

Judiciary General at 11:00 a. m. in Room 325;

Labor tomorrow after the Session in Room 551;

Municipal Corporations at 12:00 Noon in Room 301;

State Boards at 12:00 Noon in Room 101;

The Committee on Counties will not meet tomorrow. Committee meetings are postponed until further notice.

ADJOURNMENT

Mr. KEENAN. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 1:32 a. m.) the House adjourned until Tuesday, March 30, 1937, at 1:00 P. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., TUESDAY, MARCH 30, 1937. No. 36.

SENATE

TUESDAY, March 30, 1937.

The Senate met at 12 o'clock a. m.

The PRESIDENT PRO-TEMPORE (Mr. Harvey Huffman) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, L.L.D., offered the following prayer.

Our Father, we thank thee for Thy Providence; and as we again set upon our journey, we would seek the counsels of wisdom and moderation.

Above all, do Thou keep us in the path of right and duty. Enrich our souls with an envisioning faith. Feed us upon the true bread of Heaven, that we may have strength and courage for the distances before us.

May the spirit of brotherly kindness and good will pervade the deliberations of this body of men; may their labors be fruitful and beneficent, ministering to the common weal. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. LANIUS, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

PROTESTING AGAINST THE CHAIN STORE TAX.

The Chair cleared his table and laid before the Senate the following:

Communication from A. Russell Kems, Reading, Pa., protesting against the Chain Store Tax.

Also communication from Alma Rapp, Reading, Pa., protesting against the Chain Store Tax.

PROTESTING AGAINST THE PASSAGE OF HOUSE BILL No. 587.

Communication from Therese H. Kelly, North Bend, Pa., opposing the passage of House Bill No. 587.

FAVORING ACTION ON HOUSE BILL No. 255.

Communication from Mrs. C. Haff, Ambler, Pa., asking favorable action on the passage of House Bill No. 255.

OPPOSING THE SUNDAY FISHING LAW.

Communication from Mrs. G. W. Parker, Monongahela, Pa., opposing the passage of Senate Bill No. 461 to legalize Sunday Fishing.

Also Communication from Mars United Presbyterian Church requesting the defeat of Senate Bill No. 461 to legalize Sunday Fishing.

FAVORING CHAIN STORE TAX.

Communication addressed to Honorable Albert Reed, requesting favorable action on the "Chain Store Tax," from H. F. Hootman, Bentleyville, Pa.

APPROVING THE PROVISIONS OF HOUSE BILL No. 249.

Mr. LAW presented resolution from the Council of the City of Sharon, approving House Bill No. 249, which provides for the payment of certain premiums of foreign insurance companies to police pension funds.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

ALLEGHENY COUNTY

Miss Beulah Irene May, 3216 Grant Bldg., Pittsburgh, April 15, 1937.

PHILADELPHIA COUNTY

H. H. Sinnamon, 2100 E. Cumberland St., Philadelphia, April 29, 1937.

PHILADELPHIA COUNTY

August Apalucci, 412 N. Gross St., May 3, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to

nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Gordon Segall, Braddock.

BERKS COUNTY

Mrs. Edna May Sheadle, Reading.

CRAWFORD CCOUNTY

Arthur H. Engdahl, Titusville.

INDIANA COUNTY

J. Edwin Fycck, Indiana.

LUZERNE COUNTY

Miss Ann M Hart, Wilkes-Barre.

NORTHAMPTON COUNTY

Mrs. Helen F. MacDonald, Wilson.

PHILADELPHIA COUNTY

James Ryan, Jr., 3233 N. Front St., Philadelphia.

VENANGO COUNTY

Miss Esther M. Baughman, Oil City.

YORK COUNTY

Milton D. Martin Peters, Dallastown.

GEORGE H. EARLE.

HOUSE MESSAGES

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 561

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives which was twice read considered and agreed to:

In the House of Representatives, March 29, 1937.

Resolved, That House Bill No. 561, Printer's No. 385, entitled:

An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations co-partnerships or persons providing for ascertainment of the validity and the recording of certain condemnations and appropriations of water by municipalities corporations co-partnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations co-partnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board.

be recalled from the Governor for the purpose of amendment.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 73, (Senate Bill No. 764), entitled:

An Act to promote the safety of employes and travelers upon railroads by compelling common carriers by railroad to man locomotives, trains and other self propelled engines or machines with competent employes; to provide the least number of men that may be employed on locomotive trains and other self propelled engines or machines; to provide the qualification of certain employes; and to provide a penalty for the violation thereof.

Which was committed to the Committee on Labor and Industry.

House Bill No. 794, (Senate Bill No. 765)

An Act to amend sections one and two as amended and sections four and six of the act approved the seventeenth day of June, one thousand nine hundred and fifteen (P. L. 1012), entitled "Small Loan Act (Loan Brokers Registration)," enlarging the powers of the Secretary of Banking; authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof; requiring licensees to file annual reports; increasing the license fee; reducing the rate of interest on loans; increasing the penalty for operation without a license; and bringing certain transactions within the scope of the act.

Which was committed to the Committee on Banking.

House Bill No. 1053, (Senate Bill No. 766), entitled:

An Act to amend section one as re-enacted, sections two and three as amended, sections four and five, and section six as amended, of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies," by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania; providing further for the distribution and use of unclaimed human bodies; fixing the time for the claiming and distribution of bodies, and the duties of carriers of bodies; requiring those receiving bodies to give bond; and providing penalties.

Which was committed to the Committee on Public Health.

House Bill No. 1558, (Senate Bill No. 767), entitled:

An Act to repeal the act, approved the second day of April, one thousand eight hundred sixty-eight (Pamphlet Laws, fifty-five), entitled "A supplement to an act, entitled 'An act to increase the revenues of the Commonwealth by taxation of the shares of stock of the national banks, approved April twelfth, one thousand eight hundred and sixty-seven."

Which was committed to the Committee on Banking.

House Bill No. 1635, (Senate Bill No. 768), entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, two hundred eighty-four), entitled as amended "Beverage Tax Law," as amended and re-enacted, by imposing an additional reciprocal tax; by providing for the assessment and revision of, and appeal from, additional taxes; and by making further provision with regard to refunds, evidence of payment of the tax, and penalties.

Which was committed to the Committee on Finance.

REPORTS FROM COMMITTEES

Mr. CAVALCANTE, from the Committee on Game and Fisheries, reported as amended, Senate Bill No. 505, (House Bill No. 925), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to accept and place in the corridor of the Capitol a plaque commemorating the services of Doctor Joseph Kalbfuss.

Also, from the Committee on Game and Fisheries, reported as amended, Senate Bill No. 662, (House Bill No. 959), entitled:

An Act to amend section one hundred and one of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three, (P. L. 359), entitled "An act concerning game and other wild birds and wild animals and amending, revising, consolidating and changing the law relating thereto," as amended, withdrawing the skunk or polecat from the furbearing animal class as defined in said act.

Also, from the Committee on Municipal Government, reported as amended, Senate Bill No. 235, (House Bill No. 50), entitled:

An Act to amend Article twenty-four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

Also, from the Committee on Municipal Government, reported as amended, Senate Bill No. 236, (House Bill No. 51), entitled:

An Act to amend Article thirty-two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

Also, from the Committee on Municipal Government, reported as amended, Senate Bill No. 237, (House Bill No. 52), entitled:

An Act to amend Article fifteen of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

Also, from the Committee on Municipal Government, reported as amended, Senate Bill No. 238, (House Bill No. 53), entitled:

An Act to amend Article twenty-one of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

Mr. SALUS, from the Committee on Municipal Government, reported as amended, Senate Bill No. 239, (House Bill No. 60), entitled:

An Act to amend the title and sections one and two of the act, approved the eighteenth day of July, one thousand nine hundred and thirty-five (P. L. 1286), entitled "An act empowering cities (except cities of the first class) boroughs, incorporated towns, and townships to charge and collect annual rentals for the use of certain sewers, sewage systems, and treatment works, including charges for operation, inspection, maintenance, repair, depreciation, and the amortization of indebtedness and interest thereon," extending the provisions thereof to cities of the first class, providing for the charging and collection of annual rentals for the use of sewers, sewage systems and sewage treatment works constructed or acquired jointly with other municipalities or furnished under contract by any authority.

Mr. HOWELL, from the Committee on City Government, reported as committed, Senate Bill No. 462, (House Bill No. 32), entitled:

An Act to amend clause (b) of section three thousand two hundred and forty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 933), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," as amended, providing for compensation for members of joint sewer boards.

Also, from the Committee on Public Health, reported as committed, Senate Bill No. 568, entitled:

An Act to amend sections one, two, three and section nine as amended, of the act, approved the twenty-eighth day of June, one thousand nine hundred and twenty-three (P. L. 888), entitled "An act to safeguard human life and health throughout the Commonwealth by providing for the reporting quarantining, and control of diseases declared communicable by this act or by regulation of the Department of Health; providing for the prevention of infection therefrom; and prescribing penalties," by eliminating list of communicable diseases and giving authority to the Department of Health to declare by regulation what diseases are communicable or communicable and quarantinable; shortening reports required of physicians in such cases! clarifying the duration of placarding; and empowering the Department of Health to obtain additional information from local health authorities.

Also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 700, (House Bill No. 1309), entitled:

A supplement to the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws twenty) entitled, "An act for the government of cities of the second class," creating the position of solicitor for the department of city controller.

Also, from the Committee on Municipal Government, reported as amended, Senate Bill No. 626, entitled:

An Act to amend section one of the act, approved the fourteenth day of April, one thousand nine hundred and thirty-one (P. L. 38), entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A, and the removal of policemne in cities of the second class," further regulating the suspension and dismissal of policemen and firemen in cities of the second class A.

Mr. BEAN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 617, (House Bill No. 653), entitled:

An Act to amend section 530, as amended and section 532 of the act aproved the twenty fourth day of June nineteen hundred and thirty one (P. L. 1206) entitled an act concerning townships of the first class, amending, revising consolidating and changing the law relating thereto, fixing the length of term of certain officers appointed to fill vacancies.

Also, from the Committee on Public Health, reported as committed, Senate Bill No. 429, entitled:

An Act to amend sections two, three, four and six of the act, approved the fifth day of June, one thousand nine hundred thirteen (P. L. 443), entitled "An act for the prevention of blindness, by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians, midwives and others, and requiring the reporting of results of treatment of each

case of said disease, and fixing a penalty for violation thereof", by imposing duties on public health nurses, social workers, county medical directors, and physicians, and increasing penalties for violation of said act.

Mr. BUCKMAN, from the Committee on City Government, reported as committed, Senate Bill No. 651, entitled:

An Act to amend sections one, two and three of Article seventeen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," advancing the dates for the submission of budget estimates, the adoption of financial program and the fixing of the tax rate, and providing for the ascertainment of the tax rate where the same is not fixed within the time specified.

Mr. EROE, from the Committee on County Government, reported as committed, Senate Bill No. 615, (House Bill No. 1235), entitled:

An Act to amend section four hundred seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by providing the method of designating, and the qualifications of, the depositories selected for the deposit of funds of counties of the second class.

Mr. WOLFENDEN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 701, (House Bill No. 1311), entitled:

An Act to authorize cities of the second class to sue out writs of scire facias on certain tax liens to revive writs of scire facias on such liens or to revive judgments on such liens where more than five years have elapsed since said liens were filed or such judgments were entered or revived and to reduce such liens to judgment or to revive such judgments and providing for the revival and collection of such judgments.

Mr. OWLETT, from the Committee on County Government, reported as committed, Senate Bill No. 405, entitled:

An Act to amend sections three hundred forty-five, three hundred forty-six and three hundred sixty-one, as amended, of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eight classes; and revising, amending and consolidating the laws relating thereto," further regulating reports of controllers to the Department of Internal Affairs and the preparation of annual budgets.

Mr. SCARLETT, from the Committee on County Government, reported as committed, Senate Bill No. 607, entitled:

An Act providing for the fixing of the salaries and compensation of officers, clerks, stenographers and employes appointed by judges of the courts of this Commonwealth in counties where salary boards exist by law.

Mr. JACOBS, from the Committee on County Government, reported as committed, Senate Bill No. 408, entitled:

An Act fixing a uniform fiscal year for counties (other than counties of the first and second classes) cities of the third class, boroughs, towns, townships, school districts (other than school districts of the first class) and poor districts and providing such necessary tax, tax auditing, and financial report provisions as required for the fixing of such uniform year and as result from the change of the fiscal year.

Mr. RICE, from the Committee on Judiciary General, reported as amended, Senate Bill No. 373, entitled:

An Act to amend the title and sections three four six seven eight nine ten eleven fourteen and eighteen of the act approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 463), entitled "An act providing for a limited period of time for the incorporation as bodies coporate and politic, of 'Authorities,' for municipalities; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," by removing the date by which projects must be commenced; removing certain restrictions against construction of projects; extending the life of Authorities; providing for the creation of Authorities by joint action of municipalities and townships; regulating the number and terms of members of the governing boards of Authorities; authorizing the Commonwealth and the political subdivisions thereof to transfer certain contracts to the Authorities; authorizing Authorities to accept and acquire certain contracts, and limiting the powers of receivers appointed therefor.

Also, from the Committee on County Government, reported as committed, Senate Bill No. 526, (House Bill No. 1027), entitled:

An Act regulating the recordation of assignments of mortgages in counties of the second class, fixing the fees therefor, and imposing certain powers and duties on the recorders of deeds of such counties.

Mr. McCREESH, from the Committee on City Government, reported as committed, Senate Bill No. 515, entitled:

An Act authorizing county commissioners in counties of the seventh and eighth classes to transfer surplus county moneys to the poor district; and providing for the expenditure of the moneys so transferred for poor district purposes.

Also, from the Committee on County Government, reported as committed, Senate Bill No. 702, (House Bill No. 1335), entitled:

An Act regulating the employment and hours of employment of the officers and members of the uniformed fire protection forces of the cities of the first class and repealing existing laws.

Also, from the Committee on County Government, rereported as committed, Senate Bill No. 78, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred and thirty-seven) entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending, revising and consolidating the law relating thereto" as amended, conferring jurisdiction on the Family Court of Philadelphia in proceedings for divorce and the annulment of marriages.

Also, from the Committee on County Government, rereported as committed, Senate Bill No. 58, entitled:

An Act to amend section eleven, as amended and to repeal section ten of the act, approved the twelfth day of

July, one thousand nine hundred and thirteen (P. L. 711), entitled "An act establishing a court for the county of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein, and appeals therefrom; and providing for the expenses thereof," taking from said court jurisdiction in civil and criminal actions and in equity.

Also, from the Committee on County Government, rereported as committed, Senate Bill No. 49, entitled:

An Act to amend clause one of section one of the act, approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising, and consolidating the law relating thereto," defining the Family Court of Phildelphia as a court having jurisdiction with respect to the care, guidance, control, placement and commitment of delinquent, neglected and dependent children under sixteen years of age; and eliminating the Municipal Court in the County of Philadelphia as a court having such jurisdiction.

Mr. GILSON, from the Committee on City Government, reported as committed, Senate Bill No. 714, (House Bill No. 999), entitled:

An Act providing for the appointment of a Commission to draft a report on a plan for the future government of the City of Philadelphia in accordance with a proposed amendment to the Constitution, consolidating the city and county governments of the said city, providing for the employment of certain persons by the Commission giving the Commission the power to subpoena witnesses, books, papers and records to hold hearings and making an appropriation.

Mr. HEYBURN, from the Committee on Public Health, reported as committed, Senate Bill No. 703, entitled:

An Act to prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in the Commonwealth of Pennsylvania for the purpose of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes.

Mr. HEYBURN. Mr. President, Senate Bill No. 703, is reported from Committee with the understanding it will be returned to the Committee from which it came for the purpose of further study for a public hearing.

Mr. RUPP, from the Committee on County Government, reported as amended, Senate Bill No. 625, entitled:

An Act to add section four hundred and ninety-six to the act, approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," requiring counties to place in good condition and to care for neglected cemeteries.

Also, from the Committee on County Government, rereported as amended, Senate Bill No. 79, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," requiring all county officers hereafter appointed or elected upon the expiration of their terms to pay over to the county treasurer all moneys in their possession for which they are liable to account under their respective bonds together with a statement thereof and providing for the payment out of such moneys, providing for the escheat of certain moneys held in the county treasury and releasing such county officers.

Mr. RUPP. Mr. President, Senate Bill No. 79, is reported from Committee with the understanding that after the amendments have been printed, the bill will be returned to the Committee on County Government for further study.

Mr. SHAPIRO, from the Committee on Public Health, reported as amended, Senate Bill No. 398, (House Bill No. 801), entitled:

An Act to amend sections one, two and four, section five as amended, and section seven of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties," by bringing proprietors within the provisions of the act; requiring effective cleaning agents and proper toilet facilities.

Mr. STIEFEL, from the Committee on City Government, reported as committed, Senate Bill No. 595, (House Bill No. 921), entitled:

An Act to enable cities of the first, second and second class A, incorporated towns, boroughs, and townships of the second class to govern and regulate by ordinance the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and land appurtenant thereto; providing for the enforcement of such ordinances; and repealing existing laws.

SECOND PRELIMINARY REPORT OF COMMITTEE TO INVESTIGATE COST OF GOVERNMENT IN THE CITY AND COUNTY OF PHILADELPHIA

Mr. SHAPIRO. Mr. President, I have been asked by the committee appointed to investigate the costs and functions of City and County Government in Philadelphia to make a report on another phase of their investigation. I have prepared, and will file with the Secretary of the Senate and Chief Clerk of the House, a record, for reference purposes, of the testimony taken during the investigation of the Municipal Court of Philadelphia County. There has also been prepared, and will be field, a written report of the findings, conclusions and recommendations of this committee with reference to this court; and I think it incumbent upon me as chairman of the committee to make a statement relative to that report, so that when the recommendations embodied in bills, some of which have been and others of which will be submitted to the Senate and House, come before the members of the Assembly there will be a complete understanding of why this legislation has been introduced.

I think the President Pro-Tempore of this Senate will recall that in 1913 he was a member of this Senate when the bill proposing and creating the Municipal Court of Philadelphia was presented and, later, came before this body for action. The discussion appears in the Legislative

Journal for June 16, 1913, on page 4296, where Senator Huffman reminded the members that the maintenance of this proposed "Poor Man's Court" was estimated to be $150,000 annually.

Senator Buckman, Senator Salus, Senator Sones and our present President Pro Tempore voted against the bill for the creation of the court, on the ground that there was no necessity for its existence. In the discussion the late Senator Edwin H. Vare suggested that this was intended to be a court to which the poor man, who had a small claim, could go and obtain justice without delay. He said, "the poorer and middle classes, who have small cases, are just as much entitled to good decisions and good judges as the larger cases." It was also stated that this court would be one in which problems having to do with family relationships could be dealt with on a high plane.

When the members of the Senate receive their copies of the committee's second preliminary report, which deals with this subject, I suggest that they turn to page 8, which gives a tabulation of the number of employes and the budgetary requests of this court for each year from 1915 to and including 1924. We have been unable to find the appropriation for the year 1914, the year this court began to function, but in 1915 it had 167 employes, and an appropriation of $235,000. In 1918 it had 345 employes, and an appropriation of $455,700. In 1922 the court had 602 employes, and an appropriation of $896,875; and for the three years following it had the same number of employes and the same expenditure. From 1930 down to 1936 the employes numbered, with a variation of one or two, around 563; and the total appropriation, with the exception of one year, when a voluntary reduction of one-third in salary was taken by all employes, was $1,050,000.

Mr. President, this does not include other expenses of this court, which through subterfuge, were borne by other departments of city government, because of their performing certain functions for the Municipal Court. For instance, the Sheriff of Philadelphia County serves the writs of the Municipal Court, which function costs his department a sum in excess of $75,000 annually; the Clerk of Quarter Sessions Court maintains a service for the Municipal Court, in the Domestic Relations Division, where he employs clerks, assistant clerks, bookkeepers, accountants, investigators and probation officers, whose payroll amounts to some $80,000 annually. The Prothonotary of the Court of Common Pleas, using the clerks assigned to him, is also the Prothonotary for the Municipal Court and this extra service entails an annual budgetary appropriation for his department in the amount of another $80,000. So that, in addition to the figures that appear in this tabulation as the annual budgetary request for the Municipal Court there should appear this extra expenditure which totals in excess of $250,000, and in 1936 the budget for this court would not appear as $1,050,000, but would be swelled by another quarter million.

This so-called "small claims court", this "Poor Man's Court", has grown to be an octopus; and, what is more important, the Domestic Relations Division has been used primarily for the purpose of giving political preferment in payment of political debts.

Of the 563 employes of the court, your committee has found that not more than ten per cent. of them are fitted for the positions by either training or experience. There has been the same parade from one political office to another and thence into the Municipal Court that your committee found in other departments of City Government already investigated. We have found employes engaged in the work of the Domestic Relations Division who had little or no idea of what family relationships are all about. Some of these employes could not even sign their own names,—which was natural because of the fact that some of them had never gone to school. I am glad to say the instances of this are few, but it remains that this condition does exist; and these employes have had the responsibility of directing the future of children, solving the promblems of homes and families.

There have been persons on this payroll who have at the same time been on the payroll of the Federal Government, and even conducting a private business in addition thereto. On the other hand, employes of training and experience have been receiving the munificent salary of $1500 a year, for as long as fifteen years past, while committeemen and other political workers, possessed of neither training nor experience for their positions, have been receiving from two to three thousand dollars.

The friends and relatives of the judges themselves have been placed on the payroll, and remain there in spite of the fact that the newspapers have carried the story. One of the judges of this court, the President Judge, has a brother and two sisters on the payroll, and has had them there for twenty years. The brother was so afflicted that he was unable to perform any duties unless led around. This, of course, was an unfortunate affliction, and, under other circumstances, would command our sympathy; but it presents another aspect when one considers the fact that another employe was added to the payroll for the purpose of leading him around, an employe at $3,000 a year, while for the last twenty years he himself has been receiving an annual salary of $5,000.

This court, which was intended to be a "Poor Man's Court", and a court which would deal with social welfare and family relationship problems, has become nothing more nor less than a political hotbed, a place where all that is necessary, as witness after witness brazenly stated, to get a job was to go to the committeeman, or to the ward leader, whoever he may be, and convince him that the applicant was entitled to compensation for political activity,—and that is the way the debt would be paid. The card index system maintained by this court, in the office of the President Judge, contains information as to the political sponsors of the applicants, the ward and the division in which each lives,—and not a word about his qualifications for the office for which he has applied.

Those in charge of domestic relations, women of intelligence and experience, openly stated that they could do a good job if given cooperation, but that they were prevented from doing good work because they had no control over the hiring and firing of their assistants.

The Act of 1923 was passed by this Assembly for the purpose of taking away from the President Judge of this court, who was then in disfavor with dominant political faction, the power of appointment; and this power was placed in the hands of the Board of Judges. However, it became evident that instead of the Board of Judges appointing the personnel this same President Judge usurped the power, and for years has been appointing employes, has been dismissing employes, has been increasing salaries above the statutory limits, and has been doing all this for

political purposes. For over two years there were no regular meetings of the Board of Judges, as is required by law; and, when finally the attention of the President Judge was called to the fact, by the City Controller, that payments were being made illegally to the persons not properly on the payroll, salaries had been increased beyond the amount fixed by the statute, the Board of Judges was hastily convened at a meeting called for the purpose of confirming the illegal actions of the President Judge.

The President Judge of this court has, as his share of the payroll, to compensate political henchmen in his ward, the astounding sum of $110,000 annually—very little less than the total amount estimated to maintain the entire work of the court when the bill for its creation was first introduced into this Assembly.

The making of this report, and the signing of it, was no pleasure to me, because on that bench sit two men who for years have been my very good friends. With one of them I had been associated for a long time in the practice of law. He was my partner when he was elevated to the bench. The other of these two men has been my personal friend—I had known him since before the time I went with him to Camp Dix, when he entered the service of his country for participation in the World War; and I well remember when he returned, after having been terribly wounded. These two men are men of integrity and ability; and it was no pleasant task for me to reach the conclusions which, as a member of this committee, I have, together with the other members, reached. But I am constrained to place before this Senate the conclusions your committee has arrived at, and to say that we feel they are the correct conclusions from this testimonty.

CONCLUSIONS

1. The Municipal Court was formed for the purpose of aiding prompt and inexpensive disposition of the poor man's claims.

2. It was also established for the purpose of establishing in the City of Philadelphia an intelligent, efficient and enlightened administration of domestic and juvenile problems

3. The Municipal Court possessed, in the beginning, the opportunity and the means for carrying out its original purposes.

4. The desire on the part of the judges in charge of the administration of these important functions to step out of their character and become more than they were intended to be, is one of the causes to which can be attributed the failure of this great movement.

5. It is evident that from the start the Judges of the Municipal Court cast avaricious and jealous eyes upon their fellow Judges in the Court of Common Pleas; and the objective seems to have been to increase both the jurisdiction and the salary of the Judges to the point where the Municipal Court would be upon a par, in standing and activities, with the Court of Common Pleas; and in an effort to reach this "zenith of attainment" the original purposes of the Court were lost sight of.

7. This attitude led to the inevitable: in order to attain the desired objective, resistance to political influence meant the failure to attain increased judisdiction and increased salary. With each encroachment upon the territory of the Common Pleas Court the usefulness of the Municipal Court decreased, and the independence of the Municipal Court diminished. To barter political appointments to the Court for Acts of the Legislature became a regular procedure; and having been begun, there was no stopping place. As a result, the Municipal Court has become a hot-bed of politics and a "sweet haven for politicians and political indigents," and nepotism has run rampant.

8. In the rise of this one hundred fifty thousand dollar experiment to a million dollar octopus the citizens of Philadelphia have seen the best example of what politics and politicians can do to a Court.

9. Your Committee concludes that the condition is intolerable; that it must be ended promptly.

10. Your Committee concludes that while one of the Judges instigated the system, it could have been perpetuated only with the aid of the Board of Judges

11. Your Committee concludes that the actions of the President Judge were in violation of the Acts of Assembly.

12. Your Committee concludes that the President Judge openly flaunted the provisions of the law, and that all appointments made by him without the approval of the Board of Judges were illegal.

13. Your Committee concludes that when the Board of Judges, on December 4, 1936, acted upon and approved actions the President Judge had already taken, they approved illegal expenditures, and did it knowingly.

14. Your Committee concludes that this final approval of the Board of Judges, given to illegal actions of their President, does not change either the legal or moral aspect of the situation.

15. Your Committee concludes that the Board of Judges knew that the acts of the President Judge were illegal.

16. Your Committee concludes that the Board of Judges had neither a moral nor a legal right to confirm these illegal appointments.

17. Your Committee concludes that the responsibility for the continuance of the condition lies with the whole Board, especially in view of the fact that meetings of the Board were not held regularly as required by law.

18. Your Committee concludes that the number and compensation of employes in the Municipal Court is excessive, unnecessary and wasteful.

19. Your Committee concludes that the condition can not be remidied except by striking at the root.

20. Your Committee concludes that the social and welfare work, including the care and rehabilitation of juveniles and juvenile delinquents, is an important function in the community, and must be preserved; and that this important work can be preserved only by beginning all over again, so far as the administration of these functions are concerned.

21. Your Committee concludes that these functions can be preserved best by the establishment of a new Court for the administration of these necessary and important activities; and that it is essential that such a Court, in which shall be vested exclusive control of all family relationships and social welfare, must be free from political pressure and activities.

22. Your Committee concludes that the success of any system dealing with the lives and welfare of any group of our citizens depends upon the human element; and when the administration of such a system has been placed in the hands of the judiciary, from whom the people have a right to expect competent and honest performance of their duty, and that expectation has not been realized, that Court has lost the right to administer that or any other system of social welfare. Especially is this true where the failure to administer is due not only to acts of omission but also to deliberate acts of commission amounting to violation of the law of the Commonwealth,—and this by a body charged with the enforcement of these laws. Again we say, the hope for success of the system depends upon the human element.

23. The delivery of this Court and its important functions to the use and for the benefit of political organizations and politically minded individuals is an indictment against the judicial system, and unless the Legislature, charged with the duty of creating judicial administrative bodies, acts and acts promptly, the confidence of the people in law and order enforcement will be lost.

24. No fair, open-minded citizen can read the record in this case, and follow the history of this Court as disclosed by that record, and be willing to trust this same Court with the further administration of its important duties.

25. For twenty long years this Court has been nothing more than an arm of the political organization in power in Philadelphia. It was commonly assumed, even by the employes and the committeemen, that the Municipal Court was the pay-off for political activity. Witness after witness brazenly admitted that he procured his job in the Municipal Court because of his ability to deliver politically, and that it was secured through the sponsorship of his political leader. It may be stated that this is to be expected in politics; but it must not be conceded as an admitted fact when applied to a Court intended to administer justice.

26. Every good citizen knows that the bulwark of a democracy is the enforcement of law and order. Every student of the constitution will admit that the success or failure of our democratic form of government depends upon the enforcement of law and order. And every student of government knows that the enforcement of law and order depends upon the respect of the community for its courts; that the loss of respect for the Court carries with it the destruction of the foundation of a popular government.

It is because we believe, with due respect to the ability and integrity of some of the Judges of the Municipal Court, that as a group they have forfeited the right to administer the Court and its functions; and we further believe that with the appointments to No. 6 Court of Common Pleas of Philadelphia as our assurance that the judges of the new courts will be men of integrity and ability, we can look forward to a re-establishment of confidence in the courts; and all of the people of the Commonwealth will have a just right to be proud of the new courts, that we make the following

RECOMMENDATIONS

1. That there should be established, as speedily as possible, in Philadephia County, a Court of record, which shall have jurisdiction over all family problems,—which shall include desertion, non-support, divorce, juvenile and moral delinquency and related questions now within the jurisdiction of the Municipal Court.

2. That there should be transferred to this Court all of the jurisdiction now exercised by the Municipal Court, including its welfare, medical and social functions, and all other functions except the civil jurisdiction.

3. That there should be established a Small Claims Court, with jurisdiction in civil actions involving amounts up to $500; that it shall be a Court of record, and that it shall hear cases without jury trials and under such provisions as will enable it inexpensively and speedily to dispose of the cases brought before it.

4. That the Judges of both Courts shall be prohibited by law from engaging in any political activity; and that the employes of both courts shall be appointed under the merit system, which shall become effective immediately upon the organization of the courts; and that all of the employes of these courts shall likewise be prohibited from engaging in any form of political activity, and the establishment of the merit system will insure to those present employes of the Municipal Court qualified by experience and training an opportunity for re-employment with the new courts. Of course, there can be no hope for those employes of the Municipal Court whose only claim to the positions they hold is political sponsorship or family relationship.

5. That the jurisdiction exercised by the Municipal Court, other than that transferred to these two courts, shall, wherever necessary, by proper legislation, be transferred to the Court of Common Pleas; and that part of the jurisdiction of the Court of Common Pleas to be vested in either or both of these courts to be created shall be transferred by proper legislation to either or both of them.

Mr. President, your committee hopes that with the creation of a new court in the County of Philadelphia to administer domestic relations and take care of the social problems of children—the future citizens of this great Commonwealth, we will be able to find men who can be trusted. And I think that this is a time when we can join with the poet and pray:

MUNICIPAL COURT MINORITY REPORT

March 30, 1937.

To Honorable Harry E. Shapiro, Chairman, Joint Committee.

The undersigned member disagrees with your majority report in re Municipal Court. This Court is right in structure and efficient in function. It has become cursed with political patronage.

I propose to remove this curse by introducing the merit system of personnel (see Senate Bill No.538); also by seting up of a Small Claims Division in the Municipal Court (see Senate Bill 757).

When I practiced surgery I never cut off my patient's leg to cure a sprained ankle.

Respectfully submitted,

G. Woodward, M. D., 6th District.

BILLS INTRODUCED

Mr. FREY read in his place and presented to the Chair, Senate Bill No. 769, entitled:

An Act to amend the title and the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (Pamphlet Laws, four hundred fourteen), entitled "An act providing for a system of recording the identification of persons convicted of crime, and of fugitives from justice, and habitual criminals; conferring powers and imposing duties upon the Pennsylvania State Police, district attorneys, police officers, wardens or keepers of jails, prisons, workhouses, or other penal institutions, and sheriffs; providing for the payment of certain expenses by the counties; and imposing penalties," by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act.

Which was committed to the Committee on State Boards.

Also read in his place and presented to the Chair, Senate Bill No. 770, entitled:

An Act to re-enact and amend the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand forty-six), entitled "An act appropriating the moneys in the Motor License Fund," as amended, by making the moneys in the Motor License Fund available to the Pennsylvania Motor Police to defray all expenses required by such agency in the proper conduct of its work.

Which was committed to the Committee on State Boards.

Mr. REED read in his place and presented to the Chair, Senate Bill No. 771, entitled:

An Act relating to non-profit cooperative corporations organized to engage in rural electrification; providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing co-operative or non-profit corporations and associations within the provisions of this act; conferring powers and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in

the corporate names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act.

Which was committed to the Committee on Public Utilities.

Mr. GELDER read in his place and presented to the Chair, Senate Bill No. 772, entitled:

An Act to amend section four hundred nine of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905) entitled, "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, streets cars, trackless trolley, omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, exempting certain non-residents from the provisions of said act regulating equipment on motor vehicles, trailers and semi-trailers.

Which was committed to the Committee on Highways.

Mr. CAVALCANTE read in his place and presented to the Chair, Senate Bill No. 773, entitled:

An Act relating to the dissemination of information pertaining to affairs of the Commonwealth, including information pertaining to civil rights and constitutional guarantees, and conferring powers and duties with respect thereto upon the Department of State.

Which was committed to the Committee on Judiciary General.

Mr. JASPAN read in his place and presented to the Chair, Senate Bill No. 774, entitled:

An Act to amend paragraph B of section nine hundred three of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by requiring qualified persons to make appraisals.

Which was committed to the Committee on County Government.

Mr. GILSON read in his place and presented to the Chair Senate Bill No. 775, entitled:

A Supplement to an act, approved the twentieth day of July, one thousand nine hundred thirty-five (one thousand nine hundred thirty-five Appropriation Acts, page seventy-one), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-five; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five," by making the current appropriation to the Department of Military Affairs for the use of the Soldiers' and Sailors' Memorial Home at Erie, available for the purchase of land to be available for the burial of deceased members of the home.

Which was committed to the Committee on Military Affairs.

Mr. MUNDY read in his place and presented to the Chair Senate Bill No. 776, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for the reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof including the boards of trustees of State Normal Schools, or Teachers College; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation of the Manufacturing Fund; clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet; authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government; prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any premium, wage or wages required by their contract to be paid to their employes; providing for the demolition or destruction of certain military stores in certain cases; authorizing the transfer of surplus products between State institutions; further defining the working hours and duties of State employes; amplifying the supervision of the Department of Welfare over inmates in, and the transfer of inmates from, State penal and correctional institutions; empowering the Department of Welfare to enforce compliance with its orders to remedy unfavorable conditions in State and supervised institutions; eliminating the office of business manager in State institutions under the Department of Welfare; authorizing the Department of Welfare to fix and establish service charges at State-owned medical and surgical hospitals; authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment, and to make periodical surveys of the buildings, equipment, land, and improvements of State institutions; further modifying and regulating the procedure to be followed for construction projects; making further provision for bid performance bonds of bidders for State contracts; extending the scope or the work of the State Park Commission; further regulating purchases made directly by departments, boards and commissions; requiring counties to pay compensation and expenses of special attorneys in criminal cases; authorizing the Governor to

grant commissions to State pilots; providing for the disposal of accumulated files of papers no longer needed or useful in the Commonwealth; providing for the promulgation of rules and regulations by, and enlarging the powers of, the Department of Forests and Waters and the Water and Power Resources Board; further regulating the maximum price that may be paid for land acquired for State forestry purposes; prescribing the membership and powers and duties of the State Park Commission; creating and prescribing the powers and duties of Regional State Park Boards; eliminating the limitation on the amount per acre that may be paid for land acquired for State park purposes; eliminating the Board of Game Commissioners and extending the provisions of the Code to its successor, the Pennsylvania Game Commission; eliminating the Public Service Commission of the Commonwealth of Pennsylvania, and extending the provisions of the Code to its successor, the Pennsylvania Public Utility Commission; transferring the State Athletic Commission from the Department of Military Affairs to the Department of Revenue, and the State Board of Undertakers from the Department of Public Instruction to the Department of Health; eliminating the State Aeronautics Commission, the Pennsylvania Alcohol Permit Board, and the Board of Trustees of Cumberland Valley State Institution for Mental Defectives, and the Anatomical Boards; and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth.

Which was committed to the Committee on Welfare.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 777, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by including in section 206, subsection (e) the words "And hospital service companies."

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair Senate Bill No. 778, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by amending subsection (e) of section 206 by reducing the maximum single risk permitted and increasing the cash premium to be held in cash or securities.

Which was committed to the Committee on Insurance.

Also read in this place and presented to the Chair Senate Bill No. 779, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies Lloyd's associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by adding thereto section eleven hundred and two (1102).

Which was committed to the Committee on Insurance.

Mr. McCREESH read in his place and presented to the Chair Senate Bill No. 780, entitled:

An act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook, Pennsylvania, Quarantine Station property, and ceding to the United States jurisdiction over said land.

Which was committed to the Committee on State Government

Mr. LANIUS read in his place and presented to the Chair Senate Bill No. 781 entitled:

A supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of York.

Which was committed to the Committee on Highways.

Mr. McGINNIS read in his place and presented to the Chair Senate Bill No. 782, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administration departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined", by consolidating the Pennsylvania State Police and the State Highway Patrol, and their powers and duties, into one agency to be known as the Pennsylvania Motor Police, and establishing as part of such agency a Motor Police Force; and making provision for the number, selection, qualifications, promotion, training and discipline of the members of such force.

Also read in his place and presented to the Chair Senate Bill No. 783, entitled:

An Act establishing a Pennsylvania Motor Police Retirement System; providing for payments upon retirement, death, disability, involuntary retirement, and providing for the payment of certain medical expenses; creating a

board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing state employes, defining the uses and purposes thereof and the manner of payments therefrom; providing for the guarantee by the Commonwealth of certain of said funds; providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial processes; and providing penalties.

Which was committed to the Committee on Pensions.

Also read in his place and presented to the Chair Senate Bill No. 784, entitled:

An Act to amend the act, approved the eighteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws, one thousand three hundred fourteen), entitled "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth; prescribing the qualifications for admission of such persons to such school; providing for the payment of certain costs by such students; conferring certain powers upon the Pennsylvania State Police; and making an appropriation", by imposing upon the Pennsylvania Motor Police the duties formerly imposed upon the Pennsylvania State Police, and providing for the payment into the Motor License Fund of moneys received or collected under the act.

Which was committed to the Committee on State Government.

Also read in his place and presented to the Chair Senate Bill No. 785, entitled:

An Act authorizing political subdivisions other than cities of the first class to set-off delinquent taxes and municipal claims and penalties, interest and costs due thereon against claims and accounts due by such political subdivisions.

Which was committed to the Committee on Judiciary General.

Mr. KAHLE read in his place and presented to the Chair Senate Bill No. 786, entitled:

An Act to safeguard human health and life by providing for the regulation of public bathing places and all related appurtenances; for the issuance of permits therefor; fixing license fees; conferring powers and imposing duties on the Department of Health, the Advisory Health Board, and otherwise providing for the administration of the act; and imposing penalties for violations.

Which was committed to the Committee on Public Health.

Also read in hisp lace and presented to the Chair Senate Bill No. 787, entitled:

An Act to amend paragraph (a) of section eight of the act approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act; and imposing penalties," by requiring additional tests of milk so as to further protect the public against milk-borne diseases.

Which was committed to the Committee on Public Health.

Mr. PYTKO read in his place and presented to the Chair Senate Bill No. 788, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties and repealing existing laws."

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 789, entitled:

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurances rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws." by including in section 101 the words, "and hospital service companies."

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 790, entitled:

An Act creating and appropriating a fund for the purpose of rebuilding, restoring and replacing real and personal property of the Commonwealth damaged or destroyed by fire or other casualty, and for insuring the Commonwealth against losses of public moneys due to embezzlement or theft thereof by, or malfesance of, State officers and employes; providing for the investment of the moneys in such fund; prohibiting (with certain exceptions) the purchase of insurance or surety bonds for the above purposes; and making a repeal.

Which was committed to the Committee on Insurance.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL 964

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 964, entitled:

An Act to amend section five A of Article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 381), entitled "First Class City Charter Law" as amended, by changing the number and method of appointment of the civil service commissioners in said cities.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 734

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 734, entitled:

An Act relating to consumer credit in amounts of one thousand dollars ($1,000) or less, requiring licenses from the Secretary of Banking, restricting licenses to domestic

business corporations, fixing minimum capital requirements, conferring certain powers on the Secretary of Banking, limiting interest and other charges, providing certain exemptions and imposing penalties.

RECESS

Mr. ROBERTS. Mr. President, I move that the Senate do now take a recess for twenty minutes.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 8, (Senate Bill No. 791), entitled:

An Act to prevent fraud and deception in the shipping, marketing and sale of anthracite coal; providing standards for anthracite coal; and providing penalties for the violation of this act.

Which was committed to the Committee on Mines and Mining.

House Bill No. 111, (Senate Bill No. 792), entitled:

An Act to promote the safety and general welfare of miners in the bituminous coal industry, by prohibiting the employment of miners in the bituminous coal mines unless certificated after examination by a miners' examining board, and the payment of certain fees; providing for the appointment of such boards, and defining their powers and duties; and providing penalties.

Which was committed to the Committee on Mines and Mining.

House Bill No. 132, (Senate Bill No. 793), entitled:

An Act to prohibit the continuous operation of the under ground workings of anthracite coal mines.

Which was committed to the Committee on Mines and Mining.

House Bill No. 647, (Senate Bill No. 794), entitled:

An Act to promote public health, morals, safety and welfare by providing for the supervision and encouragement of housing; creating a State Board of Housing, a departmental administrative board within the Department of Health; providing for the organization of the board, the appointment and removal of its members; enumerating its duties and powers, including the powers to conduct investigations, issue subpoenas, apply to courts for punishment of contempts, make orders, rules and regulations, prescribe forms, require reports, supervise the operations of limited dividend housing companies and housing authorities and their members and employees, commence actions to prevent violations of law to surcharge members of authorities, supervise rentals charged by limited dividend companies, charge fees for services, providing for the selection and removal of the board's employees, providing for appeals from its orders; and making an appropriation.

Which was committed to the Committee on State Boards.

House Bill No. 859, (Senate Bill No. 795), entitled:

An Act to further amend section four, of the act, approved the third day of June one thousand nine hundred and eleven (P. L. 639), entitled, as amended, "Medical and Surgical Practice Law," by changing the requirements of medical educational institutions.

Which was committed to the Committee on State Boards.

House Bill No. 917, (Senate Bill No. 796), entitled:

An Act providing for the licensing of all persons engaged as blasters, except in anthracite or bituminous coal mines or on farms; requiring examination for such license; providing for the payment of a fee for examination and for the issuance and renewal of licenses; and providing penalties.

Which was committed to the Committee on State Government.

House Bill No. 1560, (Senate Bill No. 797), entitled:

An Act for the protection of the public health, and the prevention of fraud and deception; requiring clean, sanitary establishments for the manufacture, preparation or bottling of non-alcoholic drinks and liquid foods, including clean, sanitary ingredients and containers; regulating the maintenance and operation of such establishments and the use of containers; prescribing penalties; and providing for injunctions in certain cases.

Which was committed to the Committee on Public Health.

House Bill No. 1564, (Senate Bill No. 798), entitled:

An Act to amend section four hundred thirty-nine of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law" as amended; providing that certain forms used by the county commissioners relative to the compilation of war records of deceased service men, shall be prescribed but not furnished by the Department of Military Affairs.

Which was committed to the Committee on Military Affairs.

House Bill No. 1637, (Senate Bill No. 799), entitled:

An Act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled "Mental Health Act of 1923," as amended, by making further provision for the imposition of liability upon, and the payment by, individuals, counties and poor districts of the cost of admission, care and maintenance of mental patients and inebriates; and by requiring the furnishing of bonds conditioned upon the payment of the cost of care and maintenance of mental patients and inebriates, or, in lieu thereof, the furnishing of endorsements of the poor authorities of counties or poor districts in certain cases.

Which was committed to the Committee on Public Health.

House Bill No. 1674, (Senate Bill No. 800), entitled:

An Act directing the Department of Military Affairs to select, procure, award and provide for the furnishing of certain service medals.

Which was committed to the Committee on Military Affairs.

BILLS SIGNED

The PRESIDENT PRO-TEMPORE, (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 733, entitled:

An Act to amend section one thousand seven hundred and five of, and to add section one thousand seven hundred and ten to, the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administration Code of 1929," imposing certain additional powers and duties upon the Department of Agriculture.

House Bill No. 734, entitled:

An Act relating to consumer credit in amounts of one thousand dollars ($1,000) or less, requiring licenses from the Secretary of Banking, restricting licenses to domestic business corporations, fixing minimum capital requirements, conferring certain powers on the Secretary of Banking, limiting interest and other charges, providing certain exemptions and imposing penalties.

House Bill No. 964, entitled:

An Act to amend section five A of Article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 381), entitled "First Class City Charter Law" as amended, by changing the number and method of appointment of the civil service commissioners in said cities.

House Bill No. 982, entitled:

An Act providing for the construction, reconstruction, maintenance and repair of sidewalks at dangerous places along State highways, by the Department of Highways. and making an appropriation from the Motor License Fund.

Whereupon, The PRESIDENT Pro-Tempore, (Mr. Harvey Huffman) in the presence of the Senate signed the same.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Comomnwealth, which were read as follows, and referred to the Committee on Executive Nominations.

MEMBERS OF THE PHILADELPHIA REGISTRATION COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Registration Commission in and for the City of Philadelphia, as authorized by House Bill No. 603, approved March 30, 1937, to serve until the first Monday of January, 1941, or until their successors qualify:

John L. Barrett (Dem.), 5101 N. 15th St., Philadelphia, Pa.

John B. Albany (Dem.), 5311 Parrish St., Philadelphia, Pa.

William Deppenschmidt (Dem.), 867 N. 5th St., Philadelphia, Pa.

James H. Malone (Rep.), 2132 Summer St., Philadelphia, Pa.

Edward J. Hunter (Rep.), 2220 Diamond St., Philadelphia, Pa.

GEORGE H. EARLE.

COMMUNICATIONS FROM THE GOVERNOR

The Chair having cleared his table and laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVAL OF SENATE BILL No. 231.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, March 20, 1937.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 231, Printer's No. 112, entitled, "An Act to validate and confirm certain contracts heretofore entered into by boards of school directors where there is no evidence of fraud or conspiracy and to authorize ratify confirm and validate payments on such contracts by the school district."

GEORGE H. EARLE.

APPROVAL OF SENATE BILL No. 77.

Comonwealth of Pennsylvania
Governor's Office, Harrisburg, March 20, 1937.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 77, Printer's No. 96, entitled, "An Act To amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' empowering counties of the second class to employ police officers at the expense of such counties and defining their powers."

GEORGE H. EARLE.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 386, (House Bill No. 742), as follows:

A Supplement to the act approved the twentieth day of July one thousand nine hundred thirty-five (Appropriation Acts page seventy-one) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five" providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-seven and making appropriations to the Legislative Department for the legislative session of one thousand nine hundred and thirty-seven

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following sums or as much thereof as may be necessary for deficiencies or for supplementary amounts in certain appropriations made to certain agencies in the Executive Legislative and Judicial departments by the act to which this is a supplement be and the same are hereby specifically appropriated to the several departments or agencies hereinafter named

EXECUTIVE DEPARTMENT

To the Department of Banking

For the payment of the deficiency in the appropriation for salaries wages or other compensation of the members and employes and for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania Securities Commission the sum of twelve thousand five hundred dollars ($12,500)

To the Department of Justice

For the payment of the deficiency in the appropriation for the payment of salaries wages or other compensation of deputy attorneys general special deputy attorneys general assistant deputy attorneys general special attorneys law clerks and other employes for the payment of compensation of attorneys employed by the several departments boards and commissions with the approval of the Attorney General for handling litigation or making collections or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for the payment of costs and witness fees for the purchase of law books for the law library of the department and for payment of general expenses necessary for the proper conduct of the work of the department and for the prosecution and defense of litigation to which the Commonwealth is a party or in which the Commonwealth is interested the sum of twenty thousand dollars ($20,000)

To the Department of Labor and Industry

For the payment of the deficiency in the appropriation for the statutory amounts of workmen's compensation and medical hospital surgical and burial expenses to injured employes and dependents of deceased employes of the various departments of the State government upon claims arising prior to June first one thousand nine hundred and twenty-nine under the Workmen's Compensation Act of one thousand nine hundred and fifteen its amendments and supplements the sum of two thousand dollars ($2,000)

To the Department of Military Affairs

For the payment of the deficiency in the appropriation for the purpose of placing at the disposal of the Governor and making the same available for replacement or repair such military stores and supplies issued to the Commonwealth of Pennsylvania by the Federal Government as may be destroyed or damaged in whole or in part by fire flood storm or any other unavoidable cause for the payment of transportation pay of officers and enlisted men horse hire subsistence quartermaster stores and other proper and necessary expenses incident to field service rendered by the Pennsylvania National Guard under orders of the Governor in repelling invasion subduing insurrection riot tumult or disorder or the prevention of the same and when such Pennsylvania National Guard may be placed on duty under orders of the Governor under extraordinary circumstances for the protection of property or human life and in the event of all or any portion of said Pennsylvania National Guard being called into active service of the United States by the President of the United States or in furnishing the quota of volunteers from the Commonwealth of Pennsylvania under a call made by the President of the United States and for the payment of mileage and lawful expenses of commissioners to take the vote of Pennsylvania Soldiers in Federal or State service when in the field or active duty for the payment of any and all expenses incident to furnishing men material and equipment to relieve unemployment or draught conditions throughout the State or when a disaster occurs for the payment of claims against the Commonwealth of Pennsylvania for damages incurred by the operation or training of the Pennsylvania National Guard as provided by law for the payment of all necessary expenses including annual allowances for maintenance and armory rent individual pay officers annual allowances passenger and freight transportation telegrams telephone toll-charges subscriptions to The Pennsylvania National Guardsmen for distribution to officers and men of the Pennsylvania National Guard the expenses of operating and maintaining automobiles and other motor equipment the payment of mileage charges to the Department of Property and Supplies for the use of automobiles and other expenses necessary for the maintenance training government discipline and equipment of the Pennsylvania National Guard for the payment of claims made by the War Department based upon approved reports of survey covering loss damage or destruction of Federal property for the payment of salaries of members of the Armory Board of the State of Pennsylvania and inspectors for the payment of salaries wages or other compensation or employes for the payment of general expenses necessary for the proper conduct of the work of the Armory Board of the State of Pennsylvania for the maintenance and repair of armories and for the expenses of inspection of armories the sum of ninety thousand dollars ($90,000)

To the Department of Property and Supplies

For the payment of the deficiency in the appropriation for the purchase of supplies including medicines medical surgical laboratory chemical biological and electrical supplies military stores and supplies stationery and office supplies for the purchase of food and forage and other animal foods for the purchase of furniture and equipment including office chemical laboratory medical surgical biological and electrical equipment furniture furnishings utensils military and police equipment fire arms and other accoutrements artificial appliances fire protection and fire fighting equipment for the purchase of animals poultry seedlings and transplants for the purchase of legal and other books periodicals maps charts manuscripts pamphlets exchanges records lantern slides archaelogical and historical markers and for the purchase of all other maticipated at the time of the making of said schedules of the Department of Property and Supplies or for which requisition is made but the want of which was not anticipated at the time of the making of said schedules for the cost of repairing office equipment for the cost of miscellaneous services for the payment of rental charges for telephones and other patented leased office devices for the payment of the cost of printing and printing processes such as binding ruling lithographing color printing and engraving for the purchase of paper envelopes cloth and other substances on which printing is done cuts electrotypes dies stamps and other printing and binding supplies as may be required for the Executive Mansion and the several administrative departments boards and commissions of the State government except the Department of Highways the Department of Banking and the Department of Revenue to the extent to which appropriations for these purposes shall have been made to them from special funds the Department of the Auditor General the Treasury Department the Board of Fish Commisioners the Board of Game Commissioners the State Farm Products Show Commission the Pennsylvania Liquor Control Board the Milk Control Board the State Workmen's Insurance Board the departmental administrative boards or commissions having control of State institutions or supervision over or the duty of planting for State parks harbors or canals for the payment of the cost of making tests of materials supplies and equipment whether purchased by the Department of Property and Supplies directly or as purchasing agency for the payment of the cost of preparation of plans designs and specifications including necessary tests or borings and the preparation of same required for the performance of the work of the Depart-

ment of Property and Supplies (when said cost is not otherwise provided for) including those to be purchased or altered at the expense of a fund other than the General Fund and for the payment of expenses incident to condemnation proceedings in the event such expenses are not provided for in any act of the General Assembly authorizing the acquisition of land for the Commonwealth the sum of one hundred seventy-five thousand dollars ($175,000)

For the payment of the deficiency in the appropriation for the purchase of office supplies and equipment stationery printing printing supplies and printing processes for the purchase of legal books periodicals maps pamphlets for the purchase of all other materials supplies and equipment for the costs of repairing office equipment for the payment of rental charges of telephone and other leased devices for the payment of telephone toll charges and telegrams required by the General Assembly and the Judicial Department for the payment of costs including delivery expenses of documents and publications furnished to members and officers of the General Assembly for the payment of the costs of all printing incident to the sessions of General Assembly including the printing of the Pamphlet Laws for the payment of costs of printing the Pennsylvania State Manual and for the payment of the costs of postage freight express paper and printing of departmental documents distributed to members of the Legislature in accordance with law the sum of two hundred fifty thousand dollars ($250,000)

To the Department of Public Instruction

To supplement the appropriation for reimbursement to school districts for transportation of school children as required by law the sum of five hundred twenty-five thousand dollars ($525,000)

To supplement the appropriation for the cost of transportation investigation and necessary expenses involved in the education of blind children as required by law for the education of children placed in homes by the courts or other agencies as required by law for the award of scholarships to graduates of secondary schools to aid them in obtaining higher education as required by law for Cornplanter Indians as required by law for the expense of blind students in attendance at institutions of higher learning as provided by law and for the payment to school districts of annual fixed charges in lieu of taxes on State lands as required by law the sum of seventy thousand dollars ($70,000)

To supplement the appropriation for reimbursing school districts upon the salaries of school teachers and for closed schools and for non-resident high school tuition as required by law the sum of five million four hundred fifty-seven thousand nine hundred sixty-nine dollars ($5,457,969) Provided That the Superintendent of Public Instruction with the approval of the Governor may make payments from this appropriation in advance of the due dates prescribed by law to school districts which are financially handicapped whenever he shall deem it necessary to make such advanced payments to enable such school districts to keep their public schools open

To supplement the appropriation for the payment of compensation to former teachers principals supervising principals or superintendents who agree in writing to hold themselves ready under the direction of the board of school directors to advise and counsel with school officials to visit and counsel with new teachers to act as substitute teachers when able to examine and report on public school work to visit pupils' homes in the interest of child welfare to attend educational conferences and addresses and to be concerned with other educational work as may be deemed necessary and helpful to community school interest as provided by law the sum of forty-seven thousand dollars ($47,000)

To The Public Service Commission

For the payment of the deficiency in the appropriation for salaries wages or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the commission the sum of nineteen thousand dollars ($19,000)

For the payment of the deficiency in the appropriation for salaries wages or other compensation and for the payment of general expenses necessary for the revaluation of the Philadelphia Rapid Transit Company its underliers and other necessary revaluations instituted on the motion of the Public Service Commission the sum of twenty-one thousand dollars ($21,000)

To the Department of Revenue

For the payment of the deficiency in the appropriation for salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department for the payment of costs of filing liens for the purchase of tax stamps and for the payment of costs of advertising required by any act of Assembly in connection with the escheat of moneys and property to the Commonwealth or in connection with the payment of unclaimed moneys into the State Treasury without escheat the sum of one hundred fifty thousand dollars ($150,000) Provided however That to the extent to which appropriations have been made to the department out of special funds for any of the foregoing purposes this appropriation shall not be used for such purposes

For the payment of the deficiency in the appropriation for costs in suits against delinquent dealers for mercantile and other license taxes the sum of five thousand dollars $5.000)

To the Department of State

For the payment of the deficiency in the appropriation for salaries wages or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the State Employes' Retirement Board the sum of five thousand six hundred dollars ($5,600)

To the Department of Welfare

For the payment of the deficiency in the appropriation for salaries wages or other compensation of the superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs for the purchase of equipment furniture and furnishings for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Ashland State Hospital at Ashland the Blossburg State Hospital at Blossburg the Coaldale State Hospital at Coaldale the Connellsville State Hospital at Connellsville the Hazleton State Hospital at Hazleton the Locust Mountain State Hospital at Shenandoah the Nanticoke State Hospital at Nanticoke the Philipsburg State Hospital at Philipsburg the Scranton State Hospital at Scranton and the Shamokin State Hospital at Shamokin as may be authorized and approved by the Secretary of Welfare the sum of thirty thousand dollars ($30,000)

LEGISLATIVE DEPARTMENT

To the Senate

For the payment of the salaries of the officers and employes of the Senate session of one thousand nine hundred and thirty-seven the sum of thirty-five thousand dollars ($35,000)

For the payment of the incidental expenses of the Senate for six months commencing December first one thousand nine hundred and thirty-six and for the entire period of the session of one thousand nine hundred and thirty-seven should the same extend beyond May thirty-first such sum as may be necessary to be expended by the chief clerk of the Senate who shall render to the Auditor General accounts from time to time with proper specifically itemized vouchers to be settled in the same manner as other accounts but said chief clerk shall at no time have in his hands more than two thousand dollars ($2,000) for which accounts have not been rendered and settled and the whole amount expended by the said chief clerk not exceed the sum of three thousand dollars ($3,000) out of which amount such necessary extra labor in the Senate

shall be paid as shall be certified by the President pro tempore and the chief clerk

To the chief clerk of the Senate for the payment of the postage on the Legislative Journal bills and calendars session of one thousand nine hundred and thirty-seven the sum of one thousand dollars ($1,000)

For the payment of the mileage of fifty Senators session of one thousand nine hundred and thirty-seven the sum of twenty-five hundred dollars ($2,500)

To the House of Representatives

For the payment of the salaries of the officers and employes of the House of Representatives session of one thousand nine hundred and thirty-seven also for the payment of the session and recess salaries of all officers and employes whose positions are now or may be hereafter created and for the payment of which provision is not otherwise made also for the payment of any increase which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the House of Representatives whose present salaries are provided for in this section the sum of thirty-five thousand dollars ($35,000) for the two years ending May thirty-one one thousand nine hundred and thirty-seven

For the payment of the salary of the Chief Clerk of the House of Representatives for the two years beginning June first one thousand nine hundred and thirty-five the sum of five hundred dollars ($500)

For the payment of the incidental expenses of the House of Representatives for the six months commencing December first one thousand nine hundred and thirty-six and for the entire period of the session of one thousand nine hundred and thirty-seven should the same extend beyond May thirty-first those accounts are to be expended by the Chief Clerk who shall render to the Auditor General accounts from time to time with proper specifically itemized vouchers to be settled in the same manner as other accounts The whole amount thus expended by the Chief Clerk shall not exceed the sum of three thousand dollars ($3,000)

For the payment of the mileage of two hundred and eight members of the House session of one thousand nine hundred and thirty-seven the sum of twelve thousand five hundred dollars ($12,500)

JUDICIAL DEPARTMENT

Supreme and Superior Court

For the deficiency in the appropriation for the payment of the expenses of the Supreme Court in the middle district and the Superior Court of Harrisburg the sum of four hundred dollars ($400)

Common Pleas Courts

To supplement the appropriation for the payment of salaries of the judges of the courts of common pleas learned in the law in the several judicial districts of the Commonwealth the sum of eight thousand seven hundred fifty dollars ($8,750)

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45.

Bean,	Gilson,	Law,	Rodgers,
Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Scarlett,
Dando,	Howell,	Mundy,	Sipe,
Deitrick,	Jacobs,	Owlett,	Sones,
Dent,	Jaspan,	Pytko,	Stiefel,
DiSilvestro,	Kahle,	Rankin,	Thompson,
Ealy,	Kilgallen,	Reed,	Wolfenden,
Eroe,	Kunkel,	Rice,	Woodward,
Frey,	Lanius,	Roberts,	Huffman,
Gelder,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 385 (House Bill No .741), entitled:

An Act to amend and re-enact the title and the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred eighteen) entitled "An act regulating the construction equipment maintenance operation and inspection of elevators outside of cities of the first and second and second A classes granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by extending the provisions of said act to elevators located in cities of the first second and second A classes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred eighteen) entitled "An act regulating the construction equipment maintenance operation and inspection of elevators outside of cities of the first and second and second A classes granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" as amended by the act approved the twenty-fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 999) are hereby further amended and re-enacted to read as follows

An Act regulating the construction equipment maintenance operation and inspection of elevators [outside of cities of the first and second and second A classes] granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevator certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act

Section 1 Definitions Be in enacted That as used in this act "Department" shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania

"Elevator" shall mean the machinery construction apparatus and equipment used in raising and lowering a car cage or platform vertically between permanent rails or guides and shall include all elevators dumb-waitors escalators gravity elevators hoists and other lifting or lowering apparatus

"Establishment" shall mean any room building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind to whomever payable and any place of business to which the public access except private dwellings

"Freight elevator" shall mean an elevator constructed and used for the carrying of materials

"Inspector" shall mean an inspector examined and authorized by the Department of Labor and Industry to inspect elevators and lifting apparatus in this Commonwealth

"Passenger elevator" shall mean an elevator constructed and used for carrying persons

"Person" shall mean any individual firm partnership unincorporated association corporation or municipality

Wherever the singular is used in this act shall include the plural and wherever the masculine gender is used it shall include the feminine and neuter

Section 2 General Requirement Every elevator as described in section one of this act shall be so constructed equipped maintained and operated with respect to the supporting members elevator car shaftway guides cables doors and gates safety stops and mechanisms locking mechanisms electrical apparatus and wiring mechanical apparatus counterweights and all other appurtenances as to safely sustain the load which the said elevator is designed and intended to carry [Provided That nothing in this act shall be construed to apply to elevators located in cities of the first second and second A classes]

Section 3 Rules and Regulations To carry out the provisions and the intent and purpose of this act the department shall have power and its duty shall be to make alter amend or repeal rules and regulations for the construction installation maintenance operation and inspection of elevators used or destined for use in this Commonwealth and shall make specifications for the construction and equipment of such elevators No elevator shall be permitted to be installed and used in this Commonwealth which does not comply with the rules and regulations herein provided for

Section 4 Examination of Inspectors and Fees Therefor No person shall inspect elevators unless he has passed a written examination prescribed by the Department Application for examination shall be made in writing upon a form furnished by the department and shall be accompanied by an examination fee of ten dollars If the applicant is successful in passing the said examination a certificate of competency and a commission shall be issued upon the payment of an additional fee of five dollars All inspectors shall be required to secure a new credential card each year by application to the department which application shall be accompanied by a fee of two dollars The Secretary of Labor and Industry may suspend any commission for due cause but no commission may be revoked until the inspector has been granted a hearing

Section 5 Inspection of Insured Elevators If an elevator is insured by a company authorized to insure ellvators in this Commonwealth against loss from accident the inspection may be made by an employe of such company and the only fee collectible by the Commonwealth shall be the certificate fee of one dollar hereinafter provided for in this act

Section 6 Inspection of Uninsured Elevators If Such elevator is not so insured the inspection shall be made by an inspector in the employ of the department and there shall be a fee charged for such inspection as herein after provided for in this act

Section 7 Frequency of Inspection Every passenger elevator and escalator shall be inspected four times in every twelve months freight elevators including gravity elevators shall be inspected at least twice in every twelve months dumb-waiters hoists and other lifting apparatus shall be inspected at least once in every twelve months building hoists shall be inspected at the time of erection at each and every building

Section 8 Insurance of Certificates Every inspector shall forward to the department a full report of each and every inspection made of any elevator showing the exact condition of the said elevator If this report indicates that the said elevator is in a safe condition to be operated the department shall issue a certificate of operation for a capacity not to exceed that named in the said report of inspection which certificate shall be valid for thirteen months after the date of inspection No elevator may be lawfully operated without having such a certificate conspicuously posted in the elevator car cage or platform

Section 9 Discontinuance of Operation If any elevator be found which in the judgement of an inspector in employ of the Department is dangerous to life and property or is being operated without the operating certificate required by this act such inspector may require the owner or user of such elevator to discontinue its operation within twenty-four hours and such inspector shall immediately report all facts in connection with such elevator to the department and he shall place a notice in the elevator car to this effect In the event a certificate has been issued for such elevator the said certificate shall be suspended and not renewed until such elevator shall have been placed in a safe condition In such case where an elevator has been placed out of service the owner or user of such elevator shall not again operate the same until repairs have been made and permission given by the said inspector to resume operation of the said elevator

Section 10 Fees for Inspection The fee for the certificate of operation for all insured and uninsured elevators shall be one dollar When elevators are inspected by inspectors of the department the following fees shall be charged in addition to the certificate fee

For passenger elevators fees not exceeding twelve dollars per annum

For freight elevators including gravity elevators fees not exceeding six dollars per annum

For dumb-waiter hoists and other lifting apparatus fees not exceeding three dollars per annum

For building hoists fees not exceeding three dollars for each inspection

Section 11 Approval of Plans Before any elevator shall be erected and installed or undergo repairs amounting to one-half or more of the original value of the said elevator detailed plans and specifications of the said apparatus in duplicate shall be submitted to the department for approval The application for the approval of plans of elevators shall be accompanied by the following fees Dumbwaiters five dollars freight elevators seven dollars and fifty cents and passenger elevators ten dollars If the said plans are approved a permit for the erection or repair of such elevator shall be issued by the department and a final inspection shall be made of the apparatus when installed or repairs completed before final approval shall be given by the department The elevator shall not be operated until such final inspection and approval be given unless a temporary permit be granted by the department

Section 12 Registration of Elevators The owner or user of every elevator in this Commonwealth except [as exempted from the provisions of this act in Section 2] elevators located in cities of the first second and second A classes shall prior to December thirty-first one thousand nine hundred and twenty-nine register with the Department of Labor and Industry every elevator operated by him giving the type capacity and description name of manufacturer and purpose for which each is used Such registration shall be made on forms to be furnished by the department

The owner or user of every elevator located in cities of the first second and second A classes shall register such elevator as provided in this section prior to December thirty-first one thousand nine hundred thirty-seven

Section 13 Disposition of Fees Collected All fees provided for by this act shall be paid by cash money order or certified check to the Department of Labor and Industry who shall transmit the same to the State Treasurer through the Department of Revenue

Section 14 Enforcement It shall be the duty of the Department of Labor and Industry to enforce the provisions of this act

Section 15 Procedure in Prosecutions Prosecutions for violations of the provisions of this act or the rules and regulatons of the department may be instituted by the department and shall be in the form of summary proceedings before an alderman magistrate or justice of the peace Upon conviction after a hearing the penalties hereinafter provided for shall be imposed and shall be final unless an appeal be taken to a court of proper jurisdiction in the manner prescribed by law

Section 16 Penalties Any person who shall violate any of the provisions of this act or the rules and regulations of the department as herein provided for or who shall fail or neglect to pay the fees herein provided for shall for the first offense be penalized by a fine of not more than one hundred dollars and costs and upon non-payment thereof imprisonment in the county jail for not more than ten days and for each subsequent offense shall be penalized by a fine of not more than two hundred dollars and costs and upon non-payment thereof imprisonment in the county jail for not more than thirty days Any person who shall continue to operate his elevator or other lifting apparatus after notice to discontinue its use as set forth in section nine of this act shall be penalized in a like action by a fine of five dolars for each day the said elevator or

lifting apparatus has been operated after the service of the said notice in addition to the fines above set forth

All fines collected under this act shall be forwarded to the Department of Labor and Industry who shall transmit the same to the State Treasury through the Department of Revenue

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45.

Bean,	Gilson,	Law,	Rodgers,
Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Scarlett,
Dando,	Howell,	Mundy,	Shapiro,
Deitrick,	Jacobs,	Owlett,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Ealy,	Kilgallen,	Reed,	Thompson,
Eroe,	Kunkel,	Rice,	Wolfenden,
Frey,	Lanius,	Roberts,	Huffman,
Gelder,			

NAYS—1.

Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House as requested.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate Proceeded to the third reading and consideration of Senate Bill No. 64, entitled:

An Act to establish a separate Orphans' Court in and for the County of Dauphin.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30.

Cavalcante,	Jacobs,	McGinnis,	Rupp,
Dando,	Jaspan,	Mundy,	Ruth,
Dent,	Kahle,	Pytko,	Shapiro,
DiSilvestro,	Kilgallen,	Rankin,	Sipe,
Eroe,	Kunkel,	Reed,	Sones,
Frey,	Lanius,	Rice,	Stiefel,
Gilson,	Law,	Rodgers,	Huffman,
Heyburn,	McCreesh,		

NAYS—14.

Bean,	Ealy,	Howell,	Scarlett,
Buckman,	Gelder,	Mallery,	Wolfenden,
Chapman,	Haluska,	Owlett,	Woodward,
Deitrick,	Homsher,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate Proceeded to the third reading and consideration of Senate Bill No. 65, entitled

An Act to amend section one of the act, approved the seventh day of April one thousand eight hundred seventy (Pamphlet Laws fifty-seven entitled "An act to enlarge the jurisdiction of the Court of Common Pleas for the County of Dauphin in cases wherein the Commonwealth may be plaintiff and to provide for issuing of writs of foreign attachment in such cases" by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32.

Cavalcante,	Jacobs,	McGinnis,	Rupp,
Dando,	Jaspan,	Mundy,	Ruth,
Dent,	Kahle,	Pytko,	Shapiro,
DiSilvestro,	Kilgallen,	Rankin,	Sipe,
Eroe,	Kunkel,	Reed,	Sones,
Frey,	Lanius,	Rice,	Stiefel,
Gilson,	Law,	Roberts,	Thompson,
Heyburn,	McCreesh,	Rodgers,	Huffman,

NAYS—13.

Bean,	Ealy,	Howell,	Scarlett,
Buckman,	Gelder,	Mallery,	Wolfenden,
Chapman,	Homsher,	Salus,	Woodward,
Deitrick,			

Present and not voting:—Haluska.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate Proceeded to the third reading and consideration of Senate Bill No. 288, entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing the manner of creation of townships of the first class.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47.

Bean,	Gilson,	Mallery,	Ruth,
Buckman,	Haluska,	McCreesh,	Salus,
Cavalcante,	Heyburn,	McGinnis,	Scarlett,
Chapman,	Homsher,	Mundy,	Shapiro,
Dando,	Howell,	Owlett,	Sipe,
Deitrick,	Jacobs,	Pytko,	Sones,
Dent,	Jaspan,	Rankin,	Stiefel,
DiSilvestro,	Kahle,	Reed,	Thompson,
Ealy,	Kilgallen,	Rice,	Wolfenden,
Eroe,	Kunkel,	Roberts,	Woodward,
Frey,	Lanius,	Rodgers,	Huffman,
Gelder,	Law,	Rupp,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate Proceeded to the third reading and consideration of Senate Bill No. 371, entitled:

An Act to amend section twenty-one of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws five hundred twenty-one) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" by providing for the filing of bond with the Department of Revenue and by limiting the amount to be retained by registers of wills for their own use for collection of inheritance taxes as agents of the Commonwealth.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47.

Bean,	Gilson,	Mallery,	Ruth,
Buckman,	Haluska,	McCreesh,	Salus,
Cavalcante,	Heyburn,	McGinnis,	Scarlett,
Chapman,	Homsher,	Mundy,	Shapiro,
Dando,	Howell,	Owlett,	Sipe,
Deitrick,	Jacobs,	Pytko,	Sones,
Dent,	Jaspan,	Rankin,	Stiefel,
DiSilvestro,	Kahle,	Reed,	Thompson,
Ealy,	Kilgallen,	Rice,	Wolfenden,
Eroe,	Kunkel,	Roberts,	Woodward,
Frey,	Lanius,	Rodgers,	Huffman,
Gelder,	Law,	Rupp,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate Proceeded to the third reading and consideration of Senate Bill No. 377, entitled:

An Act to re-enact and further amend the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred nine) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" extending said act to all counties of this Commonwealth.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Mallery,	Ruth,
Buckman,	Haluska,	McCreesh,	Salus,
Cavalcante,	Heyburn,	McGinnis,	Scarlett,
Chapman,	Homsher,	Mundy,	Shapiro,
Dando,	Howell,	Owlett,	Sipe,
Deitrick,	Jacobs,	Pytko,	Sones,
Dent,	Jaspan,	Rankin,	Stiefel,
DiSilvestro,	Kahle,	Reed,	Thompson,
Ealy,	Kilgallen,	Rice,	Wolfenden,
Eroe,	Kunkel,	Roberts,	Woodward,
Frey,	Lanius,	Rodgers,	Huffman,
Gelder,	Law,	Rupp,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Mr. ROBERTS. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 484, House Bill Number 850, on third reading, entitled:

An Act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate agree to the bill?

Mr. WOLFENDEN. Mr. President, I ask unanimous consent to offer amendments to the bill.

The PRESIDENT. Is there objection?

Mr. LAW. Mr. PRESIDENT, I object

The PRESIDENT. The Chair hears objection.

Mr. BUCKMAN. Mr. President, I take it that the amendments may be sent to the desk and read and then we can give unanimous consent, or other procedure may be taken after they have been read.

The PRESIDENT. The Chair informs the Senator from Bucks, Mr. Buckman, that the objection is to amending the bill at this time. Objection has been made and the amendments can not be considered.

MOTION TO GO INTO COMMITTEE OF THE WHOLE

Mr. BUCKMAN. Mr. President, I move that the Senate do now go into Committee of the Whole for the purpose of special amendment of this bill, the amendments having been sent to the desk by the Senator from Indiana, Mr. Wolfenden.

Mr. HOMSHER. Mr. President, I second the motion.

On the question.

Will the Senate agree to the motion?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of parlimentary inquiry.

Mr. SHAPIRO. Mr. President, I desire to inquire whether or not a vote "aye" on this motion carries with it the adoption of the amendment.

The PRESIDENT. The Chair informs the Senator from Philadelphia, Mr. Shapiro, that has been the rule heretofore, and it does.

Mr. WOLFENDEN. Mr. President, I ask that the amendments be read.

The amendments were read as follows:

Amend Title, page 2, line 19, by inserting after the word "commission" the following: conferring powers and imposing duties on the Department of Public Instruction Amend Section 6, page 22, line 2, by striking out the following: "with the approval of the Governor" Amend Bill, page 22, by inserting between lines 15 and 16 the following section: Section 7. (a) No officer, expert, engineer, statistician, accountant, inspector, clerk or employe, except secretary, counsel and assistant counsel, shall be appointed or employed by the commission after the effective date of this act. The commission is hereby authorized to prescribe, from time to time, by rule or regulation, the qualifications to be possessed by persons desiring employment under it. The qualifications shall be such as will best promote the efficient operation and management of its affairs, but in all cases persons appointed shall be citizens of the United States.

Every person desiring employment under the commission shall file with the commission an application, under oath or affirmation, which shall be in such form and shall set forth such information as the commission shall prescribe: Provided, however, That the commission shall not require an applicant to furnish a photograph of him- or her-self, and that no application blank shall require the color, religion, or political affiliation of the applicant to be designated. Upon receiving such application, the commission shall transmit the same to the Department of Public Instruction, which shall determine whether, under the rules or regulations of the commission, the applicant is qualified for the employment he seeks. If so, the applicant shall be admitted to competitive examination, when examinations shall next be held for position in the class of employment he seeks. Such competitive examinations shall be practical in character, and, as far as may be possible, shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to perform the duties of the service to which they seek to be appointed.

The Department of Public Instruction shall conduct such examinations at such places in the Commonwealth as to make it reasonably convenient and inexpensive for applicants to attend them. The department may divide the State into districts for the purpose of conducting such examinations. Every candidate admitted to such examinations shall be given a number, so that when his paper is marked and graded it will be impossible for the person passing upon the examination papers to ascertain his identity until his grade has been established. The examination papers of such candidates shall be marked by committees composed of representatives of the department and of persons, not employed by the Commonwealth in any other capacity, designated by the presidents of the colleges and universities receiving State aid from the Commonwealth. All such examination papers shall be graded on a basis of one hundred per centum and less. Such examination papers shall immediately thereafter be filed and the applicants listed. Any person who shall have been a member of the armed forces of the United States during a war or expedition for which the Government of the United States issued a campaign badge, whose separation from said service was honorable, whether by discharge or otherwise, shall receive, in addition to his rating on his examination paper, an additional rating of five per centum. All such outside examiners shall receive compensation at the rate of fifteen dollars per day for their services. The number of committees which may be necessary shall be determined by the department; and each committee shall consist of three persons. The selections made by the presidents of State-aided colleges and universities shall be submitted to the department in writing by each such president, and the department shall designate committee members from the lists so submitted in rotation.

Except as hereinafter provided, all offices, places and employments under the commission shall be filled by selections from persons who have satisfactory passed the examination. The persons receiving the highest grade shall be first appointed, and so on.

If a list of eligibles certified by the Department of Public Instruction is available for any position, another examination shall not be given until after the expiration of twelve months from the date of the last examination for that position. Such subsequent examination may be held, in the discretion of the commission, at any time after the expiration of such twelve month period; and when such subsequent examination has been held, and the list therefrom duly certified by the Department of Public Instruction, the previous list shall expire and no further appointment shall be made from such previous list. Provided, That when a position is to be filled by appointment from a list of eligibles, and a list of persons eligible for appointment to such position is not available, examinations shall be held for that position at the earliest convenient date after the vacancy occurs.

(b) Vacancies in positions in the competitive class, whether such positions be newly created, or vacated for any reason by any former incumbent, shall be filled, so far as practicable, by promotion from among persons holding positions in a lower grade. In all cases, a person to be promoted shall have served not less than six months in a position under the commission. Promotion shall be based on merit, and upon the superior qualifications of the person promoted as shown by his previous service.

In the event it is not seemed practicable to fill a vacancy by promotion, in the manner prescribed in the foregoing paragraph, such vacancy shall be filled by appointment from an eligible list of the person next in line for appointment from such list, except that no such appointment may be made to any position having a rate of compensation higher than that paid to any employe or employes who have been appointed from the same list within six months prior to the date of the current appointment; and in order that this may be carried out, the commission shall make such changes as it deems advisable in the then status of any employe or employes who have been appointed from the same list within six months prior to the date of the current appointment: Provided, however, That such changes are not required, except where they are necessary to insure that the most recent appointment shall be to a position which does not have a higher rate of compensation than that paid to any employe or employes who have been appointed from the same list within six months prior to the date of the current appointment.

(c) The tenure of any person holding a position under the provisions of this act shall be during good behavior, but any such person may be removed, demoted, suspended without pay or with reduced pay, transferred, reprimanded, or restored to his position or another position with such pay as may be equitable for any of the following causes: Incompetency, inefficiency, insubordination, dishonesty, intemperance, immorality, profanity, discourteous treatment of the public or other employes, wilful disobedience, violation of the provisions of this act or of the rules and regulations of the commission, or for any other failure of good behavior, or any other act or acts which are incompatible with, or inimical to, the public service; but no person shall be required to contribute to any political fund, nor support any political party or organization, nor shall any such person be removed or otherwise prejudiced for refusing to do so.

Whenever it is necessary, because of lack of work or lack of funds, or whenever it is advisable, in the interests of economy, to reduce the staff of the commission, it may lay off employes.

In the event that the commission decides to abolish one or more positions, or to temporarily discontinue the same because of lack of work or lack of funds or in the interests of economy, then a number of employes of the commission equal to the number of positions to be so abolished or discontinued shall be laid off.

When it becomes necessary for any employe to be removed, demoted, suspended without pay or with reduced pay, transferred, reprimanded, or restored to a former position or another position with such pay as will be equitable for any of the above named causes, or when it is necessary, because of lack of work or lack of funds or in the interests of economy, to lay off an employe, or in the event the commission decides to abolish or temporarily discontinue one or more positions because of lack of work, lack of funds, or in the interests of economy, the employe or employes selected to be removed, in any of the manners so mentioned, shall have a right to appeal for a hearing and consideration of his case or complaint.

Further when any position is newly created or otherwise to be filled, employes who have been previously placed on leave of absence because of the abolishment or temporary discontinuance of a position or other reduction in personnel because of lack of work, lack of funds or in the interests of economy, such employes shall be recalled to service, within their proper classification and in the order of their rank, before any appointment can be made from a list created and certified at a later date than the list from which the furloughed employe was originally appointed.

In the foregoing section, the terms "promotion" "transfer" and "demotion" shall be interpreted as follows:

"Promotion" means a change from one position to another position having a higher rate of compensation, or involving a change of duties or responsibilities or either or both.

"Transfer" means a change from one position to another position at the same rate of compensation.

"Demotion" means a change from one position to another position having a lower rate of compensation, or in which different and less responsible duties are involved or either or both, whether made for the purpose of better adjusting personnel to the needs of the commission or as a disciplinary measure.

Amend Section 7, page 22, line 16, by striking out the figure: S "7" and inserting in lieu thereof: 8; Amend Section 8, page 23, line 9, by striking out the figure: S "8" and inserting in lieu thereof: 9; Amend Section 9, page 23, line 19, by striking out the figure: S "9" and inserting in lieu thereof: 10; Amend Section 10, page 24, line 17, by striking out the figure: S "10" and inserting in lieu thereof: 11; Amend Section 10, page 24, line 24, by striking out the figure: S "11" and inserting in lieu thereof: 12; Amend Section 12, page 25, line 12, by striking out the figure: S "12" and inserting in lieu thereof: 13; Amend Section 13, page 25, line 22, by striking out the figure: S "13" and inserting in lieu thereof: 14; Amend Section 13, page 26, lines 9 to 12, by striking out: S the words "and shall continue to perform their" in line 9, all of lines 10 and 11, and the words "the commission" in line 12, and inserting in lieu thereof: without tests and without serving a probation period, and shall thereafter be subject to and be entitled to the benefits in all respects of the provisions of this act. Amend Section 14, page 28, line 15, by striking out the figure: S "14" and inserting in lieu thereof: 15; Amend Section 15, page 28, line 22, by striking out the figure: S "15" and inserting in lieu thereof: 16; Amend Section 16, page 32, line 3, by striking out the figure: S "16" and inserting in lieu thereof: 17.

And the question recurring,

Will the Senate agree to the motion?

Mr. WOLFENDEN. Mr. President, this particular amendment would put under civil service the present employes of the Public Service Commission—the new Public Utilities Commission.

Now, I listened with considerable interest to the splendid address the Senator from Philadelphia, Mr. Shapiro, made this morning, and I quite agree with him that one of the greatest faults in our present system of government is the abuse of patronage; and I feel that we of the Senate have an opportunity at this time to put ourselves on record by voting for or against these amendments. By voting for these amendments, an opportunity will be given the present employes to retain their present positions.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Indiana, Mr. Wolfenden.

The PRESIDENT. Will the Senator from Indiana, Mr. Wolfenden, permit himself to be interrogated?

Mr. WOLFENDEN. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, does the Senator

from Indiana feel that the present employes of the present Public Service Commission are capable and efficient, and that they have been?

Mr. WOLFENDEN. Mr. President, at the public hearings I have attended all the criticism has been leveled against the present commissioners; I have not heard one word leveled against one employe of the Commission.

Mr. CAVALCANTE. Mr. President, will the Senator from Indiana, then, state whether they were selected under a civil service regulation?

Mr. WOLFENDEN. Mr. President, I am not sure, but I do not believe they were. But the Liquor Control Board was not, I believe,—

POINT OF ORDER

Mr. THOMPSON. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Centre, Mr Thompson, will state his point of order.

Mr. THOMPSON. Mr. President, my point of order is, a motion to go into Committee of the Whole is not debatable.

Mr. BUCKMAN. Mr. President, may I say to the Senator from Centre, Mr. Thompson, that he would be correct in his point of order if the motion were to go into Committee of the Whole for the purpose of general amendment; but where it is for special amendment, and a vote for going into Committee of the Whole carries with it the amendment, I submit that the point of order raised by the Senator from Centre is not well taken.

The PRESIDENT. The point of order of the Senator from Centre, Mr. Thompson, is not well taken. The question before the Senate is on the motion to go into Committee of the Whole for the purpose of special amendment.

Mr. THOMPSON. Mr. President, I move the previous question.

Mr. RICE. Mr. President, I second the motion.

Mr. LAW. Mr. President, I second the motion.

Mr. CAVALCANTE. Mr. President, I second the motion.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. EALY. Mr. President, I desire to ask, what motion is before the Senate.

The PRESIDENT, the motion before the Senate is to go into Committee of the Whole for the purpose of special amendment.

Mr. SHAPIRO. Mr President, I thoroughly agree with the Senator from Indiana that the merit system is important, but I do not agree with the Senator from Indiana that when a bill is on third reading, when a bill has been on the calendar for first and second reading and is finally on for third reading, that, without an opportunity to examine the amendment, without an opportunity to find out whether this so called merit system is a merit system, that we the members of this Senate should be put on record to vote for or against a merit system which has been drawn by one member of the Senate, without an opportunity for the other forty-nine members of the Senate to examine and look into it.

This is a very important bill. It involves a very important function of the Legislature; and ought not to be put in position of voting on an amendmnet setting up a merit system about which we know nothing. It is true I mentioned this morning that I believe in the merit system, but if the Senator from Indiana will look at the Committee report, he will find that the bills carrying out the recommendations of the Committee have been on the calendar for some time. For that reason alone I feel we are not jusitfied in voting on any amendment conceived over night and presented at a moment's notice.

The PRESIDENT. The motion before the House is on the previous question.

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, there are a certain number of seconders required for a motion for the previous question; and I hope my friend, the Senator from Centre, Mr. Thompson, will not insist on that motion, for we can play that game too, and we will; we have enough for that.

On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, before this vote is taken I would like to call the attention of this Senate:

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. There is nothing before the Senate but the roll call.

Mr. OWLETT. But, Mr. President, the roll call is on the motion for the previous question, and I want to call attention to the fact that if this is done it is shutting off debate in the Senate of Pennsylvania.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, is not in order; the question is not debatable.

Mr. GELDER. Mr. President, I would like to know whether we are voting on the previous question, or on—

The PRESIDENT. The vote is on the previous question.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Buckman and Mr. Homsher.

QUESTION OF LEGISLATIVE INQUIRY

Mr. CAVALCANTE. Mr. President, before the vote is announced, I rise to a question of information.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will proceed.

Mr. CAVALCANTE. Mr. President, as I understand, the vote has been on the previous question.

The PRESIDENT. The Senator from Fayette is correct.

Mr. CAVALCANTE. Mr. President, and the previous question before this Senate was the motion to go into Committee of the Whole for the purpose of special amendment?

The PRESIDENT. That also is correct.

Mr. CAVALCANTE. Mr. President, the Chair says it is correct; and that being the case, a vote "aye" is a vote in favor of the motion to go into Committee of the Whole for the purpose of special amendment.

The PRESIDENT. A vote "aye" is a vote on the call for the previous question.

Mr. SHAPIRO. Mr. President, I take it, according to rules 9 and 10 of the Senate, when a motion for the previous question is made, and seconded by four members of the Senate, the question is then put to the Senate whether or not debate shall cease. This is on the motion on the previous question, and when we vote "aye" on the previous question it means that debate on the General question shall cease.

The PRESIDENT. The Senator from Philadelphia is correct. The vote just taken was on the previous question.

The yeas and nays were as follows:

YEAS—28

Dando,	Kilgallen,	Pytko,	Ruth,
DiSilvestro,	Kunkel,	Rankin,	Shapiro,
Eroe,	Lanius,	Reed,	Sipe,
Frey,	Law,	Rice,	Sones,
Gilson,	McCreesh,	Roberts,	Stiefel,
Jaspan,	McGinnis,	Rodgers,	Thompson,
Kahle,	Mundy,	Rupp,	Huffman,

NAYS—19

Bean,	Dent,	Homsher,	Salus,
Buckman,	Ealy,	Howell,	Scarlett,
Cavalcante,	Gelder,	Jacobs,	Wolfenden,
Chapman,	Haluska,	Mallery,	Woodward,
Deitrick,	Heyburn,	Owlett,	

So the question was determined in the affirmative.

The PRESIDENT. The vote just taken was on the previous question, and the motion was carried. The question reverts to the original motion, which is now before the Senate,—whether the Senate shall go into Committee of the Whole for the purpose of special amendment; and upon this question the roll will be called.

The Chair will call the attention of the Senate to the fact that this motion carries with it, if decided in the affirmative, adoption of the amendments offered.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. BUCKMAN and Mr. HOMSHER and were as follows, viz:

YEAS—14

Bean,	Ealy,	Mallery,	Scarlett,
Buckman,	Gelder,	Owlett,	Wolfenden,
Chapman,	Homsher,	Salus,	Woodward,
Deitrick,	Howell,		

NAYS—33

Cavalcante,	Jacobs,	McGinnis,	Rupp,
Dando,	Jaspan,	Mundy,	Ruth,
Dent,	Kahle,	Pytko,	Shapiro,
DiSilvestro,	Kilgallen,	Rankin,	Sipe,
Eroe,	Kunkel,	Reed,	Sones,
Frey,	Lanius,	Rice,	Stiefel,
Gilson,	Law,	Roberts,	Thompson,
Haluska,	McCreesh,	Rodgers,	Huffman,
Heyburn,			

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. EALY. Mr. President, I understand now the question is on the bill?

The PRESIDENT. On the bill.

Mr. EALY. Mr. President, if this bill, House Bill No. 850, is passed into law, it will bring no credit to this Legislature or to this Administration.

The Public Service Company Act went into effect January 1, 1914. Since that time many men have served in administering the law. Whether the law should be changed in any particular or whether or not any of the Commissioners in the past have been remiss in their duties are questions not involved in this bill. It simply abolishes the Public Service Commission and substitutes therefor a Public Utility Commission.

I am not speaking for the law as now written nor am I speaking in the interest of any member of the present Commission. I am not interested in individuals at this time; but I am concerned with the effect the enactment of this law will have on fair and orderly democratic procedure and traditions.

In this bill which is before us, the Governor, with the consent of the Senate, may remove any of the New Commissioners to be appointed, for inefficiency, neglect of duty or misconduct in office, after giving them a chance to be heard upon not less than 10 days notice of the charges preferred. But the bill seeks to abolish the present Commission without any charges being perferred against the members.

In other words, this is a frank and daring proposal to seize on some political jobs without any reason except the desire for the spoils of office. Public Service Commissioners have many judicial duties to perform. In abolishing the Commission you are therefore turning out of office before their terms expire a certain number of judges, without any charge against them. Do you think you are rendering service to the State by such conduct? Do you think the public will have greater confidence in a group which is appointed under such conditions to take the place of the present members?

When this same plan was proposed by a former governor who had been elected as a Republican, it was rejected by Republican members of this Senate. They knew that if the principle of changing members on this important body at the demand of the Executive were once established the independence and stability of the Commission would be gone.

If you will accede to the demand of the Administration and change this body now, it will be so much easier to listen to a like demand from the next Governor who sits in the Executive Mansion.

The present Governor has already made one appointment to the Commission. Other vacancies will occur during his term. The officals thus appointed will have assurance of a long tenure. The dignity of the body will be maintained and with good appointees the standard of service will be high. But, to do what is now proposed by this bill is disgraceful and not in accord with fair play or the spirit of our democratic traditations.

The only light we have for a guide in our legislative conduct is the light of history; but the tragedy of history is that its lessons will never be learned until it is too late.

By passing this bill, you are expelling from office men occupying high judicial positions for the simple reason that the Executive wants to appoint others to do their work. One of the charges against George III of Great Britain, as enumerated in the Declaration of Independence, was that he made judges dependent upon his will alone for the tenure of their offices.

At an even earlier date, King James II of England packed a bench with judges who were expected to decide as he wished; filled civil and military offices with his own favorites; created mayors, sheriffs, judges and generals with amazing rapidity; and even placed his own partisans at the head of two Oxford Colleges and from Magdalen College expelled every fellow and scholar for resisting his will.

It has remained for the present Administration in Pennsylvania to approach the nearest to this unenviable record of James II by dismissing tried and true office holders in the administering of charities, in educational positions and in other honorary places which were never heretofore considered subject to the spoils system.

King James lost his throne by his reckless conduct; King George lost his colonies; and as surely as the censure of history has blackened their names it will condem like methods in the present day.

One of the worst aspects of this and similar measures is that they are done in the name of reform. But reforms effected in irregular and undemocratic ways are in the long run valueless.

And why do all these so-called reforms have to be completed immediately? Is all wisdom to cease with this Administration?

It is ever the character of dictators to become impatient of delay and to adopt unconstitutional and devious methods to secure their ends. When orderly methods and fair play cease, justice always suffers and liberties are lost to the people.

Do not rush hastily into a course of action which may seem to give temporary advantage to the majority party but will set a precedent which can in the final analysis only result in evil.

"The appeal of law is in the last resort to the conscience of mankind * * * all good legislation must be ethical, or, in other words, it ought to be satisfactory to the conscience of the community." This true statement by a wise judge applies here.

Do not pass this bill.

Mr. THOMPSON. Mr. President, somehow or other I cannot help but be amused by the remarks of the Senator from Somerset, Mr. Ealy. It seems to me it is not so long ago that the Senator from Somerset was one of a group of members of this same body who twice rejected other members of this same Commission who will be put of office by the passage of this bill. Now, certainly these men have not so changed the color of their attitude on public matters since they were rejected by this Senate during the Pinchot administration as to warrant special consideration by this administration. Furthermore, if I recall correctly, it was one of the political sell-outs that was made during the preceding administration that caused these same gentlemen to be confirmed, and also, Mr. President, if I recall correctly, back in the summer of 1934, in order to induce Governor Pinchot to get on the band wagon and help elect the present Governor, these same gentlemen who now complain about the ousting of these members of the Public Service Commission were the very ones who sold out their established principles, their principles which they voiced so loudly in the two preceding sessions when they persuaded Governor Pinchot to go along with the Republican ticket in 1934. Why should we, as Senators today, be so tender of the feelings of men who were voted into these very offices by a political deal 2 or 2½ years ago. Certainly, nothing was more political than the deal that put these members and confirmed them on the commission, and I say to the members of the Senate, that it will be to the everlasting credit of this administration to oust these members of the Public Service Commission.

Speaking a little from my own experience; The little borough in which I reside has been trying for four or five years to get some sort of relief from these members of the Public Service Commission on account of an exhorbitant municipal light rate, a municipal rate, not a private rate, I personally have been promised action on that by the members of the Commission for two years; they told me they would take action to adjust the rates of the Associated Gas and Electric Company in Philipsburg Borough. Not one single action have we ever had except promises from the very members of this Commission. Where were those gentlemen who now seek to protect them? Where have they been during the past 2½ years, ignoring complaints of the citizens of Pennsylvania against the biggest utility octopus in this State? These, gentlemen have not been any bulwark of the protection to the people in this State in the past 2½ years. They have done nothing with the very people who should be controlled, and that has been the record over the 2½ years of the Public Service Commission in Pennsylvania.

I see no reason now, in spite of the remark of the Senator from Somerset, why we should be tender of the feelings of this Commission, who, in the first place, have been no protection for the people of this Commonwealth, and in the second place, who were seated on this Commission and confirmed on this Commission by a political deal which rang back and forth throughtout the State of Pennsylvania. There was not any thing noble, there was not anything patriotic, and there was not anything of a public spirit nature that confirmed these gentlemen on the Commission. It was just a simple, ordinary rank and file, ward political deal that put them there, and I repeat, Mr. President, that if for no other reason, this Public Service Commission should be ousted because of the political deal which put them in there and confirmed them.

Mr. EALY. Mr. President, the remarks of the Senator from Centre, Mr. Thompson, have in no way answered the argument which I have endeavored to make against the passage of this bill. I made it plain that I am not concerned with the individuals on this Commission. There is not a single member of the Commission who has been to me in any way to oppose the passage of this bill. Personally, it does not make any difference to me whether they are all thrown out. I want to say that there was never at any time that I can recall any rejection to the members of this Commission. They were not before the Senate for approval at any time until the time they were finally confirmed. I also want to say that I was never a party to any deal; I had no interest in any way in any of the members, but to proceed in this irregular method is certainly a detriment to the order of democratic procedure.

Mr. WOODWARD. Mr. President, this may be a very meritorious measure, it may be highly idealistic, but what I object to is the means by which this desirable objective is to be attained. I object to hearing the argument of the Senator from Centre, Mr. Thompson, when I was all primed to make an argument on civil service; and he moved the previous question. It is almost unprecedented

in this body, and I am doubly grieved that the Senator from Centre should so block my utterance. I want to protest against the obstruction of free speech, he had the opportunity to make a speech, and I had none.

Mr. LAW. Mr. President, I would like to interrogate the Senator from Somerset, Mr. Ealy.

The PRESIDENT. Will the Senator from Somerset, Mr. Ealy, permit himself to be interrogated.

Mr. EALY. Mr. President, I will.

Mr. LAW. Mr. President, will the Senator from Somerset state whether the names of these Commissioners were submitted to the Senate at the time they were appointed.

Mr. EALY. Mr. President, it is my recollection that those names were before the Senate and were referred to the Committee on Executive Nominations. I was not a member of that Committee, and as I recall it, I had no opportunity to vote on the confirmation of the members of the Commission before they were reported out. At that time I believe I voted for the confirmation.

Mr. THOMPSON. Mr. President, just one more remark: The Senator from Philadelphia rather impugned my motives in moving the previous question a little while ago, and I would like to just recall to the Senator from Philadelphia that it has not been so many months since he voted in favor of a motion to expunge from the records of this body speeches that were made on the floor of this Senate by Democrats when this body was in in control of the Republicans, and I believe, Mr. President, that it comes with poor grace that having voted to expunge from the records of this body the speeches of the Democratic members, and then complaining of trying to have parlimentary matters expidited by a motion for the previous question.

Mr. McGINNIS. Mr. President, I do not think that there is a Senator on this side of the House that has a thing personally against any member of the present Commission. I know them all, personally and they have been a part of the past; they have been grounded in the roots of special privileges in the past. They might be condoned for their inactivity in behalf of the people of Pennsylvania. The subject of utilities is a most important question. Every home pays electric light bills, gas bills, and in the larger populated sections they ride in street cars and other conveyances. We are dependent upon trucks for transportation these days, but in Pennsylvania, I want to say to you, Mr. President, that we pay the higest electric light bills, the highest gas bills, the highest bus fares, and the highest taxi-cab fares of any state in this Union. Go outside of this building today, get into a taxi-cab, and they ring up 25c before you start. It is the most amazing rate in the United States, this taxi-cab rate. In Pittsburgh we had a 25c bus fare for years, while just accross the line, in Ohio, you could ride in buses for 10c and even as low as 5c. In Washington you can ride clear across the city in a bus or taxi-cab for 20c. We pay the highest telephone rates of any state in this Union, and a strange thing happens in regard to trucking. A truck over the line in Ohio can haul its freight right into the city of Philadelphia, but there is no trucker in Pennsylvania who can haul freight from Pittsburgh to Philadelphia; what he does, is haul the freight; because it has interstate commerce protection; over into New Jersey, then reload it and then haul it back into Philadelphia. Truckers in this State have complained for years that there was discrimination in favor of railroads. Now, in this discrimination they ought to be protected, there ought not be discrimination in favor of the railroad.

Now, at the hearing before the Committee on Public Utilities, Mr. Goodnough, Chairman of the Commission, gave us a full statement of the activities of the commission throughout the past year or two, and I admit that during the past year or two that it has shown some improvement. He stated there had been a reduction of $23,000,000. to the consumers due to a reduction in the rates of the public utilities in the State of Pennsylvania. Now, in regard to those reductions, I want to say that most of the reductions were voluntary, the owners of these utilties have realized for the past couple of years that they had better come down to earth, they had better reduce their fares or they would be forced down, and it is not surprising that these rates have been reduced $23,000,000., but I say to you, Mr. President, that this is not enough; I say our gas rate, right in the largest gas section in the world, you might say, our gas rate to consumers in homes is outrageous. I say our street car situation in the City of Pittsburgh is outrageous. There has been no attempt to reduce the fare which is 8⅓c, and 10c if you pay for one single ride. There has been no move to find out whether the street cars should be taken off the streets of Pittsburgh as they are in cities in the West, and modern buses put on there; no inquiry, no investigation, no nothing. Now, I say again,that these men are personally alright, everyone of them, but they are rooted in the past, they were tied up with a Commission that has been a Commission of special privilege in this State, and they have not yet shown, and I do not think they will show, the right spirit in behalf of the consumer in Pennsylvania.

Mr. SHAPIRO. Mr. President, I want to agree with the Senator from Somerset, Mr. Ealy, that he was not in the Committee on Executive Nominations in the 1935 Session. Neither was any body else in this Senate on that Committee; the Chairman of the Committee was the only member of that Committee; and if the Chairman felt like reporting out some name for confirmation, he did it, and told us that the Chairman of the Committee had directed him to report out that nomination. And if he did not feel like reporting that nomination he held the meeting with himself and decided it would be well not to report it out, and he made no report. That made it much easier. And it comes with very bad grace from the other side to complain about procedure in which we are engaged today, when we were doing that which they have continuously failed to do, and which brought about their reduction to a minority party—and that was, to keep their pledges to the people who put them here.

When I was on the other side many of the men on that side protested against the failure to keep the promises. Those who had the temerity to stand up and fight for that principal are either on our side today or are on the out side politically, and those did not are on the out side altogether. I recall the Senator from Philadelphia, Mr. Woodward's, complaining because he was put so close to the rail when he came back. I think it is rather fortunate the Senator was not a candidate this time, or he might have found himself on the other side of the rail.

We are engaged now in carrying out the platform and party pledge. The Governor of the Commonwealth cam-

paigned, and the candidates—and I was one of them—campaigned on the platform that a Fair Rate Board would be created and installed. I have no quarrel with any of the members of the present Commission. I think I had, probably, one matter before them in the history of their service. I know some of them personally. I think most of them are very fine, amiable gentlemen; but I think, in fairness to the utilities—I say, in fairness to the utilities—their compromises, which they made and of which they boast so much, are not the right thing. People still believe, and people should know,—I do not know whether the rates are fair, fair in the sense of the law, which provides that rates shall be such as will permit the companies to earn a definite rate of interest on their investment; and when these gentlemen appeared before us they told us, first that they had not made, in many years, a survey and an appraisement of the assets; secondly, that they accepted the books of the utilities as the basis upon which to deal—not to arrive but to compromise; and, thirdly, that at no time did they know whether or not the machinery and equipment in question, which was involved in the determination of the value of the assets, were being used or were obsolete. That is neither fair to the public nor to the utilities. I am not going to stand up and shout against the utilities, I am one of those who believe they are entitled to a fair return on their investment, and they are entitled to pay taxes in accordance with their ability to pay, like anyone else, and they are entitled to a fair hearing on questions involved; but I believe the utilities will be much better off with a commission which will one and for all satisfy the public as to whether or not they are receiving more than the fair rate fixed by law, or whether they are receiving less; and if they are receiving less, the rate should be increased, and if they are receiving more, the rate should be decreased.

Compromise is a good thing when the two individuals involved in the compromise take the loss; but when a third party who has no share in reaching the compromise, takes the loss, then the compromise, which compromises him, is no way of arriving at a satisfactory conclusion. And I say to the members of this Senate on the Democratic side, when they vote on this bill, irrespective of the question of taking these men out of office, they are voting for the keeping of a party pledge, and that is one thing I have always tried to do since I have been in this Senate.

Mr. BUCKMAN. Mr. President, I had not intended to speak on this measure, but I cannot let any misstatement of facts go by without correcting them on the record. When the Senator from Philadelphia, Mr. Shapiro, states that at the session of 1935, the Committee on Executive Nominations did not meet to consider the nominations he does not state the fact. What he said is not true. I was a member of that Committee, and I say to this Senate that there was no nomination of any importance put out of that committee without a full and fair meeting of the Committee, under the chairmanship of the then Senator from Allegeheny, Mr. Coyne; and I will go further, and say that on many occasions there were nominations held up by that Committee, consisting entirely of Republicans, at the request of the Democratic Senator, who now sits in this Senate.

Mr. SHAPIRO. Mr. President, I always try to deal with facts, and I will say to the Senator from Bucks that I know whereof I speak. I was in Republican caucuses on three different occasions when the caucus decided, in two instances for approvals, and in the third instance against approval, when nothing was done. I was in caucus when the Republican organization decided not to approve a candidate, and when we left the caucus we came on the floor, and the Senator who was the Chairman of the Committee on Executive Nominations, I still insist, reported out with a favorable recommendation in a nomination which had been decided in caucus not to be reported out. Everybody knows it and the protestations of the Senator from Bucks will not change the fact that the Republican Party—Mr. Ealy says he is not now interested in any individuals—that is right, but how about last year and the year before, when all the Republican Party was interested in was a few individuals and the only way they could perpetuate their interest by having a Chairman of their Committee who acted for the whole Committee.

Mr. BUCKMAN. Mr. President, the remark just made by the Senator from Philadelphia simply goes to show that the Committee on Executive Nominations was not controlled by the Republican caucus.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Cavalcante,	Heyburn,	McCreesh,	Rupp,
Chapman,	Jacobs,	McGinnis,	Ruth,
Dando,	Jaspan,	Mundy,	Shapiro,
Dent,	Kahle,	Pytko,	Sipe,
DiSilvestro,	Kilgallen,	Rankin,	Sones,
Eroe,	Kunkel,	Reed,	Stiefel,
Frey,	Lanius,	Rice,	Thompson,
Gilson,	Law,	Roberts,	Huffman,
Haluska,	Mallery,	Rodgers,	

NAYS—12

Bean,	Ealy,	Howell,	Scarlett,
Buckman,	Gelder,	Owlett,	Wolfenden,
Deitrick,	Homsher,	Salus,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

ACTION ON THIRD READING BILLS DEFERRED

Mr. ROBERTS. Mr. President, I move that action on the balance of third reading bills on today's calendar be deferred until tomorrow.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Mr. ROBERTS. Mr. President. I move that the Senate proceed to the consideration bills on second reading.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and con-

sideration of Senate Bill No. 330, (House Bill No. 737), entitled:

An Act to amend clause (a) and (c) of section one thousand eight hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for an reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teacher Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative offices and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended providing for the acquisition holding management control protection maintenance utilization and regulation of additional lands to extend State forests so as to prevent soil erosion the silting up of reservoirs to control stream flow to extinguish interior holdings and for the establishment of fire observation towers and stations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 363, entitled:

An Act making an appropriation to the Department of Revenue for payment to counties and county officers in order to relieve counties of certain fees and charges for the keeping of records and making of reports by county officers for the better collection of State taxes on personal property.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of thirty-five thousand dollars ($35,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Revenue for the purpose of relieving counties of the payment of fees and charges to county officers for the keeping of records and reporting to the Department of Revenue for State tax purposes mortgages articles of agreement judgments liens assignments and satisfactions under and in accordance with the provisions of the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators register of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" and the amendments The moneys hereby appropriated shall be available for the payment of fees and charges earned by county officers from the time said act became effective at the rate therein specified and such payments shall be made directly to the county officer where no payment has been made by the county or to the county by way of reimbursement where payment has been made by the county to the county officer as provided by law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 578, (House Bill No. 1128), entitled:

An Act requiring unemployment relief orders to be presented for payment within a certain period, otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation for unemployment relief purposes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 694, (House Bill No. 1154), entitled:

An Act making an appropriation to the General State Authority.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 734, (House Bill No. 1571), entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS INTRODUCED

Mr. SHAPIRO. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, read in place and presented to the Chair Senate Bill No. 801 entitled:

An Act to amend the title and sections one and two of the act,approved the twenty-sixth day of April, one thousand nine hundred and seventeen (P. L. 108), entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia, over all houses of detention established within the limits of the city of Philadelphia for the

care of delinquent, dependent, and neglected children; providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia; and repealing all acts or parts of acts inconsistent herewith," transferring the jurisdicton therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia.

Which was committed to the Committee on City Government.

Also, read in place and presented to the Chair Senate Bill No. 802 entitled:

An Act to amend clause two of section four and sections fourteen and eighteen of the act approved the second day of June, one thousand nine hundred thirty-three (P. L. 1443), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising and consolidating the law relating thereto," extending the provision of said act to the trial, placement and commitment of children under sixteen years of age, charged with murder; and providing for the trial on indictment of certain children in the juvenile court.

Which was committed to the Committee on City Government.

Mr. McGINNIS. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS, read in place and presented to the Chair Senate Bill No. 803 entitled:

An Act to amend section four hundred and twenty-six of, and to add section four hundred and twenty-eight to, the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," further regulating the annexation of territory by boroughs.

Which was committed to the Committee on Municipal Government.

Also, read in place and presented to the Chair Senate Bill No. 804 entitled:

An Act to amend section five hundred and five of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by further regulating appeals in proceedings by such cities to annex boroughs, townships or parts of townships.

Which was committed to the Committee on Municipal Government.

Mr. PYTKO. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PYTKO, read in place and presented to the Chair Senate Bill No. 805 entitled:

An act to provide for the appointment of certain directors of stock life insurance companies from the policyholders thereof.

Which was committed to the Committee on Insurance.

Mr. RANKIN. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT, Is there objection? The Chair hears none.

Mr. RANKIN, read in place and presented to the Chair Senate Bill No. 806 entitled:

An act to amend section one of the act, approved the eleventh day of June, one thousand eight hundred and seventy-nine (P. L. 147), entitled "An act fixing the compensation of persons called to serve as coroner's jurors in this Commonwealth" increasing the compensation of coroner's jurors.

Which was committed to the Committee on City Government.

Also, read in place and presented to the Chair Senate Bill No. 807 entitled:

A Joint Resolution proposing an amendment to section one, Article fourteen of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

REPORT FROM COMMITTEE

Mr. SONES. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SONES from the Committee on Banking re-reported amended, Senate Bill No. 242 (House Bill No. 441), entitled:

An Act licensing and regulating the business of pawnbrokers providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations limiting the interest and charges on loans and prescribing penalties for the violation of this act.

RESOLUTION

REQUESTING USE OF SENATE CHAMBER FOR A PUBLIC HEARING ON SENATE BILL No. 760

Mr. RUPP. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUPP offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 30, 1937.

Resolved, That the Committee on County Government of the Senate of Pennsylvania be given the use of the Senate Chamber for a public hearing on House Bill No. 64 (Senate Bill 760) taxing real estate of public service companies, on Tuesday evening, April 13, at eight o'clock.

MOTION TO READ BILLS THE FIRST TIME

Mr. ROBERTS. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 235, (House Bill No. 50), entitled:

An Act to amend article twenty-four of the act, approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 236, (House Bill No. 51), entitled:

An Act to amend article thirty-two of the act, approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 237, (House Bill No. 52), entitled:

An Act to amend article fifteen of the act, approved the first day of May one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 238, (House Bill No. 53), entitled:

An Act to amend article twenty-one of the act, approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 239, (House Bill No. 60), entitled:

An Act to amend the title and sections one and two of the act, approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1286) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" extending the provisions thereof to cities of the first class providing for the charging and collection of annual rentals for the use of sewers sewage systems and sewage treatment works constructed or acquired jointly with other municipalities or furnished under contract by any authority.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 373, entitled:

An Act to amend the title, and sections three, four, six, seven, eight, nine, ten, eleven, fourteen and eighteen of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled "An act providing for a limited period of time, for the incorporation as bodies corporate and politic, of 'Authorities' for municipalities; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," by removing the date by which projects must be commenced; removing certain restrictions against construction of projects; extending the life of Authorities; providing for the creation of Authorities by joint action of municipalities and townships; regulating the number and terms of members of the governing boards of Authorities; authorizing the Commonwealth and the political subdivisions thereof to transfer certain contracts to the Authorities; authorizing Authorities to accept and acquire certain contracts, and limiting the powers of receivers appointed therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 398, (House Bill No. 801), entitled:

An Act to amend sections one, two and four, section five as amended and section seven of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 437) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties," by bringing proprietors within the provisions of the act, requiring effective cleaning agents and proper toilet facilities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 405, entitled:

An Act to amend sections three hundred forty-five, three hundred forty-six and three hundred sixty-one, as amended, of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," further regulating reports of controllers to the Department of Internal Affairs and the preparation of annual budgets.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 408, entitled:

An Act fixing a uniform fiscal year for counties (other than counties of the first and second classes) cities of the third class, boroughs, towns, townships, school districts (other than school districts of the first class) and poor districts and providing such necessary tax, tax auditing

and financial report provisions as required for the fixing of such uniform year and as result from the change of the fiscal year.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 429, entitled:

An Act to amend Sections two, three, four and six of the act approved the fifth day of June, one thousand nine hundred thirteen (P. L. 443) entitled "An act for the prevention of blindness, by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians, midwives and others, and requiring the reporting of results of treatment of each case of said disease, and fixing a penalty for violation thereof," by imposing duties on public health nurses, social workers, county medical directors, and physicians, and increasing penalties for violation of said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 462, (House Bill No. 32), entitled:

An Act to amend clause (b) of section three thousand two hundred and forty of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932) entitled, "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto," as amended, providing for compensation for members of joint sewer boards.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 505, (House Bill No. 925), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to accept and place in the corridor of the Capitol a plaque commemorating the services of Doctor Joseph Kalbfuss.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 515, entitled:

An Act authorizing county commissioners in counties of the seventh and eighth classes to transfer surplus county moneys to the poor district; and providing for the expenditure of the moneys so transferred for poor district purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 526, (House Bill No. 1027), entitled:

An Act regulating the recordation of assignments of mortgages in counties of the second class, fixing the fees therefor, and imposing certain powers and duties on the recorders of deeds of such counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 568, entitled:

An act to amend sections one, two, three, and section nine as amended, of the act approved the twenty-eighth day of June, one thousand nine hundred and twenty-three (P. L. 888) entitled, "An act to safeguard human life and health throughout the Commonwealth by providing for the reporting, quarantining, and control of diseases declared communicable by this act or by regulation of the Department of Health; providing for the prevention of infection therefrom; and prescribing penalties," by eliminating list of communicable diseases and giving authority to the Department of Health to declare by regulation what diseases are communicable or communicable and quarantinable; shortening reports required of physicians in such cases; clarifying the duration of placarding; and empowering the Department of Health to obtain additional information from local health authorities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 595, (House Bill No. 921), entitled:

An Act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 607, entitled:

An Act providing for the fixing of the salaries and compensation of officers, clerks, stenographers and employes appointed by judges of the courts of this Commonwealth in counties where salary boards exist by law.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 615, (House Bill No. 1235), entitled:

An Act to amend section four hundred seven of the act approved the second day of of May, one thousand nine hundred and twenty-nine (P. L. 1278) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising amending and consolidating the laws relating thereto," by providing the method of designation and the qualifications of the depositories selected for the deposit of funds of counties of the second class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 617, (House Bill No. 653), entitled:

An Act to amend section five hundred thirty as amended, and section five hundred thirty-two, of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending

revising, consolidating, and changing the law relating thereto;" fixing the length of the term of certain officers appointed to fill vacancies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 625, entitled:

An Act to add section four hundred and ninety-six to the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," requiring counties to place in good condition and to care for neglected cemeteries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 626, entitled:

An Act to amend section one of the act approved the fourteenth day of April, one thousand nine hundred and thirty-one (P. L. 38), entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A, and the removal of policemen in cities of the second class," further regulating the suspension and dismissal of policemen and firemen in cities of the second class A.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 651, entitled:

An Act to amend sections one, two and three of article seventeen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L.581) entitled, "An act for the better government of cities of the first class of this Commonwealth," advancing the dates for the submission of budget estimates, the adoption of financial program and the fixing of the tax rate, and providing for the ascertainment of the tax rate where the same is not fixed within the time specified.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 662, (House Bill No. 959), entitled:

An Act to amend section one hundred and one of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled, "An act concerning game and other wild birds and wild animals and amending, revising, consolidating and changing the law relating thereto," as amended, withdrawing the skunk or polecat from the furbearing animal class as defined in said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 700, (House Bill No. 1309), entitled:

A Supplement to the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled, "An act for the government of cities of the second class," creating the position of solicitor for the department of city controller.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 701, (House Bill No. 1311), entitled:

An Act to authorize cities of the second class to sue out writs of scire facias on certain tax liens to revive writs of scire facias on such liens or to revive judgments on such liens where more than five years have elapsed since said liens were filed or such judgments were entered or revived and to reduce such liens to judgment or to revive such judgments and providing for the revival and collection of such judgments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 702 (House Bill No. 1335), entitled:

An Act regulating the employment and hours of employment of the Officers and members of the uniformed Fire protection forces of the Cities of the first class and repealing existing laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,.

The Senate proceeded to the first reading and consideration of Senate Bill No. 703, entitled:

An Act to prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in the Commonwealth of Pennsylvania for the purpose of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 714 (House Bill No. 999), entitled:

An Act providing for the appointment of a Commission to draft a report on a plan for the future government of the City of Philadelphia in accordance with a proposed amendment to the Constitution, consolidating the City and County governments of the said City providing for the employment of certain persons by the Commission giving the Commission the power to subpoena witnesses, books, papers and records to hold hearings and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid for second reading.

REPORT FROM COMMITTEE

Mr. FREY. Mr. President I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY, reported from the Committee on Executive Nominations the following nomination made by His Excellency, the Governor of the Commonwealth.

NOMINATIONS RETURNED TO THE GOVERNOR

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 10, 1937
To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination of March 8, 1937, for the appointment of Jacob Ralph Brobst of Columbia, Lancaster County, as a member of the Board of Trustees of Shamokin State Hospital.

GEORGE H. EARLE

Mr. ROBERTS. Mr. President, I move that the nomination just reported from the committee on Executive Nominations, be returned to His Excellency the Governor of the Commonwealth.

Mr. RICE. Mr. President, I second the motion.

The motion was ageed to.

REPORT FROM COMMITTEE

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? the Chair hears none.

Mr. FREY, reported from the Committee on Executive Nominations with a favorable recommendation, the following nominations made by his Excellency, the Governor of the Commonwealth:

COMMISSIONER OF FISHERIES

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 2, 1937
To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Charles A. French of Ellwood City, Lawrence County, for appointment as Commissioner of Fisheries, for a term of six years to compute from the date of confirmation.

GEORGE H. EARLE.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 24, 1937
To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Fred McKean, of New Kensington, Westmoreland County, for appointment as a member of the Board of Fish Commissioners, vice Charles A. French, of Ellwood City, resigned, for the term of six years.

GEORGE H. EARLE.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 30, 1937
To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby ot nominate for the advice and consent of the Senate the following persons for appointment as members of the Registration Commission in and for the City of Philadelphia, as authorized by House Bill No. 603, approved March 30, 1937, to serve until the first Monday of January, 1941, or until their successors qualify:

John L. Barrett (Dem.) 5101 N. 15th St., Phliadelphia, Pa.

John B. Albany (Dem.) 5311 Parrish St., Philadelphia, Pa.

William Deppenschmidt (Dem.) 867 N. 5th St., Philadelphia, Pa.

James H. Malone (Rep.) 2132 Summer St., Philadelphia, Pa.

Edward J. Hunter (Rep.) 2220 Diamond St., Philadelphia, Pa.

GEORGE H. EARLE.

MEMBERS OF THE BOARD OF TRUSTEES SHAMOKIN STATE HOSPITAL

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 8, 1937.
To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Shamokin State Hospital:

Bernard A. Snesavage, of Tower City, Schuylkill County, for the term of four years, and until his successor is qualified, vice Jacob E. Leisenring, of Bear Gap, whose term expired.

Benjamin Schneider, of Danville, Montour County, for the term of four years, and until his successor is qualified, vice Herbert W. Cummings, of Sunbury, resigned.

GEORGE H. EARLE.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 10, 1937
To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Jacob Ralph Brobst, of Bloomsburg, Columbia County, as a member of the Board of Trustees of Shamokin State Hospital, vice J. Paul Garrett, of Herndon, resigned, for the term of four years, and until his successor is qualified.

GEORGE H. EARLE.

MEMBERS OF THE BOARD OF TRUSTEES OF MOTHER'S ASSISTANCE FUND OF LANCASTER COUNTY

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 16, 1937
To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following appointments.

MEMBERS OF THE BOARD OF TRUSTEES MOTHER'S ASSISTANCE FUND OF LANCASTER COUNTY

(Mrs.) Laura Roye, of Columbia, until June 1, 1939, and until her successor is duly appointed and qualified, vice Mrs. Maud Markel Becker, of Columbia, resigned.

MEMBERS OF THE BOARD OF TRUSTEES OF PENNHURST STATE SCHOOL

W. Paul Youngblud, of Spring City, Chester County, for

the term of four years, and until his successor is qualified.

Howard B. F. Davis, of Downingtown, Chester County, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF MOTHER'S ASSISTANCE FUND OF PHILADELPHIA COUNTY

(Mrs.) Helen S. Hood, of Philadelphia, until June 1, 1939, and until her successor is duly appointed and qualified, vice Mrs. Katharine M. Lukens, of Philadelphia, resigned.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 29, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

PHILADELPHIA COUNTY

Walter S. Hartley, 15, W. Highland Ave., Phila., March 29, 1937.
Albert J. Mayer, 400 N. Broad St., Phila., March 29, 1937.

ALLEGHENY COUNTY

Morris Levy, 309 Plaza Bldg., Pittsburgh, March 30, 1937.

BERKS COUNTY

A. A. Lesher, Greenwich Twp., Lenhartsville, April 4, 1937.

PHILADELPHIA COUNTY

R. Lee Kass, 41st and Chester Ave., Phila., April 8, 1937.

LACKAWANNA COUNTY

Daniel J. Mezick, Olyphant, April 10, 1937.

LAWRENCE COUNTY

J. E. Van Gorder, Ellwood City, April 10, 1937.

MERCER COUNTY

John J. Donaldson, Greenville, April 13, 1937.

BUCKS COUNTY

E. S. Lovett, Morrisville, April 18, 1937.

LEHIGH COUNTY

Mrs. Marie C. Wagner, Bethlehem, April 18, 1937.

FAYETTE COUNTY

Mrs. Bertha Livingston, Uniontown, April 26, 1937.

SCHUYLKILL COUNTY

Richard L. Jones, Pottsville, April 27, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 29, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Wm. G. Horne, 600 2d Ave., Pittsburgh.
Albert E. Payne, 401 Warrington Ave., Pittsburgh
James K. Stuckert, 152 S. 18th St., Pittsburgh.

BEAVER COUNTY

Mrs. Christine C. Groth, Monaca.
Mrs. Louise M. Howell, Aliquippa.

BRADFORD COUNTY

John P. Vallilee, Towanda.

BUTLER COUNTY

Larry J. Kemmer, Butler Twp., Butler R. D. 6.

CARBON COUNTY

Andrew J. Dobosh, Lansford.

CHESTER COUNTY

John R. Yost, Phoenixville.

LANCASTER COUNTY

Milton S. Falck, Lancaster.
Harold Keneagy, Paradise Twp., Kinzers.
Miss Anna S. Musser, Lancaster.

LEBANON COUNTY

Louis Sundel, Lebanon.

LUZERNE COUNTY

Miss Rebecca L. Howell, Kingston.
Mrs. Edith M. Somers, West Hazleton.
Constantine Yonelunas, Pittston.

NORTHAMPTON COUNTY

Mrs. Alice L. Engler, Wilson.
Chas. P. Warner, Easton.

PHILADELPHIA COUNTY

Rea Eastwood, 1737 Chestnut St., Phila.
Miss Rena E. Felberg, N. E. Cor. 2d and Green Sts., Phila.
Mrs. Claire S. Felix, 1416 S. Penn Sq., Phila.
Miss Mary McCalla, 1511 Arch St., Phila.
Thomas McGowan, Jr., 813 E. Allegheny Ave., Phila
Ervin D. Sacks, 12 N Broad St., Phila.

WESTMORELAND COUNTY

O. C. Harrold, Greensburg.
Miss Catherine J. Richardson, Jeannette.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I hae vthe honor hereby to nominate for the adivce and cansent of the Senate the following persons for reappointment as Notaries Public for the term of four years to compute from the dates s' opposite their names:

ALLEGHENY

Miss Beulah Irene May 3216 Grant Bldg. Pittsburgh, April 15, 1937.

PHILADELPHIA

H. H. Sinnamon, 2100 E. Cumberland St. Phila., April 29, 1937.
August Apalucci, 412 N. Gross St. Phila., May 3, 1937.

GEORGE H. EARLE.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 16, 1937.

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Michael Soloman, of Archbald, Lackawanna County, for appointment as Justice of the Peace in the Borough of Archbald, Lackawanna County (to fill a vacancy), until the first Monday in January, 1938.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Gordon Segall, Braddock.

BERKS COUNTY

Mrs. Edna May Sheadle, Reading.

CRAWFORD COUNTY

Arthur H. Engdahl, Titusville.

INDIANA COUNTY

J. Edwin Fyock, Indiana.

LUZERNE COUNTY

Miss Ann M. Hart, Wilkes-Barre.

NORTHAMPTON COUNTY

Mrs. Helen F. MacDonald, Wilson.

PHILADELPHIA COUNTY

James Ryan Jr., 3238 N. Front St. Phila.

VENANGO COUNTY

Miss Esther M. Baughman, Oil City.

YORK COUNTY

Milton D. Martin Peters, Dallastown.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 10, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment:

Fred L. Dearborn, of New Milford, Susquehanna County, for appointment as Justice of the Peace in the Township of New Milford, Susquehanna County, (to fill a vacancy), until the first Monday in January, 1938.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-days's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bean,	Haluska,	McCreesh,	Rupp,
Buckman,	Heyburn,	McGinnis,	Ruth,
Cavalcante,	Homsher,	Mundy,	Salus,
Chapman,	Jacobs,	Owlett,	Shapiro,
Dando,	Jaspan,	Pytko,	Sipe,
Dent,	Kahle,	Rankin,	Sones,
DiSilvestro,	Kilgallen,	Reed,	Stiefel,
Ealy,	Kunkel,	Rice,	Thompson,
Eroe,	Lanius,	Roberts,	Wolfenden,
Frey,	Law,	Rodgers,	Huffman,
Gilson,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

RESOLUTION

INVITATION TO THE MEMBERS OF THE SENATE TO ATTEND DINNER IN HONOR OF LIEUTENANT GOVERNOR THOMAS KENNEDY

Mr. ROBERTS. Mr. President, I ask unanimous consent to offer the following resolution at this time.

The PRESIDENT. In there objection? The Chair hears none.

Mr. ROBERTS offered the following resolution which was twice read, considered and agreed to.

In the Senate of Pennsylvania, March 30, 1937.

Resolved, That when the Senate adjourns today it do so to enable the members thereof to attend the dinner given this evening by the Pennsylvania Federation of Labor in honor of Lieutenant Governor Thomas Kennedy, at which dinner His Excellency George H. Earle, Governor of the Commonwealth, Honorable Joseph F. Guffey, United States Senator, and Mr. John L. Lewis President of the United Mine Workers of America are the honor guests.

ANNOUNCEMENTS BY THE SECRETARY

There will be a meeting of the Committee on Education immediately after adjournment today, in Room 400.

There will be a meeting of the Committee on Welfare at 9:30 a. m. tomorrow, in the Room on my left.

There will be a meeting of the Committee on State Boards tomorrow morning at 10:00 o'clock, in Room No. 265.

There will be a meeting of the Committee on State

Government tomorrow morning at 10:30 o'clock, in Room 402.

There will be a meeting of the Committee on Highways tomorrow morning at 11:00 o'clock in Room 402.

There will be a meeting of the Committee on Pensions tomorrow morning at 11:30 o'clock in Room 265.

The Committee on County Government will meet at 10:30 a. m., Tuesday, April 6th, in Room 402.

There will be a Public Hearing in the Senate Caucus Room on Tuesday, April 6th, 1937, on the Sunday Fishing Bill. The hearing is restricted to 1½ hours, and will start at 3:00 p. m.

ADJOURNMENT

Mr. ROBERTS. Mr. President, I move that the Senate do now adjourn until twelve o'clock noon tomorrow.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:50 p. m. until 12:00 o'clock noon tomorrow, Wednesday, March 31, 1937.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 30, 1937

The House met at 1:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Rev. MARSHALL L. SHEPARD, a member of the House, offered the following prayer:

Oh Lord, our God, how excellent is Thy Name in all the earth. We Thank Thee our Heavenly Father for life and for health and for the right to work as servants of the people of this Commonwealth. We thank Thee for the springtime with all of its promise of freshness and renewal. May we ourselves be renewed in our determination to render the best that we have to the task that confronts us.

Bless the Speaker, the Chaplain and the members of this House as Thou seest they have need. These and all other blessings we ask in His Name and for His Sake. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. BURROWS the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. MELCHIORRE. HOUSE BILL No. 2117.

An Act making an appropriation to the Treasury Department for the refund of transfer inheritance and estate taxes erroneously collected or overpaid into the State Treasury.

Referred to the Committee on Appropriations.

By Mr. BROWN. HOUSE BILL No. 2118.

An Act to further amend section six of the act, approved the second day of May, one thousand eight hundred ninety-nine (Pamphlet Laws, one hundred eighty-four), entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods, wares and merchandise, and providing for the collection of said tax," by clarifying the provisions relating to appeals.

Referred to the Committee on Ways and Means.

By Mr. SIEGEL. HOUSE BILL No. 2119.

An Act making an appropriation to the Department of Welfare for the payment of claims, charges, court costs and other expenses against the Commonwealth for the erection and construction of a reservoir at the State Industrial Home for Women at Muncy, Pennsylvania.

Referred to the Committee on Appropriations.

SENATE MESSAGE

SENATE BILS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 99. (HOUSE BILL No. 2120.)

An Act to amend sections thirty-two and thirty-eight of the act approved the nineteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred forty-three) entitled as amended "An act relating to the sale of goods and choses in action" by providing for the negotiation of documents of title.

Referred to the Committee on Judiciary General.

SENATE BILL No. 219. (HOUSE BILL No. 2121.)

An Act to amend section two hundred and seventy-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the appointment and compensation of detective to the district attorney in counties of the fifth class.

Referred to the Committee on Counties.

SENATE BILL No. 422. (HOUSE BILL No. 2122.)

An Act to amend section three hundred and seventy-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties to omit the imposition of taxes on occupations.

Referred to the Committee on Counties.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. HABBYSHAW and WOODSIDE.

(Concurrent) RESOLUTION No. 59.

In the House of Representatives, March 29, 1937.

Whereas, Last week there were held at the Forum in the Educational Building, a series of inspiring noonday religious meetings to commemorate Holy Week, which meetings were sponsored by the Harrisburg Ministerial Association and the Young Men's Christian Association; and

Whereas, At some of said meetings collections were made to pay to the Commonwealth the expenses of light and other incidentals; and

Whereas, Said meetings were open to the public and of such a nature as to warrant that said forum be furnished free for such uses; therefore be it

Resolved, (if the Senate concur), That the Department of Property and Supplies be authorized to cancel any and

all charges for the use of the Forum for the meetings referred to in the preamble hereof, and in case payment shall have been made thereon, to return any moneys received for the expenses of said meetings to the person or persons who paid the same, said moneys so returned to be for the use of the Harrisburg Ministerial Association and the Harrisburg Young Men's Christian Association.

Resolved, That a copy of this resolution be transmitted to the Department of Property and Supplies by the Chief Clerk of this House.

Referred to the Committee on State Government.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 733.

An Act to amend section one thousand seven hundred and five of and to add section one thousand seven hundred and ten to the act, approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrtaive departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deuties and all other assistants and employes of certain departments boards and commissions shall be determined" imposing certain additional powers and duties upon the Department of Agriculture.

HOUSE BILL No. 988.

An Act to amend section eight hundred seventy-four of the act, approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties to rent and lease road machinery.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVE OF ABSENCE

The Speaker asked and obtained leave of absence for Mr. ALLMOND on account of illness.

Mr. FRANCIS T. BAKER asked and obtained leave of absence for himself after today's session to attend a funeral.

Mr. SERRILL asked and obtained leave of absence for himself after today's session to attend a funeral.

REPORTS FROM COMMITTEES

Mr SIEGEL, from the Committee on Constitutional Amendments, reported as amended, House Bill No. 1172, entitled:

A Joint Resolution proposing an amendment to section one, Article nine of the Constitution of the Commonwealth of Pennsylvania.

Mr. FINNERTY, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1625, entitled:

An Act providing for and regulating joint purchases by counties (other than counties of the first and second classes), cities of the third class, boroughs, towns, townships, school districts and poor districts.

Mr. STANK, from the Committee on Judiciary General, reported as committed, House Bill No. 253, entitled:

An Act to amend section nine of the act, approved the second day of June, one thousand nine hundred and thirty-three, (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County of Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising and consolidating the law relating thereto," authorizing juvenile courts to make orders on the county to maintain children in their homes.

Mr. WELSH, from the Committee on Education, reported as committed, House Bill No. 1978, entitled:

A Supplement to the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts; and authorizing the suspension of this supplement in certain cases.

Mr. OSTROFF, from the Committee on Judiciary General, reported as amended, House Bill No. 103, entitled:

An Act to amend section one of the act, approved the ninth day of April, one thousand eight hundred and forty-nine (P. L. 533), entitled "An act to exempt property to the value of three hundred dollars from levy, and sale on execution and distress for rent," declaring persons incapable of waiving their right to an exemption.

Mr. SKALE, from the Committee on Corporations, reported as committed, House Bill No. 1754, entitled

An Act to amend the act, approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to non-profit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State

departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing for, and regulating the incorporation of, nonprofit corporations organized to provide hospital care and service for subscribers; and conferring powers on the Insurance Department with respect thereto.

Mr. McDEVITT, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1603, entitled:

An Act to amend further section one of the act, approved the twentieth day of July one thousand nine hundred seventeen (P. L. 1158, No. 401) entitled "An act, to fix, regulate, and establish the fees to be charged and received by constables in this Commonwealth," reducing the mileage chargeable to constables.

Mr. LONGAKER, from the Committee on Municipal Corporations, reported as committed, House Bill No. 2112, entitled:

An Act relating to political subdivisions, requiring political subdivisions against which civil suits are brought to notify owners or occupants of real property who are personally liable thereon on pain of losing the right to indemnity.

Mr. STACKPOLE, from the Committee on Corporations, reported as committed, House Bill No. 135, entitled:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators, or those attempting to form an association, of labor groups, to approve or disapprove their incorporation, or their attempted association, or right to do business within the Commonwealth.

Mr. THOMPSON, from the Committee on Constitutional Amendments, reported as committed, House Bill No. 1641, (Senate Bill No. 264), entitled:

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 734.

An Act relating to consumer credit in amounts of one thousand dollars ($1,000) or less requiring licenses from the Secretary of Banking restricting licenses to domestic business corporations fixing minimum capital requirements conferring certain powers on the Secretary of Banking limiting interest and other charges providing certain exemptions and imposing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 12, page 10, line 18, by inserting after the word "of" the word "a".

Amend Section 16, page 13, line 4, by striking out after the word "amount" the word "to" and inserting in lieu thereof the word "of."

Amend Section 17, page 18, line 17, by inserting after the word "statute" the following: "This act shall not apply to any bona fide sale of personal property by a person regularly engaged in the sale of such personal property wherein the purchaser may pay any part or all of the purchase price in stated installments nor to any such bona fide sale under a conditional sale contract lease or bailment wherein the purchaser lessee or bailee has the option of becoming or is bound to become the owner of the property upon full compliance with the terms of the agreement"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Arnold,	Gerard,	Melchiorre,	Skale,
Atkins,	Gillette,	Mellott,	Sloan,
Aukerman,	Gorski,	Merrell,	Smith, James A.,
Baine	Habbyshaw,	Mihm,	Smith, John A.,
Baker, F. T.,	Haberlen,	Moomaw,	Snyder,
Baker, J. J.,	Hagerty,	Mooney,	Sollenberger,
Balthaser,	Hall,	Moran,	Spengler,
Bierly,	Hamilton, F. P.,	Moul,	Sproul,
Blank,	Hamilton, R. S.,	Muir,	Stackpole,
Bohn,	Harkins,	Munley,	Stank,
Boles,	Harmuth,	Murrin,	Stewart,
Boltz,	Hays,	Nagel,	Stockham,
Boose,	Hering,	O'Brien,	Strode,
Boyer,	Hess,	O'Connor,	Terry,
Bradley,	Hetrick,	O'Keefe,	Thomas,
Brancato,	Hindman,	Ominsky,	Thompson,
Brigerman,	Hirsch,	O'Neill,	Tronzo,
Broad,	Holland,	Ostroff,	Trout,
Brown,	Holmes,	Patterson, C. S.,	Tumelty,
Brownfield,	Holstrom,	Patterson, J. W.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Kane,	Piole,	Wagner,
Coakley,	Keenan,	Powers,	Wall,
Cohen, H. B.,	Kelso,	Preston,	Walsh,
Cohen, R. E.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	LaRue,	Reising,	Webster,
Corrigan,	Leisey,	Richter,	Weidemann,
Costanzo,	Levy,	Robinson,	Weiss, D. H.,
Davies,	Lewis,	Rothenberger,	Weiss, S. A.,
Decker,	Long,	Royer,	Welliver,
DeNote,	Longaker,	Ruffennach,	Welsh,
Dickinson,	Lopresti,	Rush,	Westrick,
Donohoe,	Lovett,	Sarraf,	Whalen,
Dougherty,	Lyons,	Scanlon,	Whitenight,
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, H. T.,	Schrope,	Wood,
Eckels,	Matthews, J. F.,	Schumacher,	Woodside,
Elpern,	McArdle,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,
Finnerty,	McDermott,	Shea,	Yeakel,
Fiss,	McDevitt,	Shepard,	Yourishin,
Fitch,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE TAKEN FROM TABLE

Mr. McGEE. Mr. Speaker, I move that the Senate Message on House Bill No. 964, the bill and the amendments, which were laid on the table on Wednesday, March 24, 1937, be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 964.

An Act to amend section five A of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended by changing the number and method of appointment of the civil service commissioners in said cities

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend Section 1, page 2, lines 13 and 14 by striking out the following: "and failing to do so the Governor shall appoint such fifth member."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Arnold,	Gerard,	Melchiorre,	Skale,
Atkins,	Gillette,	Mellott,	Sloan,
Aukerman,	Gorski,	Merrell,	Smith, James A.,
Baine	Habbyshaw,	Mihm,	Smith, John A.,
Baker, F. T.,	Haberlen,	Moomaw,	Snyder,
Baker, J. J.,	Hagerty,	Mooney,	Sollenberger,
Balthaser,	Hall,	Moran,	Spengler,
Bierly,	Hamilton, F. P.,	Moul,	Sproul,
Blank,	Hamilton, R. S.,	Muir,	Stackpole,
Bohn,	Harkins,	Munley,	Stank,
Boies,	Harmuth,	Murrin,	Stewart,
Boltz,	Hays,	Nagel,	Stockham,
Boose,	Hering,	O'Brien,	Strode,
Boyer,	Hess,	O'Connor,	Terry,
Bradley,	Hetrick,	O'Keefe,	Thomas,
Brancato,	Hindman,	Ominsky,	Thompson,
Brigerman,	Hirsch,	O'Neill,	Tronzo,
Broad,	Holland,	Ostroff,	Trout,
Brown,	Holmes,	Patterson, C. S.,	Tumelty,
Brownfield,	Holstrom,	Patterson, J. W.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Kane,	Piole,	Wagner,
Coakley,	Keenan,	Powers,	Wall,
Cohen, H. B.,	Kelso,	Preston,	Walsh,
Cohen, R. E.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	LaRue,	Reising,	Webster,
Corrigan,	Leisey,	Richter,	Weidemann,
Costanzo,	Levy,	Robinson,	Weiss, D. H.,
Davies,	Lewis,	Rothenberger,	Weiss, S. A.,
Decker,	Long,	Royer,	Welliver,
DeNote,	Longaker,	Ruffennach,	Welsh,
Dickinson,	Lopresti,	Rush,	Westrick,
Donohoe,	Lovett,	Sarraf,	Whalen,
Dougherty,	Lyons,	Scanlon,	Whitenight,
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, H. T.,	Schrope,	Wood,
Eckels,	Matthews, J. F.,	Schumacher,	Woodside,
Elpern,	McArdle,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,
Finnerty,	McDermott,	Shea,	Yeakel,
Fiss,	McDevitt,	Shepard,	Yourishin,
Fitch,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1779, entitled:

An Act to amend section three hundred and fifty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to include contracts pertaining to pure endowments and annuities policies of fire marine and title insurance and contracts issued by assessment insurance corporations and all other forms of insurance contracts issued in Pennsylvania

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 455, entitled:

An Act to amend section one of the act approved the twenty-fourth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred seventy-nine) entitled "An act to fix the salary and mileage of the members of the General Assembly and to provide for the furnishing of such postage stationery and supplies as may be necessary for the conduct of their offices and repealing all acts or parts of acts inconsistent therewith" as amended increasing the compensation of members of the Geenral Assembly

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1410, as follows:

An Act relating to the manufacture repair renovating cleansing sterilizing and disinfecting of mattresses pillows bolsters feather beds and other filled bedding cushions and upholstered furniture intended for sale or lease and to the sale or lease thereof requiring the placing of tag and adhesive stamp on such material providing for the sale of adhesive stamps authorizing and requiring the Department of Labor and Industry to adopt rules and regulations providing penalties and repealing certain acts

The first to the fifth sections inclusive were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the au-

thority of the same That the provisions herein set forth shall be construed to cover and apply to the manufacture repair and renovation of all mattresses pillows bolsters feather beds and other filled bedding of any description also to cushions and all types of upholstered furniture which are intended for sale or lease in this Commonwealth and to the sale or lease thereof

Section 2 (a) The term "Department" when used in this act shall mean the Department of Labor and Industry

(b) The term "new" as used in this act shall mean any article or material which has not been subjected to a previous manufacturing process or which has not been previously used for any purpose

(c) The term "second-hand" as used in this act shall mean any article or material or portion thereof of which prior use has been made in any manner whatsoever

(d) The term "person" as used in this act shall include persons partnerships companies corporations and associations

(e) The term "renovate" as used in this act shall mean to restore to former condition or to place in a good state of repair

(f) The term "auction" as used in this act shall mean a public sale of property or effects conducted upon the principle of the highest bidder becoming the purchaser of any particular article or lot offered for sale

(g) Whenever in this act the singular is used the plural shall be included and where the masculine gender is used the feminine and neuter shall be included

Section 3 (a) No person shall manufacture offer for sale or lease or have in his possession with intent to sell auction or include in a sale lease or auction any new or second-hand article or material covered by this act unless all provisions of this act have been complied with

(b) It is intended that the responsibility for compliance with this section in the case of any article or material imported into the Commonwealth shall rest upon the vendor lessor or other person having such article or material in his possession

Section 4 (a) No person shall use any second-hand material in the renovation of any article covered by this act unless since last used such second-hand material has been effectively cleaned and sterilized or disinfected by a process approved by the department and in accordance with the regulations of the department and such article if not so cleansed sterilized or disinfected shall be returned to its original owner and shall not thereafter be offered for sale

(b) The use of second hand material previously used in any article covered by the act shall be prohibited in the manufacture of any article covered by this act other than an article to be returned to its original owner

Section 5 (a) No second-hand article covered by this act except upholstered furniture shall be offered for sale lease or auction or be in the possession of any person with intent to sell lease or auction unless such article since last used has been effectively cleansed and sterilized or disinfected by a process approved by the department and in accordance with regulations of the department Secondhand upholstered furniture shall be so treated when required by the rules and regulations of the department

The sixth section was read as follows:

Section 6 (a) No person shall be considered to have qualified to apply an acceptable sterilizing or disinfecting process as required by the provisions of this act until such process has been registered with and approved by the department after which a numbered permit shall then be issued by the department Such permit shall expire one year from date of issue and shall thereafter be annually renewed at the option of the permit holder upon submission of proof of continued compliance with the provisions of this act and the regulations of the department Every person to whom a permit has been issued shall keep such permit conspicuously posted on the premises of his place of business near the sterilizer Holders of permits to apply sterilization or disinfection shall be required to keep an accurate record of all articles or material which have been sterilized or disinfected including the date of the same and name and address of the buyer of each and such records shall be available for inspection at any time by authorized representatives of the department

(b) For all initial permits issued as required by the preceding section there shall be at the time of issue thereof be paid by the applicant to the Department of Labor and Industry a fee of twenty-five dollars ($25.00) An annual renewal charge of one dollar ($1.00) shall be paid to the same department

(c) Every application for a sterilizing or disinfecting permit to be held in a State other than Pennsylvania shall be approved only after personal inspection of said sterilizer or disinfector by the Secretary of Labor and Industry or his authorized representative The expenses for such inspections out of the State shall be paid by the applicant

(d) A sterilization or disinfection permit may be revoked by the Secretary of Labor and Industry upon proof of violation of any of the provisions of this act A reissue of said permit shall be subject to provisions as set forth for an initial permit

On the question,

Will the House agree to the section?

Mr. SKALE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 6, page 4, line 21, by striking out the word "be"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The seventh and eighth sections were separately read and agreed to as follows:

Section 7 (a) Every article containing new material covered by this act shall bear securely attached thereto and plainly visible a substantial white cloth tag upon which shall be indelibly stamped or printed in the English language a statement showing the kind of materials used in filling such article with approximate percentages when mixed and with the word new clearly printed thereon When required to be sterilized or disinfected the number of the permit of the person who sterilized or disinfected such material shall appear thereon

(b) Every article covered by this act containing secondhand material or a portion thereof shall bear securely attached thereto and plainly visible a substantial yellow cloth tag upon which shall be indelibly stamped or printed in the English language a statement showing the kind of materials used in filling such article with approximate percentages when mixed and shall state Sterilized and disinfected with the permit number of the person who performed such work

(c) The terms used on the tag to describe filling materials shall be restricted to those defined in the regulations of the department and no trade or substitute terms shall be used

(d) It shall be unlawful to make any false or misleading statements on the tag required by this section It shall be unlawful for any person to remove deface or alter or cause to be removed defaced or altered any tag or statement contained thereon The placing of stamps required in the next succeeding section of this act over any lettering on the tag shall be construed to be defacement of the tag

(e) The size of the tag required by this section shall be not less than six (6) square inches and the lettering thereon covering the statement of filling materials and whether new or second-handed shall be in plain type not less than one-eighth (1 8) inch in height

Section 8 (a) No person shall sell or lease or have in his possession with intent to sell or lease in the Commonwealth of Pennsylvania any article covered by the provision of this act unless there be affixed to the tag required by this act by the person manufacturing selling or leasing the same an adhesive stamp prepared and issued by the department

(b) The department shall register all applicants for stamps and assign to every such person a registration number which thereafter shall constitute his identification record and said identification shall not be used by any other person

(c) Adhesive stamps as provided for by this act shall be furnished by the Secretary of Labor and Industry in quantities of not less than one thousand ($1000) for which the applicant shall pay ten dollars ($10.00) for each one thousand stamps The Secretary of Labor and Industry is hereby authorized to prepare and cause to be printed adhesive stamps which contain a replica of the seal of the Commonwealth the registry number of the person applying therefore and such other matter as the Secretary shall direct

The ninth section was read as follows:

Section 9 (a) The Department of Labor and Industry is hereby charged with the enforcement of this act and it is further empowered and its duty shall be to make amend alter or repeal general rules and regulations for carrying into effect all the provisions of this act and to prescribe means methods and practices to make effective such provisions

(b) All places where mattresses pillows bolsters feather beds and other filled bedding cushions or articles of upholstered furniture are manufactured repaired or renovated or where materials for the herein named articles are prepared or when said articles are offered for sale or lease or where there is possession with intent to sell or lease or where sterilizing and disinfecting is performed shall be subject to inspection by authorized representatives of the department to ascertain whether the requirements of this act and of regulations of the department have been met

The department through its officers and employes is hereby empowered to take samples of materials under the authority of this act and to hold for evidence at a trial for the violations of this act any articles or materials manufactured or offered for sale or lease in violations of this act

(c) Properly accredited representatives of the department shall have authority to place "off sale" any article or material which is offered for sale or lease or found in the possession of any person with intent to sell or lease in violation of any of the provisions of law herein set forth When articles of materials are removed from sale they shall be so tagged and such tags shall not be removed except by an authorized representative of the department after satisfactory proof of compliance with all requirements of this act and of regulations of the department

(d) The department is also empowered to test samples of materials when requested to do so by any reputable person

(e) All auctioneers shall be required to be registered in the Department of Labor and Industry and shall secure thereupon a certificate authorizing the sterilization of aritcles under the jurisdiction of this act by an approved process Each certificate at the time of issue thereof shall be subject to a fee a five dollars ($5.00) with an annual renewal of one dollar ($1.00)

(f) An auctioneer's certificate may be revoked by the Secretary of Labor and Industry upon proof of violation of the provisions of this act A re-issue of said certificate shall be subject to provisions set forth for initial certificate

On the question,

Will the House agree to the section?

Mr. SKALE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 9, page 7, line 20, by striking out after the word "or" and before the word "said" the word "when" and insert in lieu thereof the following: "where"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The tenth to the fifteenth sections inclusive and title were separately read and agreed to as follows:

Section 10 (a) All proceeds of the sale of stamps and all fines and other moneys collected in the administration of this act shall be payable to the Secretary of Labor and Industry and when collected shall thereafter be transmitted by him to the State Treasury through the Department of Revenue

Section 11 (a) Prosecution for violations of the provisions of this act or of the rules and regulations adopted by the department may be instituted by said department and shall be in the form of summary proceedings before an alderman magistrate or justice of the peace Upon conviction after a hearing the penalties herein provided for shall be imposed

Section 12 (a) Any person who shall be convicted of violation of any of the provisions of this act or of the rules and regulations established thereunder shall be sentenced to pay a fine of not less than fifty dollars ($50.00) or more than one hundred dollars ($100.00) for each offense and in default of payment of such fine to undergo an imprisonment of not less than thirty days for each separate offense provided that the term of imprisonment at any one time for total computed offense shall not exceed six (6) months

(b) Of all moneys collected by the magistrate of cities of the first class and turned over to the department one-half shall be returned to the treasurer of such cities and the other half to the General Fund of the Commonwealth of Pennsylvania

(c) Each mattress pillow bolster feather bed and other filled bedding cushion or article of upholstered furniture manufactured repaired or renovated sold offered for sale or leased or possessed with intent to sell or lease contrary to the provisions of this act or of the rules and regulations established thereunder shall constitute a separate offense and shall be punishable as provided in clause (a) of this section

(d) The Secretary of Labor and Industry may revoke any permit issued under the provisions of this act if the person to whom the permit was issued has violated any provisions of this act or of the rules and regulations established thereunder

Section 13 This act shall become effective and operative imediately upon final enactment

Section 14 It is intended that the various provisions of this act are severable and if any such provisions are declared to be unconstitutional at any time by courts of authorized jurisdiction the said action shall not be considered to affect the remainder of the provisions of this act

Section 15 The following act which this act is to replace approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 802) entitled "An act relating to mattresses pillows bolsters feather beds comfortables cushion and upholstered furniture regulating the making remaking renovating sterilizing disinfecting sale leasing delivering and consigning thereof and the possession thereof with intent to sell lease deliver or consign" and the amendments thereto are hereby repealed All other acts or parts of acts inconsistent herewith are hereby repealed

An Act relating to the manufacture, repair renovating, cleansing, sterilizing, and disinfecting of mattresses, pillows, bolsters, feather beds, and other filled bedding, cushions and upholstered furniture intended for sale or lease and to the sale or lease thereof; requiring the placing of tag and adhesive stamp on such material; providing for the sale of adhesive stamps; authorizing and requiring the Department of Labor and Industry to adopt rules and regulations; providing penalties; and repealing certain acts.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1250, entitled:

An Act to prohibit the sale and offer for sale of the recognized artificial flowers of certain veterans' organizations except on the days appointed for such purpose

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person to sell or offer to sell the recognized artificial flowers of the American Legion Veterans of Foreign Wars and Disabled American Veterans of the world war namely the poppy the buddy poppy and the forget-me-not except on the day or days designated or appointed by the respective veterans organizations to conduct such sales Any person violating the provisions of this act shall upon conviction in a summary proceeding be sentenced to pay a fine of not more than fifty dollars ($50) and in default of the payment of such fine and costs shall be sentenced to imprisonment for ten days

On the question,

Will the House agree to the section?

Mr. ELPERN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 1, line 6, by inserting after the word "Wars" the following: "Spanish American War Veterans"

Amend sec. 1, page 1, line 8, by inserting after the word "poppy" the following: "carnation"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to probit the sale and offer for sale of the recognized artificial ffowers of certain veterans' organizations except on the days appointed for such purpose.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1277, entitled:

An Act to amend section one of the act approved the eighth day of April one thousand eight hundred and sixty-seven (Pamphlet Laws 50) entitled "An act to permit disabled soldiers to peddle by procuring a license therefor without charge" as amended prohibiting the peddling of recognized flowers of certain veteran's organizations and miniature American flags

The first section was read as follows:

Section 1 Be it enacted etc That every honorably discharged soldier sailor and marine of the military or naval service of the United States who is a resident of this State and who is unable to procure a livelihood by manual labor shall have the right to hawk peddle and vend any goods wares or merchandise or solicit trade within this Commonwealth by procuring a license for that purpose to be issued without cost Provided That before any such soldier sailor or marine shall be entitled to the benefits of this act he shall present his certificate of pension or satisfactory proof that he receives compensation from the Federal Government which shall be evidence of his disability if no pensioner nor a receiver of compensation he shall present a certificate from two reputable physicians that he is unable to procure his living by manual labor He shall also procure a certificate from the prothonotary of any county in this State that he has filed in the office of said prothonotary his affidavit setting forth that he is the bona fide owner in his own right of all the goods wares and merchandise which he proposes to hawk peddle and vend and that he will not engage to sell the same for any other person or persons whatever and that he will not sell or attempt to sell the recognized artificial flowers of the American Legion Veterans of Foreign Wars and Disabled American Veterans of the World War namely the poppy the buddy poppy and the forget-me-not and that he will not sell or offer to sell miniature American flags And provided further That the aforesaid certificate or proof of compensation together with such person's discharge from the military or naval service or an exemplified copy thereof shall be full and conclusive evidence of such person's rights to the benefits of this act The prothonotary issuing such certificate shall require the applicant to furnish two photographs of the applicant each bearing the signature of the applicant One photograph shall be filed with the application the other shall be attached to the certificate when issued

The use of such certificate by anyone other than the applicant shall nullify such certificate and shall nullify the privileges under this act of the applicant permitting such measure

Any person who shall peddle contrary to the provisions of this act or in violation of the affidavit which he made to obtain such license shall upon conviction in a summary proceeding be sentenced to pay a fine of not more than fifty dollars ($50) and in default of the payment of such fine and costs shall be sentenced to imprisonment for a term of ten (10) days

On the question,

Will the House agree to the section?

Mr. ELPERN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, (sec. 1), page 2, line 25, by inserting after the word "Wars" the following: "Spanish American War Veterans.

Amend sec. 1, (sec. 1), page 2, line 26, by inserting after the word "poppy" the following: "Carnation."

On the question.

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section one of the act approved the eighth day of April one thousand eight hundred and sixty-seven (P. L. 50) entitled "An act to permit disabled soldiers to peddle by procuring a license therefor without charge" as amended prohibiting the peddling of recognized flowers of certain veteran's organizations and miniature American flags.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 851, as follows:

An Act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including certain municipalities engaging in a public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvanina Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including certain municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies or corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings or facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations including the municipal corporations subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such lines and penalties and repealing legislation supplied and superseded by or inconsistent with this act

The first section was read as follows:

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Article I

Short Title and Definitions

Section 1 Short Title This act shall be known and may be cited as the "Public Utility Law"

Section 2 Definitions The following words terms and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise

(1) "Affiliated Interest" means (a) any person or corporation who or which owns or controls directly or indirectly five per centum or more of the voting capital stock of a public utility (b) any corporation five per centum or more of the voting capital stock of which is owned or controlled directly or indirectly by any person or corporation who or which owns or controls directly or indirectly five per centum or more of the voting capital stock of a public utility (c) any corporation five per centum or more of the voting capital stock of which is owned or controlled directly or indirectly by a public utility (d) any person or corporation who or which either singly or in conjunction with one or more other persons or corporations is exercising any substantial influence over the policies acts or actions of a public utility or stands in such relationship to the public utility that there is an absence of free and equal bargaining power between him or it and the public utility Provided however That any public utility prior to contracting with any person or corporation may apply to the commission for a determination as to whether or not such person or corporation is an affiliated interest as herein defined and (e) any director officer or employe of an affiliated interest as herein defined

(2) "Broker" means any person or corporation not included in the term "motor carrier" and not a bona fide employe or agent of any such carrier or group of such carriers who or which as principal or agent sells or offers for sale any transportation by a motor carrier or the furnishing providing or procuring of facilities therefor or negotiates for or holds out by solicitation advertisement or otherwise as one who sells provides furnishes contracts or arranges for such transportation or the furnishing providing or procuring of facilities therefor other than as a motor carrier directly or jointly or by arrangement with another motor carrier and who does not assume custody as a carrier

(3) "Commission" means the Pennsylvania Public Utility Commission of this Commonwealth

(4) "Commissioner" means one of the members of the Pennsylvania Public Utility Commission

(5) "Common Carrier" means any and all persons or corporations holding out offering or undertaking directly or indirectly service for compensation to the public for the transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by through over above or under land water or air and shall include forwarders but shall not include contract carriers by motor vehicles or brokers or any bona fide cooperative association transporting property exclusively for the members of such association on a non-profit basis

(6) "Common Carrier by Motor Vehicle" means any common carrier who or which holds out or undertakes the transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by motor vehicle for compensation whether or not the owner or operator of such motor vehicle or who or which provides or furnishes any motor vehicle with or without driver for transportation or for use in transportation of persons or property as aforesaid and shall include common carriers by rail water or air and express or forwarding public utilities in so far as such common carriers or such public utilities are engaged in such motor vehicles operations but shall not include a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold.

(7) "Contract Carrier by Motor Vehicle" means any person or corporation who or which provides or furnishes

transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by motor vehicle for compensation whether or not the owner or operator of such motor vehicle or who or which provides or furnishes with or without drivers any motor vehicle for such transportation or for use in such transportation other than as a common carrier by motor vehicle but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold or (b) any bona fide cooperative association transporting property exclusively for the members of such association on a non-profit basis

(8) Contract with an Affiliated Interest" means any agreement or contract written or oral express or implied entered into by any public utility and an affiliated interest for the purchase sale payment lease loan or exchange of any service property money security right or thing

(9) "Corporation" means all bodies corporate joint-stock companies or associations domestic or foreign their lessees assignees trustees receivers or other successors in interest having any of the powers or privileges of corporations not possessed by individuals or partnerships but shall not include municipal corporations except as otherwise expressly provided in this act nor bona fide cooperative associations which furnish service on a non-profit basis only to their stockholders or members

(10) "Facilities" means all the plant and equipment of a public utility including all tangible and intangible real and personal property without limitation and any and all means and instrumentalities in any manner owned operated leased licensed used controlled furnished or supplied for by or in connection with the business of any public utility Provided however That no property owned by the Commonwealth of Pennsylvania at the date when this act becomes effective shall be subject to the commission or to any of the terms of this act except as elsewhere provided herein

(11) "Forwarder" means any person or corporation not included in the terms "motor carrier" or "broker" as herein defined who or which issues receipts or billings for property received by such person or corporation for transportation forwarding or consolidating or for distribution by any medium of transportation or combination of media of transportation other than solely by motor vehicle

(12) "Highway" means every way or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular travel

(13) "Motor Carrier" means a common carrier by motor vehicle and a contract carrier by motor vehicle

(14) "Motor Vehicle" means any vehicle which is self-propelled excepting power shovels tractors other than truck tractors road rollers agricultural machinery and vehicles which solely move upon or are guided by a track or travel through the air

(15) "Municipal Corporation" means all cities boroughs towns townships or counties of this Commonwealth and also any public corporation authority or body whatsoever created or organized under any law of this Commonwealth for the purpose of rendering any service similar to that of a public utility

(16) "Person" means individuals partnerships or associations other than corporations and includes their lessees assignees trustees receivers executors administrators or other successors in interest

(17) "Public Utility" means persons or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for

(a) Producing generating transmitting distributing or furnishing natural or artificial gas electricity or steam for the production of light heat or power to or for the public for compensation

(b) Diverting developing pumping impounding distributing or furnishing water to or for the public for compensation

(c) Transporting passengers or property as a common carrier

(d) Use as a canal turnpike tunnel bridge wharf and the like for the public and compensation

(e) Transporting or conveying natural or artificial gas crude oil gasoline or petroleum products materials for refrigeration or other fluid substance by pipe line or conduit for the public for compensation

(f) Conveying or transmitting messages or communications by telephone or telegraph for the public for compensation

(g) Sewage disposal for the public for compensation

The term "Public Utility" shall also include (a) any municipal corporation producing generating or furnishing any of the foregoing services to or for the public beyond its corporate limits in addition to the public within such limits and (b) for rate-making purposes only any person or corporation producing generating transmitting or furnishing any of the foregoing service to or for another person corporation or municipal corporation for distribution to or for the public for compensation

The term "Public Utility" shall not include (a) any person or corporation not otherwise a public utility who or which furnishes service only to himself or itself or (b) any bona fide cooperative association which furnishes service only to its stockholders or members on a non-profit basis

(18) "Railroad" means every railroad other than a street railway by whatsoever power operated for public use in the conveyance of passengers or property or both and all the facilities thereof

(19) "Rate" means every individual or joint fare toll charge rental or other compensation whatsoever of any public utility or contract carrier by motor vehicle made demanded or received for any service within this act offered rendered or furnished by such public utility or contract carrier by motor vehicle whether in currency legal tender or evidence thereof in kind in services or in any other medium or manner whatsoever and whether received directly or indirectly and any rules regulations practices or contracts affecting any such compensation charge fare toll or rental

(20) "Service" is used in this act in its broadest and most inclusive sense and includes any and all acts done rendered or performed and any and all things furnished or supplied and any and all facilities used furnished or supplied by public utilities or contract carriers by motor vehicle in the performance of their duties under this act to their patrons employes other public utilities and the public as well as the interchange of facilities between two or more of them

(21) "Street Railway" means every railroad and railway or any extension or extensions thereof by whatsoever power operated for public use in the conveyance of passengers or property or both located mainly or in part upon above below through or along any highway in any city borough or town and not constituting or used as a part of a trunk line railroad system and all the facilities thereof

(22) "Tariff" means all schedules of rates all rules regulations practices or contracts involving any rate or rates including contracts for interchange of service and in the case of a common carrier schedules showing the method of distribution of the facilities of such common carriers

(23) "Transportation of Passengers or Property" means any and all service in connection with the receiving transportation elevation transfer in transit ventilation refrigeration icing storage handling and delivering of property baggage or freight as well as any and all service in connection with the transportation or carrying of passengers

The singular shall include the plural and the masculine shall include the feminine and neuter

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. OMINSKY. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 996 (Senate Bill No. 213), as follows:

An Act to amend section eighteen of this act approved the second day of July one thousand nine hundred and thirty-five (P. L. 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" requiring local ordinances to conform to this act and the regulations made thereunder so far as relates to the production and handling of "milk for pasteurization" upon "dairy farms"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eighteen of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" is hereby amended to read as follows

Section 18 The provisions of this act and the regulations made thereunder shall not be taken nor deemed to repeal existing municipal ordinances nor to prevent municipalities from enacting and enforcing new ordinances for the [further] further protection of the public health other than those regulating the production and handling of "milk for pasteurization" upon any "dairy farm" [Provided That this] This act shall be considered as establishing uniform requirements and regulations for the production and handling of "milk for pasteurization" upon any "dairy farm" and no person shall establish nor enforce any requirements for the production and handling of "milk for pasteurization" upon any "dairy farm" producing "milk for pasteurization" for sale within this Commonwealth other than those provided by this act and regulations made thereunder [and] but nothing herein contained shall be deemed to prevent municipalities from ordaining and enforcing such [additional] additional requirements except as herein otherwise provided in excess of the requirements and regulations hereunder as may be deemed necessary from time to time for the preservation of public health and to require applications from and to issue permits to such persons as may be defined by local ordinances

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1562, as follows:

An Act to amend section one of the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred six) entitled "An act authorizing the Attorney General under certain conditions to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment and to compound certain judgments" by extending the act to all pending claims of the Department of Highways against boroughs for the construction reconstruction or maintenance of State highways

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred six) entitled "An act authorizing the Attorney General under certain conditions to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment and to compound certain judgments" where the Commonwealth through the Department of Highways shall have heretofore in accordance with law expended moneys for the construction reconstruction or maintenance of any State highway located in any borough and in accordance with the provisions of an act of Assembly or an agreement between the Commonwealth and the borough shall have charged a portion of the cost of such construction reconstruction or maintenance to the borough and such claim remains unpaid and has been [reduced to judgment by] referred by the Department of Highways to the Department of Justice for collection the Attorney General on behalf of the Commonwealth and with the approval of the Auditor General and State Treasurer may enter into an agreement with the borough against which such [judgment has been obtained] claim is outstanding for the payment of such [judgment] claim in installments Such agreement may be made whenever it appears that the borough is unable to pay the [judgment] claim at once by reason of its financial condition and shall provide for the liquidation of such claim before or after being reduced to judgment in definite payments over a period not exceeding five years If it shall appear that the borough by reason of its financial condition would be unable to pay the full amount of such [judgment] claim in installments over a period of five years the Attorney General with approval of the Auditor General and State Treasurer may compound or settle such [judgment] outstanding claim for such portion thereof as such officers may find the borough to be able to pay over a period of five years and the agreement hereinbefore provided for shall be entered into on the basis of such settlement

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1659, as follows:

A Joint Resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its finding to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making appropriation

Whereas, Lubricating oils and gasoline by-products of petroleum one of the great natural resources of this na-

tion are of necessity so generally used by our people as to constitute them essentials of our modern civilization and

Whereas, The prices of oils and gasoline are at present subject to wide and unpredictable fluctuations dependent neither upon the normal relation of demand to supply nor the reasonable expenses of production and distribution but upon intense and frequently uneconomical competition in the oil industry in the course of which prices are capriciously raised or lowered by the refiners of oils and gasoline in furtherance of their several ruthless ambitions to dominate their industry and

Whereas, The public has a vital interest in the economical operation of the oil industry to the end that lubricating oils and gasoline may be supplied efficiently to the people at prices insuring no more than a fair profit above the reasonable cost of production and distribution therefore

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That there is hereby created a commission which shall be composed of five competent persons three to be appointed by the Governor one to be appointed by the President Pro Tempore of the Senate and one to be appointed by the Speaker of the House of Representatives (one of whom shall be designated chairman by the Governor) who shall serve without compensation and whose duty it shall be to make a careful thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth at reasonable prices not inconsistent with the fair costs of production and distribution to ascertain and to report to the Governor as soon as possible its findings as to whether or not the oil industry is so affected with the public interest as to require statutory regulation and its reccommendations if any as to legislation needful to correct any abuses and evils connected with the whole operation of the oil industry in this Commonwealth which are prejudicial to the interests of its citizens

Section 2 The commission shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before it and to answer such questions touching matters properly being inquired into by the commission and to produce such books papers records and documents as the commission may deem necessary Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of the commission shall have the power to administer oaths and affirmations to witnesses appearing before the commission Any person who shall willfully neglect or refuse to testify before the commission or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases

Section 3 The commission may employ and fix the compensation of such counsel experts and assistants as may be deemed necessary for the proper conduct of the work of the commission

Section 4 The sum of five thousand dollars ($5,000.00) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the payment of the expenses of the members and for the payment of the compensation and expenses of counsel experts clerks and assistants of the commission for postage telegraph and telephone charges for the use of automobiles for witness fees allowed by the commission for supplies and printing and for all other expenses deemed necessary and proper by the commission

Section 5 This resolution shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1273, as follows:

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of justices of the peace in such consolidated boroughs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" is hereby amended to read as follows

Section 11 Justices of the peace in office in each of such boroughs shall continue in office until the expiration of their respective commissions and no election for justices of the peace shall be held in such borough until the number has been reduced to [two] one in either portion of the borough located entirely within the same county by the expiration of the commissions of the persons in office and thereafter there shall be two justices of the peace in such new borough one to be elected in each portion of the borough located entirely within the same county who shall have jurisdiction in the county of their election hold their offices for the term and be elected and qualified in the manner provided by law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1572, as follows:

An Act to amend sections one eight eleven and thirteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1513) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" extending the provisions of said act to unfired pressure vessels

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly me and it is hereby enacted by the authority of the same That sections one eight eleven and thirteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1513) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" are hereby amended to read as follows

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act "boiler" shall mean a vessel in which power or heat is generated and including all piping and apparatus connected thereto up to and including the stop-valve or valves

nearest the boiler and shall also be construed to include unfired pressure vessels except where the context clearly indicates otherwise

"Department" shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania

"Establishment" shall mean any room building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind to whomever payable and any place of business to which the public has access except farms or private dwellings

"Inspector" shall mean an inspector examined and authorized by the Department of Labor and Industry to inpect boilers in this Commonwealth or boilers destined for use in this Commonwealth

"Person" shall mean any individual firm partnership unincorporated association corporation or municipality

"Place of public assembly" shall mean any building or portion thereof designed intended and used for occupation by persons for purposes of entertainment instruction or amusement

"School" shall mean any building or portion thereof where persons assemble for purposes of education and shall include public and private schools academies colleges and universities

Wherever the singular is used in this act it shall be construed to include the plural and wherever the masculine gender is used it shall be construed to include the feminine and neuter

Section 8 Frequency of Inspection Every boiler shall be inspected both internally and externally while not under pressure at lest once in every twelve months and while under operating conditions at least once in every twelve months miniature boilers shall be inspected at least once in every twelve months unfired pressure vessels shall be inspected as frequently as required by the rules and regulations of the department

Section 11 Fees for Inspection and Certificate The fees for the certificate of operation for all insured and uninsured boilers shall be one dollar When boilers are inspected by inspectors of the department the following fee shall be charged in addition to the certificate fee

For the internal and external inspection while not under pressure of a boiler having a grate area of not more than ten square feet the fee shall be five dollars For the internal and external inspection of a boiler while not under pressure having a grate area of more than ten square feet the fee shall be five dollars and in addition cents for every square foot of grate area in excess of ten feet

For the external inspection of a boiler while under operating conditions the fee shall be two dollars and fifty cents

For the inspection of a miniature boiler the fee shall be two dollars

For a hydrostatic test of any boilers a fee of five dollars shall be charged in addition to the inspection fees hereinbefore provided for

For unfired pressure vessels the fee for an external inspection shall be two dollars

For the internal inspection of an unfired pressure vessel having a superficial area of not more than forty square feet the fee shall be two dollars and fifty cents

For the internal inspection of an unfired pressure vessel having a superficial area of more than forty square feet the fee shall be two dollars and fifty cents and in addition five cents for every square foot of superficial area in excess of forty square feet not to exceed a maximum fee of fifteen dollars

Section 13 Registration of Boilers The owner or user of every boiler in this Commonwealth except as exempted from the provisions of this act in section two shall prior to December thirty-first one thousand nine hundred and twenty-nine register with the Department of Labor and Indusery every boiler operated by him giving the type size description name of manufacturer and purpose for which each is used except that unfired pressure vessels shall be registered before June first one thousand nine hundred thirty-eight Such registration shall be on forms to be furnished by the department If the location of any boiler is subsequently changed such change of address shall be registered with the department within ten days and if the purpose for which any boiler is used is changed from that shown on the original registration the department shall be notified within ten days of such change

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1007, as follows:

An Act to amend the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 903) entitled "A supplement to an act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws three hundred twelve) entitled 'An act providing a system for government of boroughs and revising amending and consolidating the law relating to boroughs' so as to provide a system of government where a boroughs now has annexed or hereafter shall annex land in an adjoining county including assessment of property levying and collection of taxes making municipal improvements and filing and collecting of liens for the same the jurisdiction of courts for the enforcement of borough ordinances and State laws and primary general municipal and special elections and repealing inconsistent laws" extending the provisions of this act to boroughs situated in different counties which now have or shall hereafter consolidate

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two three four five six seven eight nine ten eleven twelve sixteen and seventeen of the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 903) entitled "A supplement to an act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws three hundred and twelve) entitled 'An act providing a system for government of boroughs and revising amending and consolidating the law relating to boroughs' so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county including assessment of property levying and collection of taxes making municipal improvements and filing and collecting of liens for the same the jurisdiction of courts for the enforcement of borough ordinances and State laws and primary general municipal and special elections and repealing inconsistent laws" are hereby amended to read as follows

Section 1 Be it enacted That where lands situated in one county now are or hereafter shall be annexed to a borough situated in an adjoining county or where two or more boroughs are or hereafter shall be consolidated either or any of them being situated in different counties said lands which are so annexed or consolidated shall be governed for borough and school purposes as a part of the borough to which they are annexed or as a part of the newly consolidated borough and for county and poor purposes they shall be governed as a part of the county or poor district in which they are actually situated which said government shall be administered according to the general law relating to boroughs school districts counties and poor districts except as hereinafter otherwises provided

Section 2 Assessment for County and Poor Purposes The authorities in the county wherein the land is actually situated now or hereafter having authority to make the assessments on which the county and poor taxes are levied shall assess the taxable property within the lines of land lying in one county and annexed to or consolidated with a borough in an adjoining county and shall record the same in a separate book This assessment shall be made by the authority that would have made the assessment had the land not been annexed to or consolidated

with the borough The owners of all property so assessed shall have the same right of appeal from this assessment as any other taxable in the same county

Section 3 Assessment for Borough and School Purposes The authorities within the county wherein is situated the borough to which such land has been annexed now or hereafter having authority to make the assessments on which the borough and school taxes are levied or in case of a consolidated borough such authorities in the county in which a majority of the inhabitants of the borough resided at the time of such consolidation shall also assess the taxable property within the territory which is situated in one county and has been annexed to a borough or consolidated with a borough of larger population which is situated in an adjoining county and shall record the same in a separate book This assessment shall be made by the authority which would have assessed this land had it been in the same county as the borough to which it is annexed or with which it is consolidated The owner of any property so annexed or consolidated shall have the same right of appeal from this assessment as any other taxable in the same county as the borough or as any other taxable in the county containing at the time of consolidation the majority of the inhabitants of such consolidated borough

Section 4 The Levy and Collection of Taxes for County and Poor Purposes The authorities within the county wherein the land actually is located that now are or hereafter shall be authorized to levy and collect the county and poor taxes shall levy and collect the taxes for county and poor purposes in such district which is situated in one county and has been annexed to or consolidated with a borough situated in an adjoining county and this shall include taxes rendered necessary for the paying of the interest principal of and taxes on bonds issued for county and poor purposes All remedies now or hereafter given by law for the collection of county and poor taxes and taxes for bonds issued for county or poor purposes in the county wherein the land is actually situated shall be available for the collection of the taxes mentioned in this section of this act The assessment on which said taxes shall be levied shall be the assessment made by the proper authorities in the county wherein the land is actually situated

Section 5 The Levy and Collection of Taxes for Borough and School Purposes The authorities within the borough and school district to which the said land has been annexed that now are or hereafter shall be authorized to levy and collect taxes for borough and school purposes or in case of a consolidation of boroughs such authorities in the borough and school district as consolidated shall levy and collect the taxes for borough and school purposes in such territory which is situated in one county and has been annexed to or consolidated with a borough situated in an adjoining county and this shall include per capita school taxes and taxes rendered necessary for paying the interest and principal of and taxes on bonds issued for borough and school purposes All remedies against the persons or the personal property of the taxable now or hereafter given by law for the collection of the taxes for said purposes in said borough or school district shall be available for the collection of the taxes mentioned in this paragraph but said taxes can be collected out of the land subject to the same only in the county wherein the land is actually situated in the manner now or hereafter provided by law The assessment on which the taxes mentioned in this section shall be levied shall be the assessment made by the proper authorities in the county wherein is situated the borough to which said land has been annexed or wherein a majority of the inhabitants of such a consolidated borough resided at the time of such consolidation Land in one county and annexed to a borough in an adjoining county or consolidated with a borough in an adjoining county in which resided at the time of such consolidation a majority of the inhabitants of the consolidated borough and taxable property therein and person of the taxable residing therein shall not be liable for township taxes for road or other purposes or for school purposes or for per capita school taxes or for taxes for bonds issued for any township or school district purposes in the county wherein the land is actually situated

Section 6 Jurisdiction of Courts in Actions Arising in Such Territories All prosecutions and summary convictions for violations within land situated in one county and annexed to or consolidated with a borough situated in an adjoining county of borough ordinances and the school laws and the laws relating to motor vehicles shall be had only in the county wherein is situated the borough to which the said land is annexed or in case of a consolidation of boroughs the county in which a majority of the inhabitants of the consolidated borough resided at the time of such consolidation and the several courts [both] of record [and not of record] in said county are hereby given jurisdiction thereof

All civil suits (except those arising out of reports of viewers as hereinafter stated) and all prosecutions and summary convictions for all other offenses misdemeanors and crimes committed within land situated in one county and annexed to a borough situated in an adjoining county or situated in one county and consolidated with a borough situated in an adjoining county in which resided at the time of such consolidation a majority of the inhabitants of the consolidated borough shall be had in the court wherein the same would have been tried if said land had not been annexed to or consolidated with the said borough and the jurisdiction of the several courts of this Commonwealth to hear and determine the same shall not be affected in any way by the annexation or consolidation of such land to such borough except that the courts of the county wherein is situated the borough to which the land has been annexed or in which a majority of the inhabitants of the consolidated borough resided at the time of the consolidation shall have exclusive jurisdiction to hear and determine all prosecutions and summary convictions for violations within such land of borough ordinances the school laws and the laws relating to motor-vehicles

Section 7 Municipal Improvements All laws now or hereafter giving authority to the borough to which such land has been annexed or to a consolidated borough to make any municipal improvement or improvements including the laying out and building of sewers the laying out and ordaining of streets and the establishment of the lines and grades thereof and the exercise of the right of eminent domain in connection with said authority and the grading curbing paving sewering and draining of streets and the assessing of abutting property for all or a part thereof shall be applicable to land situated in one county and annexed to or consolidated with a borough situated in an adjoining county and available to the borough to which such land has been annexed or to the consolidated borough and the proper authorities within the borough to which such land has been annexed or within the consolidated borough shall exercise such authority and jurisdiction in such land the same in all respects as though such land was in the same county [as the borough to which said land has been annexed] except that liens for the costs of said improvement or improvements shall be filed and prosecuted to judgment execution and sale only in the court of common pleas of the county wherein the land actually is situated In cases where viewers make the assessments of either benefits or damages the viewers shall be appointed by and report to the proper court in the county wherein is situated the borough to which said land has been annexed or the county in which a majority of the inhabitants of the consolidated borough resided at the time of such consolidation and appeals from and other proceedings relating to said viewers' reports shall be had only in the court where the report of viewers is filed which said court is hereby given jurisdiction thereof with the right of appeal as in other cases But in liens for benefits assessed by viewers shall be filed and prosecuted to judgment execution and sale only in the county wherein the land is actually situated which liens shall be based on the viewers' reports that have been filed [in the county wherein the borough is situated] as herein provided

Section 8 Election Districts All land situated in one county and annexed to or consolidated with a borough situated in an adjoining county is hereby made a separate election district and it may be divided into more than one election district by the proper court of the county wherein the land is actually situated

Section 9 Jurisdiction of Courts in Regard to Elections The proper courts of the county wherein the land is actually situated shall have jurisdiction of all matters arising out of elections except that election contests (including primary election contests and other proceedings relating to primary elections) arising out of borough and school elections and elections in the matter of bonds for borough and school purposes and other questions relating to borough and school matters shall be tried in the proper court of the county wherein is situated the borough to which such land is annexed or of the county in which a majority of the inhabitants of a consolidated borough resided at the time of such consolidation and said courts are hereby given jurisdiction thereof

Section 10 Ballots The ballots used in any election district within land situated in one county which has been annexed to a borough situated in an adjoining county or consolidated with a borough situated in an adjoining county and having a larger population shall contain everything including the names of all candidates and also all questions relating to bond issues and any other thing and all Constitutional amendments that are printed on all ballots used in the county wherein the land is actually situated that is they shall contain everything that is common to all ballots used in said county but they shall not contain the names of the candidates for any ward borough township (except poor district) or school district officers within the county wherein the land is actually situated The ballots used at the primary elections shall however contain the names of all candidates for all party offices and party committees within such district the same as though such land had not been annexed to or consolidated with such borough

The ballots shall be prepared so as to include places to vote for all ward borough (except poor district) and school district officers of the borough and school district to which such land has been annexed or of such consolidated borough and school district together with the names of all candidates for such offices and all questions of borough and school district bond issues and all other questions relating exclusively to [the] such borough and school district [to which such land is annexed] This section relates to ballots used in such districts at either primary general municipal or special elections special elections to be held by the regular election officers and they shall be paid as now provided by law in such cases

Section 11 How Borough and School District Matters are Placed on the Ballots Petitions to have the names of candidates placed on the primary ballots used in any such district for ward borough and school district officers shall be filed with the county commissioners of the county wherein the borough is situated or in a case of consolidation of boroughs the county commissioners of the county in which is situated the borough having the largest population at the time of such consolidation and it shall be the duty of the county commissioners of said county within three days after the last day for filing such petitions to certify to the county commissioners of the county wherein the land is actually situated a list of the ward borough and school district offices to be filled and the names of all the candidates for the same and all questions to be printed on the ballots relating exclusively to borough or school district bonds or other borough or school district matters The county commissioners of the county where the land is actually situated shall prepare the primary ballots for all such districts as though this information and the said petition of candidates for ward borough and school district offices had been filed originally in their office All nomination papers for ward borough and school district offices within such district shall be filed in the office of the county commissioners of the county wherein is situated the borough to which such land has been annexed or which contained the largest population at the time of consolidation Within three days after the last day for filing nomination papers for ward borough and school district offices the county commissioners of the county wherein is situated the borough to which such land has been annexed or in case of a consolidation of boroughs the county commissioners of the county in which resided at the time of consolidation a majority of the inhabitants shall certify to the county commissioners of the county wherein such land is actually situated a list of all ward borough and school district offices to be filled at the next election together with the names of all candidates for the same who were nominated at the preceding primary or whose names were placed in nomination by nomination papers and all questions to be printed on the ballots relating exclusively to borough or school district bonds or other borough or school district matters

The county commissioners of the county wherein the land is actually situated shall print the ballots for all such districts as though this information had been filed originally in their office

Section 12 The Duties of Election Officers It shall be the duty of the election officers in all such districts to make a complete return of all primary elections to the county commissioners of the county wherein the land is actually situated and they shall also mail to the county commissioners of the county wherein such borough is situated or in which a majority of the residents of a consolidated borough resided at the time of consolidation a return sheet of the same in so far as it relates to ward borough and school district offices and votes on bond issues and other questions relating to borough and school district matters The blanks and postage for which return sheets shall be furnished by the county commissioners wherein the said borough or said larger population is situated The court or other authority whose duty it is to determine the result of any election for borough or school district bonds or other borough or school district questions shall consider these return sheets as part of the return of such elections and count same in determining the result of such elections

At elections (excluding primary elections) it shall be the duty of the election officers in such districts to make a complete return of said election to the proper court of the county wherein the land is actually situated and they shall also mail to the proper court in the county wherein such borough is situated or in which a majority of the residents of a consolidated borough resided at the time of consolidation a return sheet thereof in so far as the same relates to ward borough and school district offices The blanks for said return sheets and the postage therefor shall be furnished by the county commissioners of the county wherein such borough or said larger population is situated The judges of election in all such districts shall meet with the other election judges of the borough or consolidated borough and with said other election judges determine who have been elected to the several ward and borough offices and issue election certificates to them the same as if said borough was all in one county

It shall also be the duty of the election officers to make a return to the proper court wherein such borough is situated or in which a majority of the residents of a consolidated borough resided at the time of consolidation giving the vote on all questions printed on the ballots which relate to borough and school district matters The blanks and postage for making this return shall be furnished by the county commissioners of [the] such county [wherein such borough is situated]

Section 16 The officers of the poor district shall be nominated and elected in said districts in the same manner as though said district were a part of the county in which the land is actually situated and had never been annexed to or consolidated with a borough in an adjoining county

Section 17 Special Borough and School District Elections In all cases where a special election to submit any question relating to borough or school district bond issues or other matters relating to borough or school district affairs is held on a day other than the day of a primary general or municipal election the ballots and supplies for the same shall be furnished by the county commissioners of the county wherein the borough is situated or the county in which the majority of the residents of a consolidated borough resided at the time of such consolidation and the same shall be paid for as now is or hereafter shall be provided by law Returns of such elections shall be made to the proper court of the county wherein the borough is situated or of the county in which the majority

of the residents of a consolidated borough resided at the time of such consolidation and not elsewhere

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1764, as follows:

An Act authorizing the payment of benefits by certain beneficial societies in the event of sickness accident disability or death or in the event of any or all such contingencies authorizing certain existing beneficial or protective societies heretofore incorporated to re-incorporate for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death regulating such societies and corporations and limiting the amount for which such societies and corporations may issue policies providing for reserves of such societies and corporations providing penalties and repealing existing laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That previously organized beneficial societies may pay limited sickness accident or death benefits Any beneficial society incorporated prior to the twentieth day of May one thousand nine hundred twenty-one under the provisions of the ninth paragraph section two of the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws seventy-three) entitled "An act to provide for the incorporation and regulation of certain corporations" namely "the maintenance of a society for beneficial or protective purposes to its members from funds collected therein" may pay or enter into contracts to pay money or benefits not exceeding ten dollars per week in the event of sickness accident or disability and not exceeding two hundred and fifty dollars in the event of death

Section 2 Reincorporation of Beneficial or Protective Societies Any beneficial society now formed or organized under the provisions of the ninth paragraph section two of the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws seventy-three) entitled "An act to provide for the incorporation and regulation of certain corporations" namely "the maintenance of a society for beneficial or protective purposes to its members from funds collected therein" except fraternal charitable or secret societies issuing beneficial certificates and paying benefits to their membership through the lodge system and insurance or relief associations formed by or for the exclusive benefit of employes of corporations or firms or formed by or for the exclusive benefit of members of any religious corporation or association may be reincorporated for the purpose of making insurance either upon the stock or mutual principle upon the health of individuals and against personal injury or disablement and against death resulting from actual or accident causes but such beneficial societies after reincorporation pursuant to the provisions of this act shall not issue policies agreeing to pay more than twenty ($20.00) dollars per week in the event of sickness accident or disablement nor more than two hundred and fifty ($250.00) dollars in the event of death

Section 3 Procedure for Reincorporation Certificate of Authority A Any beneficial society desiring to reincorporate under the provisions of this act shall hold a meeting of its members and in a majority of all of its members shall vote in person or by proxy in favor of the reincorporation a resolution to that effect shall be adopted Such resolution shall be recorded in the office for the recording of deeds in the county where such beneficial society has its principal office

B When the resolution of reincorporation has been recorded the directors of the beneficial society shall draw up articles of association which shall conform as nearly as possible to the provisions provided by law relating to articles of incorporation of insurance companies Such articles of association shall be filed with the Department of State in the same manner as are articles of incorporation and the beneficial society shall be reincorporated in the same manner as is provided by law for the incorporation of insurance companies

C Upon the issuance of a certificate of incorporation by the Department of State the corporate existence of the reincorporated beneficial society shall begin and such beneficial society shall have the corporate power to transact the business of insurance in the same manner and upon the same conditions as insurance companies are by law empowered to do subject to the provisions of this act

Section 4 Capital Stock and Surplus Requirements of Reincorporated Stock Beneficial Societies Investment of Funds A The capital stock of a reincorporated stock beneficial society shall be not less than fifty thousand dollars Every such society shall in addition to the capital required by this section have a paid-in surplus equal at least to the amount of its capital stock

B The funds of a reincorporated stock beneficial society equal to its capital reserves and surplus shall be invested in accordance with the requirements provided by law for the investment of the capital reserves and surplus of life insurance companies

Section 5 Par Value of Shares Consideration Forfeiture of Payments Personal Property A The capital of a reincorporated stock beneficial society shall be divided into shares of not less than five dollars and each share shall be in all respects equal to every other share

B Subscriptions for such shares shall not be paid for in whole or in part by any other consideration than cash nor in an amount less than the par value of such shares plus a proportionate amount of the paid-in surplus Ten per centum shall be paid on each share at the time of subscribing and the balance shall be paid at such times as the beneficial society may direct provided that full payment on all shares is made not later than nine months from the date of organization

C Any such beneficial society may prescribe rules with regard to the forfeiture of partial payments on subscriptions but such rules shall be binding upon subscribers only if made known at the time of the subscription Shares of a beneficial society shall be deemed personal property

Section 6 Financial Requirements and Deposits of Reincorporated Mutual Beneficial Societies Any reincorporated mutual beneficial society shall not be authorized to do the business of insurance unless

(1) It has received from not less than one thousand persons applications for insurance against death amounting to not less than two hundred and fifty thousand dollars upon which applications one-twelfth of the total annual premiums has been paid

(2) It has depositcd with the Insurance Commissioner the sum of fifty thousand dollars in cash or in securities approved by the Insurance Commissioner which deposit the Insurance Commissioner is hereby authorized and empowered to receive and hold for the benefit of the members of such beneficial society and its creditors The right to participate in the proceeds of such deposit shall be in the following order of preference first claims under policies second salaries of employes third general creditors

Section 7 Notice of Qualification to Commence Business Certificate of Authority A The president or secretary of any beneficial society reincorporated as a stock beneficial society under this act shall notify the Insurance Commissioner in writing that the society is qualified to commence business after the authorized capital and required surplus of such society have been paid in and properly invested and that each member of the society on the date of reincorporation has been paid his proportionate share of the surplus of the society as it existed on said date

B The president or secretary of any beneficial society reincorporated under this act as a mutual beneficial society shall notify the Insurance Commissioner that the

society is qualified to commence business after the necessary amount of insurance has been applied and paid for and the deposits hereinbefore required in this act have been made with the Insurance Commissioner

C If after receiving notice as hereinbefore provided that a reincorporated beneficial society is qualified to commence business the Insurance Commissioner as a result of its examination finds that the reincorporated beneficial society complied with the provisions of this act he shall issue to such society a certificate of authority to do business in this Commonwealth As soon as the society receives such certificate of authority it may issue policies and otherwise transact the business for which it was re-incorporated

Section 8 In addition to any other tax to which beneficial societies reincorporated under the provisions of this act may be liable there is hereby imposed on these companies a tax payable to the Commonwealth of eight (8) mills on the dollar upon the gross amount of premiums premium deposits and assessments received from business transacted within this Commonwealth Reports shall be made by the proper officers of such companies and such tax shall be paid by and in such manner and at such time and subject to such deductions and penalties as reports are made and similar taxes paid by other insurance companies under the provisions of existing law

Section 9 Number Election Term and Classification of Directors Vacancies A The annual meeting of shareholders or members for election of directors of a re-incorporated beneficial society shall be held at such time prior to the first day of May in every year as the by-laws of the society may direct Notice of the time and place of meeting shall be given to the shareholders or members in accordance with the provisions of the by-laws At such annual meeting the shareholders or members shall elect by ballot the number of directors stated in the articles of association or the by-laws which shall be not less than five nor more than thirteen Each director shall hold office for the term for which he is elected and until his successor shall have been duly elected and qualified

B Except as otherwise provided in the by-laws each director shall be elected for a term of one year If the articles or by-laws of a beneficial society so provide the directors thereof may be classified in respect to the time for which they shall severally hold office In such case each class shall be as nearly equal in number as possible the term of office of at least one class shall expire in each year and the members of a class shall not be elected for a shorter period than one year or for a longer period than three years At each ensuing election of directors after such classification only the number of directors equal to the number of the class whose terms expire at the time of the election shall be elected and such directors shall be elected for the longest term for which any class may have been elected as provided in this section

C Except as otherwise provided in the by-laws vacancies in the board of directors shall be filled by the remaining members of the board and each person so elected shall be a director until his successor is elected by the shareholders or members who may make such election at the next annual meeting of the shareholders or members or at any special meeting duly called for that purpose and held prior thereto

D Except as otherwise provided in this act the business and affairs of every re-incorporated beneficial society shall be run and regulated in accordance with the provisions provided by existing law relating to insurance companies

Section 10 Holding Management or Agency Corporations The business and affairs of each beneficial society shall be conducted and managed by its elected officers No contracts or agreements shall be entered into by any society with any holding management or agency corporation by which the control of the management of the society would pass to such holding management or agency corporation nor through which percentages or portions of the members dues and other payments would be paid over to them

Section 11 Reserves A A beneficial society doing business in this Commonwealth shall at all times maintain reserves as follows

(1) On the life portion contained in all policies or contracts issued reserves shall be based upon a standard table of mortality approved by the Insurance Commissioner with interest at a rate also approved by the Insurance Commissioner and such reserves shall be computed in accordance with the requirements provided by law for the computation of the reserve liability for life insurance

(2) On the disability portion contained in all policies or contracts issued reserves shall be computed in accordance with the requirements provided by law for the computation of the unearned premium reserve liability for casualty insurance

(3) For all definite and outstanding claims reserves shall be calculated in accordance with the requirements provided by law for the computation of reserves against unpaid losses in casualty insurance other than compensation or liability insurance

B A sum equal to the amount of the reserves required by this section shall be invested in those investments authorized by law for the investment of the reserve funds of life insurance companies

C The Insurance Commissioner shall each year compute the reserve liability as of the thirty-first day of December of the preceding year of every beneficial society authorized to make insurance on lives in this Commonwealth and after having determined the net value of all the policies in force he shall see that the said beneficial society has that amount in safe legal securities after all other debts and claims against it have been provided for

D Whenever any beneficial society doing business in this Commonwealth has not on hand the net value of all policies in force after all other debts and claims against it have been provided for the Insurance Commissioner shall notify such beneficial society to issue no new policies until its funds become equal to its liabilities

Section 12 Investment of Surplus The surplus of a beneficial society or a reincorporated mutual beneficial society shall be invested in accordance with the requirements provided by law for the investment of the surplus of life insurance companies

Section 13 Annual Statements Penalties A Every beneficial society doing business in this Commonwealth shall annually on or before the first day of March file in the office of the Insurance Commissioner a statement which shall exhibit its financial condition as of the thirty-first day of December of the previous year and its business of that year Such statement shall be in the form prescribed or on forms furnished by the Insurance Commissioner and shall contain such information as shall seem to the Commissioner best adapted for the purpose of eliciting from the beneficial society a true exhibit of its financial condition

B Any beneficial society which neglects to make and file its annual statement in the form or within the time required by this section shall forfeit the sum of one hundred dollars for each day during which its failure to file a statement continues and upon notice from the Insurance Commissioner its authority to transact new business shall cease while its default continues

C A beneficial society and the persons who make an oath or subscribe to a false annual statement in its behalf shall severally be punished for wilfully making a false annual statement by a fine of not less than five hundred dollars or more than five thousand dollars A person who makes oath to such false statement with the knowledge that it is false shall be deemed guilty of perjury

Section 14 Copies of policies contracts and certificates of membership to be Filed with and Approved by the Insurance Commissioner No policy contract or certificate of membership shall be issued or delivered by any beneficial society in this Commonwealth nor applications riders or endorsements used in connection therewith until the forms of the same have been submitted to and formally approved by the Insurance Commissioner under such reasonable rules and regulations as he shall make concerning the terms and provisions contained in such policies contracts or certificates of membership and their submission to and approved by him

Section 15 Penalties A Any person or beneficial society violating any of the provisions of this act shall be guilty

of a misdemeanor and upon conviction thereto shall be sentenced to pay a fine of not more than five hundred dollars for each violation thereto

B Upon satisfactory evidence of the violation of any of the sections of this act by any beneficial society the Insurance Commissioner may in his discretion pursue any one or more of the following courses of action (1) Suspend or revoke the certicate of authority of such offending beneficial society (2) refuse for a period of not to exceed one year thereafter to issue a new certificate of authority to such beneficial society (3) impose a penalty of not more than one thousand dollars for each and every act in violation of this act

Before the Insurance Commissioner shall take any action as above set forth he shall give written notice to the beneficial society accused of violating the law stating specifically the nature of such alleged violation and fixing a time and place at least ten days thereafter when a hearing of the matter shall be held After such hearing or upon failure of a duly authorized representative of the accused beneficial society to appear at such hearing the Commissioner shall impose such of the above penalties as he deems advisable The beneficial society may appeal from any action by the Commissioner pursuant to the section to the Court of Common Pleas of Dauphin County

Section 16 Scope of Article Provisions of this act shall not apply to

(1) Beneficial associations which are formed by or for the exclusive benefit of those who at the time of becoming members of such associations are engaged in educational work in any department or district of the public school system of the Commonwealth of Pennsylvania or in any college or university therein and which issues beneficiary certificates only to such members

(2) Fraternal charitable or secret societies issuing beneficial certificates and paying benefits to their membership through the lodge system

(3) Insurance or relief associations formed by or for the exclusive benefit of employes of corporations or firms or formed by or for the exclusive benefit of members of any religious corporation or association

(4) Associations whose benefits are limited to post-mortem assessments of the members

Section 17 Repealers The act approved the twentieth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred and seventeen) entitled "An act authorizing certain existing beneficial or protective societies heretofore incorporated to reincorporate for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death regulating such corporations and limiting the amount for which corporations may issue policies and imposing a tax on gross premiums of companies reincorporated under the provisions of this act" and the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred and five) entitled "An act authorizing the payment of benefits by certain beneficial societies in the event of sickness accident disability or death or in the event of any or all such contingencies and limiting the amount of such benefits providing for reserves of such societies providing penalties and repealing existing laws" and all acts or parts of acts inconsistent herewith are hereby repealed

Section 18 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. REUBEN E. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Insurance for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1774, as follows:

An Act relating to statements made in negotiations for annuity or pure endowment contracts and policies or certificates of life endowment accident or health insurance

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all statements made by the applicant for an Annuity or Pure Endowment contract or statements made by the insured or in his behalf in the negotiation for a policy or certificate of life endowment accident or health insurance or any reinstatement thereof issued by any insurance company association fraternal benefit society beneficial society or exchange doing business in this Commonwealth shall be deemed to be representations and not warranties and no such statement shall be used in defense to a claim unless it is contained in a written application and a copy of such application attached to the policy or certificate when issued The falsity of any statement in the application for any such contract policy or certificate shall not bar the right to recovery thereunder unless such false statement was made with actual intent to deceive or defraud anything in the policy to the contrary notwithstanding

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. OMINSKY. Mr. Speaker, I move that this bill be recommitted to the Committee on Insurance for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 196, as follows:

An Act to amend sections one and two of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred eighty-eight) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" as amended declaring Flag Day the fourteenth day of June a legal holiday

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred eighty-eight) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" which was amended by the act approved the thirty-first day of March one thousand nine hundred and twenty-one (Pamphlet Laws

seventy-three) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following days and half days namely the first day of January commonly called New Year's Day the twelfth day of February known as Lincoln's Birthday the twenty-second day of February known as Washington's Birthday Good Friday the thirtieth day of May known as Memorial Day the fourteenth day of June known as Flag Day the fourth of July called Independence Day the first Monday of September known as Labor Day the twelfth day of October known as Columbus Day the first Tuesday after the first Monday of November Election Day the eleventh day of November known as Armistice Day the twenty-fifth day of December known as Christmas Day and every Saturday after twelve o'clock noon until twelve o'clock midnight each of which Saturdays is hereby designated a half holiday and any day appointed or recommended by the Governor of this State or the President of the United States as a day of thanksgiving or fastings and prayer or other religious observance shall for all purposes whatever as regards the presenting for payment or acceptance and as regard the protesting and giving notice of the dishonor of bills of exchange checks drafts and promissory notes made after the passage of this act be treated and considered as the first day of the week commonly called Sunday and as public holidays and half holidays and all such bills checks drafts and notes otherwise presentable for acceptance or payment on any of the said days shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday or half holiday except checks drafts bills of exchange and promissory notes payable at sight or on demand which would otherwise be payable on any half holiday Saturday shall be deemed to be payable at or before twelve o'clock noon of such half holiday Provided however That for the purpose of protesting or otherwise holding liable any party to any bill of exchange check draft or promissory note and which shall not have been paid before twelve o'clock noon of any Saturday designated a half holiday as aforesaid a demand for acceptance or payment thereof shall not be made and notice of protest or dishonor thereof shall not be given until the next succeeding secular or business day And provided further That when any person firm corporation or company shall on any Saturday designated a half holiday receive for collection any check bill of exchange draft or promissory note such person firm corporation or company shall not be deemed guilty of any neglect or omission of duty nor incur any liability in not presenting for payment or acceptance or collection such check bill of exchange draft or promissory note on that day And provided further That in construing this section every Saturday designated a half holiday shall until twelve o'clock noon be deemed a secular or business day and the days and half days aforesaid so designated as holidays and half holidays shall be considered as public holidays and half holidays for all purposes whatsoever as regards the transaction of business And provided further That nothing herein contained shall be construed to prevent or invalidate the entry issuance service or execution of any writ summons confession of judgment or other legal process whatever on any of the holidays or half holidays herein designated as holidays nor to prevent any bank from keeping its doors open or transacting its business on any of the said Saturday afternoons if by a vote of its directors it shall elect to do so

Section 2 That section two of said act as amended by the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred) is hereby further amended to read as follows

Section 2 Whenever the first day of January the twelfth day of February the twenty-second day of February the thirtieth day of May the fourteenth day of June the fourth day of July the twelfth day of October the eleventh day of November or the twenty-fifth day of December shall any of them occur on Sunday the following day (Monday) shall be deemed and declared a public holiday All bills of exchange checks drafts or promissory notes falling due on any of the Mondays so observed as holidays shall be due and payable on the next succeeding secular or business day and all Mondays so observed holidays shall for all purposes whatever as regards the presenting for payment or acceptance and as regards the protesting and giving notice of the dishonor of bills or exchange checks drafts and promissory notes made after the passage of this act be treated and considered as if the first day of the week commonly called Sunday

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1201, (Senate Bill No. 366), Printer's No. 159 was passed over at the request of Mr. OMINSKY.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1685, as follows:

An Act to amend section one thousand fifty-seven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" further defining the powers of controllers with respect to accounts of borough departments bureaus and officers and imposing certain duties in reference thereto on banks banking institutions and trust companies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand fifty-seven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended to read as follows

Section 1057 General Powers and Duties of Controller The borough controller shall superintend the fiscal concerns of the borough He shall examine audit and settle all accounts whatsoever in which the borough is concerned either as debtor or creditor where provisions for the settlement thereof is made by law and where no such provisions or an insufficient provision has been made he shall examine such accounts and report to the borough council the facts relating thereto with his opinion thereon

The controller in addition to the above audits shall annually audit settle and adjust the accounts for the immediately preceding fiscal year in which the borough is concerned and for any preceding fiscal year of any officer which have not previously been audited settled and adjusted He shall finish said audit settlement and adjustment and file in the office of the prothonotary of the county in which such borough may be situated a report thereof within sixty days after the beginning of the current fiscal year setting forth an itemized statement of the charges against and credits of said officers and any balance or surcharge against them The amount of any balance or shortage or of any expenditure of a kind or made in a manner prohibited or not authorized by statute or which causes a financial loss to the borough shall be a surcharge against any officer against whom such balance or shortage shall appear or who by vote act or neglect has made approved or permitted such ex-

penditure Any balance or surcharge against any such officer shall be entered by the prothonotary as a judgment against him unless he shall appeal from such report as hereinafter provided

The borough comptroller shall have supervision and control of the accounts of all departments bureaus and officers of the borough auhorized to collect receive or disburse the public moneys or who are charged with the management or custody thereof He shall audit their respective accounts and may at any time require from any of them a statement in writing of any moneys or property of the borough in their hands or under their control showing the amount of cash on hand and the amount deposited in banks banking institutions and trust companies together with the names of such institutions He shall have power to examine every such account of a borough officer in any bank banking institution or trust company to verify the accuracy of the statement of such borough department bureau or officer and it shall be the duty of every such bank banking institution or trust company its officers and agents to furnish full information to the controller in relation to such account No bank banking institution or trust company its officers or agents shall be subject to prosecution under other laws of this Commonwealth for disclosing any such information with respect to any such account [and he] He shall immediately upon the discovery of any default irregularity or delinquency report the same to the borough council He shall also audit and report upon the account of any such officer upon the death resignation removal or expiration of the term of said officer

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 911, as follows:

An Act to amend section twenty of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt return to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violation of this act" as amended by providing for the payment of all fees to local registrars of vital statistics from funds appropriated to the Department of Health of the Commonwealth

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" as last amended by the act approved the seventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 857) is hereby further amended to read as follows

Section 20 That each registrar shall be entitled to be paid the sum of fifty cents for each birth or death certificate properly and completely made out and registered with him and correctly copied and duly returned by him to the State Registrar as required by this act [Provided That in cities of the first and second class the expense of birth and death registration shall be paid from funds appropriated to the Department of Health in such manner as other payments are made for general purposes] and in case no births or deaths were registered during any month the local registrar shall be entitled to be paid the sum of fifty cents for each report to that effect promptly made in accordance with this act All amounts payable to registrars [except in cities of the first and second class] as provided in this section shall be paid [by the treasurer of the county in which the registration districts are located upon certification by the State Registrar and the State Registrar shall annually certify to the treasurers of the several counties the number of births and deaths registered with the names of the local registrars and the amount due each at the rates fixed herein] from funds appropriated to the Department of Health in such manner as other payments are made

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. FLANNERY. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 1419, Senate Bill No. 316, Printer's No. 100 was passed over at the request of Mr. OMINSKY.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 782 (Senate Bill No. 22), as follows:

An Act to amend section one of and to add sections two and three to the act approved the nineteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" amplifying the powers of said commission to include the industrial and agricultural educational interest and other facilities advantages and attractions of the Commonwealth to provide for programs of information advertising and publicity to coordinate advertising activities and to provide for exhibits at fairs expositions and celebrations

Section 1 Be it enacted by the Senate and House of

Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the nineteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created a commission consisting of the Chairman of the Pennsylvania Historical Commission the Secretary of Forests and Waters the Secretary of Highways and four other persons appointed by the Governor to be known as the Pennsylvania State Publicity Commission whose duty it shall be to collect compile edit publish and distribute [a pamphlet or pamphlets] information and literature descriptive of points of scenic [and] historic industrial and agricultural educational interest in Pennsylvania and the other facilities advantages and attractions of the Commonwealth for the use of citizens and travelers

The sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission created by this act to pay the compensation of assistants and all costs and expenses incurred by the commission in compiling editing publishing and distributing the pamphlet or pamphlets provided for by this act

Section 2 That said act is hereby further amended by adding thereto the following sections

Section 2 The Commission shall have power to plan and conduct a program of information advertising and publicity which may include newspaper magazine outdoor and radio advertising both within and without the limits of the Commonwealth It shall encourage and co-ordinate the activities of public and private organizations societies and individuals engaged in publicizing the scenic and historic attractions and the industrial and agricultural educational interests and other facilities advantages and attractions of the Commonwealth or any subdivision thereof

Section 3 The Commission shall have full power either acting alone or in co-operation with other departments boards and commissions of the Commonwealth to advertise the scenic and historic attractions and the industrial and agricultural educational interests and other facilities advantages and attractions of Pennsylvania at fairs expositions and other celebrations within and without the Commonwealth and shall have and possess all the necessary powers to enter into leases for space or land and to enter into contracts for the construction of booths exhibits and buildings deemed necessary for the carrying out of this power and to expend appropriations made to it for any and all of said purposes

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1058. Senate Bill No. 151, Printer's No. 59 was passed over at the request of Mr. OMINSKY.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 734.

An Act relating to consumer credit in amounts of one thousand dollars ($1,000) or less requiring licenses from the Secretary of Banking restricting licenses to domestic business corporations fixing minimum capital requirements conferring certain powers on the Secretary of Banking limiting interest and other charges providing certain exemptions and imposing penalties.

HOUSE BILL No. 964.

An Act to amend section five A of Article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An Act for the better government of cities of the first class of this Commonwealth" as amended, by changing the number and method of appointment of the civil service commissioners in said cities.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL ON THIRD READING

Mr. SIMON. Mr. Speaker, I desire to call up at this time House Bill No. 1043, Printer's No. 444, on page 13 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SIMON.

The House resumed the consideration on third reading of House Bill No. 1043, entitled:

An Act to re-enact and amend the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (Pamphlet Laws, four hundred fourteen), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotories, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation", as amended, by imposing annual taxes for state purposes making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon modifying and further defining certain exemptions from said taxes.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. SIMON. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 2, line 3 of title, by inserting after the word "purposes" the following: "for two additional years"

Amend sec. 1 (sec. 22), page 37, lines 5 and 6, by striking out the following: "year one thousand nine hundred thirty-eight and every year thereafter" and inserting in lieu thereof: "years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine"

Amend sec. 1 (sec. 22), page 37, lines 17 and 18, by striking out with light-face brackets the following: "year one thousand nine hundred thirty-eight on reports filed"

Amend sec. 1 (sec. 22), page 37, lines 18 to 21, inclusive, by striking out the following: "for the calendar year one thousand nine hundred thirty-seven or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-seven and for every year thereafter" and inserting in lieu thereof: "years one thousand nine hun-

dred thirty-eight and one thousand nine hundred thirty-nine on reports filed for the calendar years one thousand nine hundred and thirty-seven and one thousand nine hundred thirty-eight or for the fiscal years beginning in the calendar years one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight"

Mr. HERBERT B. COHEN. Mr. Speaker, reserving my right to object I desire to interrogate the gentleman from Clinton, Mr. Simon.

The SPEAKER. Will the gentleman from Clinton permit himself to be interrogated?

Mr. SIMON. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand that this amendment will make the collection of the State Four Mill Personal Property Tax terminate at the end of two years?

Mr. SIMON. That is correct, Mr. Speaker.

Mr. HERBERT B. COHEN. That is all, Mr. Speaker. No objection.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection?

The Chair hears no objection and the amendments will be inserted in accordance with the instructions of the House.

On the question recurring.

Will the House agree to the bill on third reading as amended?

Mr. SPROUL. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1 (sec. 3), page 6, line 23 by striking out the following: "and the principal value of"

Amend sec. 1 (sec. 3), page 6, line 23 by striking out with light faced brackets the following: "all annuities"

Amend sec. 1 (sec. 3), page 6, line 25 by inserting after the word "to" the following: "annuities"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection?

Mr. HARKINS. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

On the question recurring,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection House Bill No. 678, Printer's No. 304, was passed over at the request of Mr. SPROUL.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 859, entitled:

An Act to further amend section four of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" by changing the requirements of medical educational institutions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flinchbaugh,	McGee,	Simon,
Alexander,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stackpole,
Bohn,	Harkins,	Muir,	Stank,
Boles,	Harmuth,	Munley,	Stewart,
Boltz,	Hays,	Murrin,	Stockham,
Boose,	Hering,	Nagel,	Strode,
Boyer,	Hess,	O'Brien,	Terry,
Bradley,	Hetrick,	O'Connor,	Thomas,
Brancato,	Hindman,	O'Keefe,	Thompson,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Patterson, J. W.,	Vallbus,
Cadwalader,	Horting,	Peale,	VanAllsburg,
Caesar,	Huntley,	Pearson,	VanSickle,
Caputo,	Imbrie,	Perry,	Vogt,
Chervenak,	Jirolanio,	Pershing,	Wagner,
Coakley,	Kane,	Piole,	Wall,
Cohen, H. B.,	Keenan,	Powers,	Walsh,
Cohen, R. E.,	Kelso,	Preston,	Wampole,
Coleman,	Kilroy,	Readinger,	Watkins,
Coolahan,	Kline,	Reese,	Webster,
Corrigan,	LaRue,	Reising,	Weidemann,
Costanzo,	Leisey,	Richter,	Weiss, D. H.,
Davies,	Levy,	Robinson,	Weiss, S. A.,
Decker,	Lewis,	Rothenberger,	Welliver,
DeNote,	Long,	Royer,	Welsh,
Dickinson,	Longaker,	Ruffennach,	Westrick,
Donohoe,	Lopresti,	Rush,	Whalen,
Dougherty,	Lovett,	Sarraf,	Whitenight,
Downey,	Lyons,	Scanlon,	Wilson,
Dubbs,	Mallen,	Schor,	Winner,
Dyson,	Marino,	Schrock,	Wood,
Eckels,	Matthews, H. T.,	Schrope,	Woodside,
Elpern,	Matthews, J. F.,	Schumacher,	Wright,
Falkenstein,	McArdle,	Serrill,	Yanoshat,
Finnerty,	McCullough,	Shaw,	Yeakel,
Fiss,	McDermott,	Shea,	Yourishin,
Fitch,	McDevitt,	Shepard,	Zappala,
Flanagan,	McElroy,	Shoemaker,	Furman,
Flannery,	McFall,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to ask the chairmen of the various committees who wish to have announce-

ments made at the end of the session to kindly send those announcements to the desk early in the session in order that the clerks can arrange the schedule properly.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1674, entitled:

An Act directing the Department of Military Affairs to select procure award and provide for the furnishing of certain service medals

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stackpole,
Bohn,	Harkins,	Muir,	Stank,
Boles,	Harmuth,	Munley,	Stewart,
Boltz,	Hays,	Murrin,	Stockham,
Boose,	Hering,	Nagel,	Strode,
Boyer,	Hess,	O'Brien,	Terry,
Bradley,	Hetrick,	O'Connor,	Thomas,
Brancato,	Hindman,	O'Keefe,	Thompson,
Brigerman,	Hirsch,	Ominsky,	Trout,
Broad,	Holland,	O'Neill,	Tumelty,
Brown,	Holmes,	Ostroff,	Turner,
Brownfield,	Holstrom,	Patterson, S.,	Valibus,
Burrows,	Hontz,	Patterson, W.,	VanAllsburg,
Cadwalader,	Horting,	Peale,	VanSickle,
Caesar,	Huntley,	Pearson,	Vogt,
Caputo,	Imbrie,	Perry,	Wagner,
Chervenak,	Jirolanio,	Pershing,	Wall,
Coakley,	Kane,	Piole,	Walsh,
Cohen, H. B.,	Keenan,	Powers,	Wampole,
Cohen, R. E.,	Kelso,	Preston,	Watkins,
Coleman,	Kilroy,	Readinger,	Webster,
Coolahan,	Kline,	Reese,	Weidemann,
Corrigan,	LaRue,	Reising,	Weiss, D. H.,
Costanzo,	Leisey,	Richter,	Weiss, S. A.,
Davies,	Levy,	Robinson,	Welliver,
Decker,	Lewis,	Rothenberger,	Welsh,
DeNote,	Long,	Royer,	Westrick,
Dickinson,	Longaker,	Ruffennach,	Whalen,
Donohoe,	Lopresti,	Rush,	Whitenight,
Dougherty,	Lovett,	Sarraf,	Wilson,
Downey,	Lyons,	Scanlon,	Winner,
Dubbs,	Mallen,	Schor,	Wood,
Dyson,	Marino,	Schrock,	Woodside,
Eckels,	Matthews, H. T.,	Schrope,	Wright,
Elpern,	Matthews, J. F.,	Schumacher,	Yanoshat,
Falkenstein,	McArdle,	Serrill,	Yeakel,
Finnerty,	McCullough,	Shaw,	Yourishin,
Fiss,	McDermott,	Shea,	Zappala,
Fitch,	McDevitt,	Shepard,	Furman,
Flanagan,	McElroy,	Shoemaker,	

NAYS—1

Tronzo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 8, entitled:

An Act to prevent fraud and deception in the shipping marketing and sale of anthracite coal providing standards for anthracite coal and providing penalties for the violation of this act

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Northumberland, Mr. Bradley.

The SPEAKER. Will the gentleman from Northumberland permit himself to be interrogated?

Mr. BRADLEY. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, there seems to be quite a lot of misunderstanding about this bill and some of the Democrats have asked me if I would not interrogate you and ask you to explain the bill.

Mr. BRADLEY. Mr. Speaker, I will do that for the gentleman. What we are going to do or trying to do is to give you what you are paying for, that is, fresh mined coal. They have been defrauding our people, buying coal by taking it from banks, where it has been lying for over a hundred years, which our forefathers and older miners put out there and got nothing for it, and from what I understand it costs about eighteen cents per ton to clean this up from the bank and put it in the cars, and they are selling it today as fresh mined coal.

Mr. TUMULTY. Mr. Speaker, I would like to interrogate the gentleman from Northumberland, Mr. Bradley.

The SPEAKER. Will the gentleman from Northumberland permit himself to be interrogated?

Mr. BRADLEY. I will, Mr. Speaker.

Mr. TUMELTY. Mr. Speaker, can the gentleman from Northumberland tell us the difference in b.t.u.'s between fresh mined coal and the other coal?

Mr. BRADLEY. No, I cannot, Mr. Speaker.

Mr. TUMELTY. Mr. Speaker is there any advantage in fresh mined coal over coal that has been lying out on a bank? Would fresh mined coal give any more heat and last any longer?

Mr. BRADLEY. Absolutely, Mr. Speaker. It will give you more heat and last longer.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Arnold,	Ganser,	McKinney,	Simpson,
Atkins,	Gerard,	McShane,	Skale,
Aukerman,	Gillette,	Melchiorre,	Sloan,
Baine,	Gorski,	Mellott,	Smith, James A.,
Baker, F. T.,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, J. J.,	Haberlen,	Mihm,	Snyder,
Balthaser,	Hagerty,	Moomaw,	Sollenberger,
Bierly,	Hall,	Mooney,	Spengler,
Blank,	Hamilton, F. P.,	Moran,	Sproul,
Bohn,	Hamilton, R. S.,	Moul,	Stackpole,
Boles,	Harkins,	Muir,	Stank,
Boltz,	Harmuth,	Munley,	Stewart,
Boose,	Hays,	Murrin,	Stockham,
Boyer,	Hering,	Nagel,	Strode,
Bradley,	Hess,	O'Brien,	Terry,

Brancato,	Hetrick,	O'Connor,	Thomas,
Brigerman,	Hindman,	O'Keefe,	Thompson,
Broad,	Hirsch,	Ominsky,	Tronzo,
Brown,	Holland,	O'Neill,	Trout,
Brownfield,	Holmes,	Ostroff,	Tumelty,
Burrows,	Holstrom,	Patterson, S.,	Turner,
Cadwalader,	Horting,	Patterson, W.,	Valibus,
Caesar,	Hontz,	Peale,	VanAllsburg,
Caputo,	Huntley,	Pearson,	VanSickle,
Chervenak,	Imbrie,	Perry,	Vogt,
Coakley,	Jirolanio,	Pershing,	Wagner,
Cohen, H. B.,	Kane,	Piole,	Wall,
Cohen, R. E.,	Keenan,	Powers,	Walsh,
Coleman,	Kelso,	Preston,	Wampole,
Coolahan,	Kilroy,	Readinger,	Watkins,
Corrigan,	Kline,	Reese,	Webster,
Costanzo,	LaRue,	Reising,	Weidemann,
Davies,	Leisey,	Richter,	Weiss, D. H.,
Decker,	Levy,	Robinson,	Weiss, S. A.,
DeNote,	Lewis,	Rothenberger,	Welliver,
Dickinson,	Long,	Royer,	Welsh,
Donohoe,	Longaker,	Ruffennach,	Westrick,
Dougherty,	Lopresti,	Rush,	Whalen,
Downey,	Lovett,	Sarraf,	Whitenight,
Dubbs,	Lyons,	Scanlon,	Wilson,
Dyson,	Mallen,	Schor,	Winner,
Eckels,	Marino,	Schrock,	Wood,
Elpern,	Matthews, H. T.,	Schrope,	Woodside,
Falkenstein,	Matthews, J. F.,	Schumacher,	Wright,
Finnerty,	McArdle,	Serrill,	Yanoshat,
Fiss,	McCullough,	Shaw,	Yeakel,
Fitch,	McDermott,	Shea,	Yourishin,
Flanagan,	McDevitt,	Shepard,	Zappala,
	McElroy,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1637, entitled:

An Act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," as amended, by making further provision for the imposition of liability upon, and the payment by, individuals, counties and poor districts of the cost of admission, care and maintenance of mental patients and inebriates; and by requiring the furnishing of bonds conditioned upon the payment of the cost of care and maintenance of mental patients and inebriates, or, in lieu thereof, the furnishing of endorsements of the poor authorities of counties or poor districts in certain cases.

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—179.

Achterman,	Flannery,	McElroy,	Shepard,
Alexander,	Flinchbaugh,	McFall,	Shoemaker,
Arnold,	Ganser,	McGee,	Siegel,
Aukerman,	Gerard,	McShane,	Simon,
Baine,	Gorski,	Melchiorre,	Simpson,
Baker, J. J.,	Habbyshaw,	Mellott,	Skale,
Balthaser,	Haberlen,	Mihm,	Sloan,
Bierly,	Hagerty,	Moomaw,	Smith, James A.,
Blank,	Hall,	Mooney,	Smith, John A.,
Bohn,	Hamilton, F. P.,	Moran,	Spengler,
Boies,	Harkins,	Moul,	Sproul,
Boltz,	Harmuth,	Muir,	Stank,
Boose,	Hays,	Munley,	Stockham,
Boyer,	Hering,	Murrin,	Strode,
Bradley,	Hess,	Nagel,	Terry,
Brancato,	Hetrick,	O'Brien,	Thomas,
Brigerman,	Hindman,	O'Connor,	Thompson,
Broad,	Hirsch,	O'Keefe,	Tronzo,
Brown,	Holland,	Ominsky,	Tumelty,
Brownfield,	Holmes,	O'Neill,	Valibus,
Burrows,	Holstrom,	Ostroff,	VanAllsburg,
Caesar,	Hontz,	Patterson, S.,	VanSickle,
Caputo,	Horting,	Patterson, W.,	Vogt,
Chervenak,	Jirolanio,	Peale,	Wagner,
Coakley,	Kane,	Pearson,	Wall,
Cohen, H. B.,	Keenan,	Pershing,	Walsh,
Cohen, R. E.,	Kelso,	Piole,	Wampole,
Coleman,	Kilroy,	Powers,	Watkins,
Coolahan,	Kline,	Preston,	Webster,
Corrigan,	LaRue,	Readinger,	Weiss, D. H.,
Costanzo,	Leisey,	Reese,	Weiss, S. A.,
Davies,	Levy,	Reising,	Welliver,
Decker,	Lewis,	Richter,	Welsh,
DeNote,	Long,	Robinson,	Westrick,
Dickinson,	Longaker,	Rothenberger,	Whalen,
Donohoe,	Lopresti,	Ruffennach,	Whitenight,
Dougherty,	Lovett,	Rush,	Winner,
Downey,	Lyons,	Sarraf,	Woodside,
Dubbs,	Mallen,	Scanlon,	Wright,
Dyson,	Marino,	Schor,	Yanoshat,
Elpern,	Matthews, H. T.,	Schrock,	Yeakel,
Falkenstein,	McArdle,	Schrope,	Yourishin,
Finnerty,	McCullough,	Schumacher,	Zappala,
Fitch,	McDermott,	Shaw,	Furman,
Flanagan,	McDevitt,	Shea,	

NAYS—24.

Atkins,	Hamilton, R. S.,	Perry,	Stewart,
Baker, F. T.,	Huntley,	Royer,	Trout,
Cadwalader,	Imbrie,	Serrill,	Turner,
Eckels,	Matthews, J. F.,	Snyder,	Weidemann,
Fiss,	McKinney,	Sollenberger,	Wilson,
Gillette,	Merrell,	Stackpole,	Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1560, entitled:

An Act for the protection of the public health, and the prevention of fraud and deception; requiring clean, sanitary establishments for the manufacture, preparation or bottling of non-alcoholic drinks and liquid foods, including clean, sanitary ingredients and containers; regulating the maintenance and operation of such establishments and the use of containers; prescribing penalties; and providing for injunctions in certain cases.

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Arnold,	Ganser,	McKinney,	Simpson,
Atkins,	Gerard,	McShane,	Skale,
Aukerman,	Gillette,	Melchiorre,	Sloan,

Baine,	Gorski,	Mellott,	Smith, James A.,
Baker, F. T.,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, J. J.,	Haberlen,	Mihm,	Snyder,
Balthaser,	Hagerty,	Moomaw,	Sollenberger,
Bierly,	Hall,	Mooney,	Spengler,
Blank,	Hamilton, F. P.,	Moran,	Sproul,
Bohn,	Hamilton, R. S.,	Moul,	Stackpole,
Boies,	Harkins,	Muir,	Stank,
Boltz,	Harmuth,	Munley,	Stewart,
Boose,	Hays,	Murrin,	Stockham,
Boyer,	Hering,	Nagel,	Strode,
Bradley,	Hess,	O'Brien,	Terry,
Brancato,	Hetrick,	O'Connor,	Thomas,
Brigerman,	Hindman,	O'Keefe,	Thompson,
Broad,	Hirsch,	Ominsky,	Tronzo,
Brown,	Holland,	O'Neill,	Trout,
Brownfield,	Holmes,	Ostroff,	Tumelty,
Burrows,	Holstrom,	Patterson, S.,	Turner,
Cadwalader,	Horting,	Patterson, W.,	Valibus,
Caesar,	Huntley,	Peale,	VanAllsburg,
Caputo,	Imbrie,	Pearson,	VanSickle,
Chervenak,	Jirolanio,	Perry,	Vogt,
Coakley,	Kane,	Pershing,	Wagner,
Cohen, H. B.,	Keenan,	Piole,	Wall,
Cohen, R. E.,	Kelso,	Powers,	Walsh,
Coleman,	Kilroy,	Preston,	Wampole,
Coolahan,	Kline,	Readinger,	Watkins,
Corrigan,	LaRue,	Reese,	Webster,
Costanzo,	Leisey,	Reising,	Weidemann,
Davies,	Levy,	Richter,	Weiss, D. H.,
Decker,	Lewis,	Robinson,	Weiss, S. A.,
DeNote,	Long,	Rothenberger,	Welliver,
Dickinson,	Longaker,	Royer,	Welsh,
Donohoe,	Lopresti,	Ruffennach,	Westrick,
Dougherty,	Lovett,	Rush,	Whalen,
Downey,	Lyons,	Sarraf,	Whitenight,
Dubbs,	Mallen,	Scanlon,	Wilson,
Dyson,	Marino,	Schor,	Winner,
Eckels,	Matthews, H. T.,	Schrock,	Wood,
Elpern,	Matthews, J. F.,	Schrope,	Woodside,
Falkenstein,	McArdle,	Schumacher,	Wright,
Finnerty,	McCullough,	Serrill,	Yanoshat,
Fiss,	McDermott,	Shaw,	Yeakel,
Fitch,	McDevitt,	Shea,	Yourishin,
Flanagan,	McElroy,	Shepard,	Zappala,
		Shoemaker,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1564, entitled:

An Act to amend section four hundred thirty-nine of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended; providing that certain forms, used by the county commissioners relative to the compilation of war records of deceased service men, shall be prescribed but not furnished by the Department of Military Affairs.

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202.

Achterman,	Flinchbaugh,	McGee,	Siegel,
Alexander,	Ganser,	McKinney,	Simon,
Arnold,	Gerard,	McShane,	Simpson,
Atkins,	Gillette,	Melchiorre,	Skale,
Aukerman,	Gorski,	Mellott,	Sloan,
Baine,	Habbyshaw,	Merrell,	Smith, James A.,
Baker, F. T.,	Haberlen,	Mihm,	Smith, John A.,
Baker, J. J.,	Hagerty,	Moomaw,	Snyder,
Balthaser,	Hall,	Mooney,	Sollenberger,
Bierly,	Hamilton, F. P.,	Moran,	Spengler,
Blank,	Hamilton, R. S.,	Moul,	Sproul,
Bohn,	Harkins,	Muir,	Stackpole,
Boies,	Harmuth,	Munley,	Stank,
Boltz,	Hays,	Murrin,	Stewart,
Boose,	Hering,	Nagel,	Stockham,
Boyer,	Hess,	O'Brien,	Strode,
Bradley,	Hetrick,	O'Connor,	Terry,
Brancato,	Hindman,	O'Keefe,	Thomas,
Brigerman,	Hirsch,	Ominsky,	Thompson,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, S.,	Turner,
Burrows,	Hontz,	Patterson, W.,	Valibus,
Cadwalader,	Horting,	Peale,	VanAllsburg,
Caesar,	Huntley,	Pearson,	VanSickle,
Caputo,	Imbrie,	Perry,	Vogt,
Chervenak,	Jirolanio,	Pershing,	Wagner,
Coakley,	Kane,	Piole,	Wall,
Cohen, H. B.,	Keenan,	Powers,	Walsh,
Cohen, R. E.,	Kelso,	Preston,	Wampole,
Coleman,	Kilroy,	Readinger,	Watkins,
Coolahan,	Kline,	Reese,	Webster,
Corrigan,	LaRue,	Reising,	Weidemann,
Costanzo,	Leisey,	Richter,	Weiss, D. H.,
Davies,	Levy,	Robinson,	Weiss, S. A.,
Decker,	Lewis,	Rothenberger,	Welliver,
DeNote,	Long,	Royer,	Welsh,
Dickinson,	Longaker,	Ruffennach,	Westrick,
Donohoe,	Lopresti,	Rush,	Whalen,
Dougherty,	Lovett,	Sarraf,	Whitenight,
Downey,	Lyons,	Scanlon,	Wilson,
Dubbs,	Mallen,	Schor,	Winner,
Dyson,	Marino,	Schrock,	Wood,
Eckels,	Matthews, H. T.,	Schrope,	Woodside,
Elpern,	Matthews, J. F.,	Schumacher	Wright,
Falkenstein,	McArdle,	Serrill,	Yanoshat,
Finnerty,	McCullough,	Shaw,	Yeakel,
Fiss,	McDermott,	Shea,	Yourishin,
Fitch,	McDevitt,	Shepard,	Zappala,
Flanagan,	McElroy,	Shoemaker,	Furman,
Flannery,	McFall,		

NAYS—1.

Tronzo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 111, entitled:

An Act to promote the safety and general welfare of miners in the bituminous coal industry, by prohibiting the employment of miners in the bituminous coal mines unless certificated after examination by a miners' examining board, and the payment of certain fees, providing for the appointment of such boards, and defining their powers and duties; and providing penalties.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HUNTLEY. Mr. Speaker and members of the House, I believe in the qualification of miners to work in the bituminous coal fields in the interest of the general welfare, but in my county there is a peculiar situation. Back on the mountain tops and ridges there is here and there a little patch of coal. Twenty-five acres would make quite a coal field. Some of the natives there own this coal either in fee or in leasehold. They are making a living mining

this coal. At certain times of the year they cannot mine the coal because the roads are too bad. During the winter time, when there is a demand for coal and the roads are in condition, they are able to get out a small amount of coal. As I understand it, this bill will put those people out of business and virtually confiscate their property. I cannot stand idly by and allow my neighbors, good honest citizens of our county, to be put on the relief rolls in this way. There is nothing else in the county for them to do and if they do not get work at this kind of employment they simply have to go on relief. I do not believe it is the policy of this House to force people onto relief, people who are honest and willing to make a living if they are given an opportunity. I am sorry I cannot vote for this bill. I am in hopes that something may happen in the way of a change in the bill that will allow these poor mountaineers to make a living.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199.

Achterman,	Flannery,	McFall,	Simpson,
Alexander,	Flinchbaugh,	McGee,	Skale,
Arnold,	Ganser,	McShane,	Sloan,
Atkins,	Gerard,	Melchiorre,	Smith, John A.
Aukerman,	Gillette,	Mellott,	Smith, James A.
Baine,	Gorski,	Merrell,	Snyder,
Baker, F. T.,	Habbyshaw,	Mihm,	Sollenberger,
Baker, J. J.,	Haberlen,	Moomaw,	Spengler,
Balthaser,	Hagerty,	Mooney,	Sproul,
Bierly,	Hall,	Moran,	Stackpole,
Blank,	Hamilton, F. P.,	Moul,	Stank,
Bohn,	Hamilton, R. S.,	Munley,	Stewart,
Boles,	Harkins,	Murrin,	Stockham,
Boltz,	Harmuth,	Nagel,	Strode,
Boose,	Hays,	O'Brien,	Terry,
Boyer,	Hering,	O'Connor,	Thomas,
Bradley,	Hess,	O'Keefe,	Thompson,
Brancato,	Hetrick,	Ominsky,	Tronzo,
Brigerman,	Hindman,	O'Neill,	Trout,
Broad,	Hirsch,	Ostroff,	Tumelty,
Brown,	Holland,	Patterson, C. S.,	Turner,
Brownfield,	Holmes,	Patterson, J. W.,	Vallbus,
Burrows,	Holstrom,	Pearson,	VanAllsburg,
Cadwalader,	Hontz,	Perry,	VanSickle,
Caesar,	Horting,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reesing,	Webster,
Coolahan,	Kline,	Richter,	Weidemann
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Mallen,	Schrope,	Wood,
Dyson,	Marino,	Schumacher,	Woodside,
Eckels,	Matthews, H. T.,	Serrill,	Wright,
Elpern,	Matthews, J. F.,	Shaw,	Yanoshat,
Falkenstein,	McArdle,	Shea,	Yeakel,
Finnerty,	McCullough,	Shepard,	Yourishin,
Fiss,	McDermott,	Shoemaker,	Zappala,
Fitch	McDevitt,	Siegel,	Furman,
Flanagan,	McElroy,	Simon,	

NAYS—4.

Huntley,	McKinney,	Muir,	Peale,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

STATEMENT BY MR. TURNER.

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, since the other evening, when I suggested that the House might go over to the Governor's office from time to time and deliver a message to the Governor, I have received a great number of communications from my Democratic colleagues who are a little hesitant about making these statements themselves because of their position with the Governor. I received one communication that I thought would be of great interest to the members of the House and to the Executive. This is a "Letter of a Puzzled Legislator to his Governor":

Dear Governor:

Some of us boys was loafin' down at the Roosevelt Club the other day and we got talkin' about the Legislature, like we have time to do now since the slot machines were put away till your blast dies down a little, and Sim Lukins blows in and joins the talkfest. Not that you ought to pay much attention to Sim, on account of how he owns his house, wears a necktie and votes pretty often for the cursed Republicans, but Sim got to askin' questions that made some of us a little uneasy on your account. So I wrote down a few of them so I could tip you off. Of course most folks take what you and Franklin D. do as all ok, which is as it should be, for if ever people get to do a little thinkin' for themselves I got an idea these here Philadelphia rippers of yours is goin' to be mild beside what the voters are goin' to do to us Democrats.

This here Sim is one of that kind. "What I would like to ask you boys is this", said Sim: "When is a sales tax not a sales tax?"

And we give up without a struggle and Sim says: "When it is hidin' behind a can of tomatoes in a Chain Store."

"It's like this", Sim explained, "our Governor is against a sales tax. He says so. But he's pretty slick, so gets up a Chain Store tax to boost the salaries of a few school teachers whose pay is a disgrace to this here Grand Old Commonwealth, if you ask me, and then the Chain Store adds the tax to the roundsteak and the bread the teachers buy, so how much better are they off than before they got their raise?" Honest, Governor, you could hear a pin drop. Two of your ever-faithful legislators sneaked out the back way and I just nodded my head, and tried to look wise.

"Well", says one of the boys, "mebbe the teachers could do their eatin' in Chain Restaurants. I herd a fella say the other day the Governor certainly is tender hearted toward Chain Restaurants," and some of the boys wanted to know why, but Governor I never mentioned a thing, and if it gets out don't blame me.

"And another question", said Sim, "is why did this here Great Executive of ours go and take the tax off the distillers and put it on spinach, or is it mabbe because he thinks nobody eats spinach anyhow"?

We tried to choke Sim off by talkin' about what a shame it was cold for Easter, but he switched right back, and he says:

"Then there's that cut of one buck in the driver's license fees and the extra cent on gasoline." Now Governor some of your everfaithful legislators down here at Harrisburg thought it was pretty slick the way you talked up how

you was savin' the boys $5,000,000 a year and gettin' Joe Simon to put through a bill concealin' the fact that they are payin' $30,000,000 a year gas tax. You remember Joe's bill, which keeps the Oil Barrens from lettin' the people know how much tax they are payin'. Well, fellows like Sim they keep askin' and figurin', but most people don't give a dam so long as you don't tell 'em. I spoke up and said it was all OK by me, but Sim said it looked like a snide game to him. I never heard of a snide game, Governor, but it's one of them things that don't sound good in a political speech.

I just laffed it off, but Sim says: "Well, then, how about takin' three per cent. in taxes off them lousy corporations, and taxin' the savins' of widders and orphans?" Governor that's where he had me stumped, and I am askin' you to write an' tell me how to explain it.

You see we ain't used to arguin' for corporations and Sim got so sad about it he sounded like Sammy Weiss weepin' over the Pittsburgh flood. And I'd like to tip you off that a lot of the union boys out our way say if you don't stop somewhere there ain't goin' to be no corporations, and then who is goin' to hand out the wages, and if there ain't any wages who is goin' to pay dues to the union? That's what Sim said, and the sad part is, Governor, it's true.

So Governor, if you can find time between speeches, I wish you would write me the answers. Remember, Houdini got paid for foolin' the people, but you don't.

Your puzzled legislator,

ELMER.

Mr. OSTROFF. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I will, Mr. Speaker, with a great deal of pleasure.

Mr. OSTROFF. Mr. Speaker, do I understand that the letter which Mr. Turner has just read was written by a perplexed legislator?

Mr. TURNER. Mr. Speaker, I should think that that would be self-evident to the gentleman from Philadelphia from his actions in this House, which coincide with what I have read.

Mr. OSTROFF. Mr. Speaker, will the gentleman from Delaware please inform the House whether the letter which he just read was written by a member of this House?

Mr. TURNER. Mr. Speaker, I always try to keep confidences, but I would say confidentially, not to be repeated outside the four confines and boundaries of the State of Pennsylvania, that the letter which I have just read was written by a member of the Pennsylvania Legislature. I am not accustomed, Mr. Speaker, to having my veracity attacked upon the floor of this House. It may be attacked outside, but I don't allow it to be attacked here.

Mr. OSTROFF. Mr. Speaker, aside from the question of whether or not the gentleman's veracity has ever been attacked on the floor of the House, I would like the gentleman to inform us who, if anyone, wrote the letter.

Mr. TURNER. Mr. Speaker, I said in the beginning that the gentleman from Philadelphia was a typical example of what I said about being puzzled. Now, having answered the question as to who wrotc the letter, I do not see how I can further explain to him who wrote that letter. It must be apparent that the letter was written on a piece of paper, and evidently typewritten, from the evidence before us. Therefore, it must have been written by some one.

Mr. OSTROFF. Mr. Speaker, I would like to ask the gentleman not to resort to "ignoratio elenchi" but to reply who wrote that letter.

Mr. TURNER. Mr. Speaker, you know I am so modest. I can understand that in the mind of my youthful friend, with his experience dating back to the first of December, that it is incomprehensible that a legislator could write a letter.

Mr. OSTROFF. Mr. Speaker, if the letter was written by a legislator, I am sure that the legislator who wrote such a clever piece of literature would not refuse to have his name divulged, and I wonder if the gentleman who wrote the letter, the author of that masterpiece, wont be good enough to set aside his modesty and take the laurels.

Mr. TURNER. Mr. Speaker, if the gentleman from Philadelphia is trying to place laurels on my brow,—

Mr. OSTROFF. I mean his forebrow, Mr. Speaker.

Mr. TURNER. This is the first time, Mr. Speaker, in my experience in the legislature that any one has ever done that, I will try to accede to his desire and grant his request. Mr. Speaker, I would like to ask the gentleman from Philadelphia a question myself.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. OSTROFF. Mr. Speaker, I am not through as yet.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, the gentleman from Philadelphia said he was not through as yet. Personally I thought he was through at the very first question.

Mr. OSTROFF. Mr. Speaker, judging from the remarks of the gentleman from Philadelphia, I was through the first of December, but I hope to prove he is wrong.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Ostroff, permit himself to be interrogated?

Mr. OSTROFF. I will not, Mr. Speaker. I move that the remarks of the gentleman from Delaware, so far as the letter is concerned, be expunged from the record.

The SPEAKER. Does the gentleman insist on his motion?

Mr. OSTROFF. I do not Mr. Speaker. I withdraw the motion.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 132, entitled:

An Act to prohibit the continuous operation of the underground workings of anthracite coal mines.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flinchbaugh,	McGee,	Siegel,
Alexander,	Ganser,	McKinney,	Simon,
Arnold,	Gerard,	McShane,	Simpson,
Atkins,	Gillette,	Melchiorre,	Skale,
Aukerman,	Gorski,	Mellott,	Sloan,
Baine,	Habbyshaw,	Merrell,	Smith, James A.,
Baker, F. T.,	Haberlen,	Mihm,	Smith, John A.,
Baker, J. J.,	Hagerty,	Moomaw,	Snyder,
Balthaser,	Hall,	Mooney,	Sollenberger,
Bierly,	Hamilton, F. P.,	Moran,	Spengler,
Blank,	Hamilton, R. S.,	Moul,	Sproul,
Bohn,	Harkins,	Muir,	Stank,
Boles,	Harmuth,	Munley,	Stewart,
Boltz,	Hays,	Murrin,	Stockham,
Boose,	Hering,	Nagel,	Strode,
Boyer,	Hess,	O'Brien,	Terry,
Bradley,	Hindman,	O'Connor,	Thomas,
Brancato,	Hetrick,	O'Keefe,	Thompson,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Patterson, J. W.,	Valibus,
Cadwalader,	Horting,	Peale,	VanAllsburg
Caesar,	Huntley,	Pearson,	VanSickle,
Caputo,	Imbrie,	Perry,	Vogt,
Chervenak,	Jirolanio,	Pershing,	Wagner,
Coakley,	Kane,	Piole,	Wall,
Cohen, H. B.,	Keenan,	Powers,	Walsh,
Cohen, R. E.,	Kelso,	Preston,	Wampole,
Coleman,	Kilroy,	Readinger,	Watkins,
Coolahan,	Kline,	Reese,	Webster,
Corrigan,	LaRue,	Reising,	Weidemann,
Costanzo,	Leisey,	Richter,	Weiss, D. H.,
Davies,	Levy,	Robinson,	Weiss, S. A.,
Decker,	Lewis,	Rothenberger,	Welliver,
DeNote,	Long,	Royer,	Welsh,
Dickinson,	Longaker,	Ruffennach,	Westrick,
Donohoe,	Lopresti,	Rush,	Whalen,
Dougherty,	Lovett,	Sarraf,	Whitenight,
Downey,	Lyons,	Scanlon,	Wilson,
Dubbs,	Mallen,	Schor,	Winner,
Dyson,	Marino,	Schrock,	Wood,
Eckels,	Matthews, H. T.,	Schrope,	Woodside,
Elpern,	Matthews, J. F.,	Schumacher,	Wright,
Falkenstein	McArdle,	Serrill,	Yanoshak,
Finnerty,	McCullough,	Shaw,	Yeakel,
Fiss,	McDermott,	Shea,	Yourishin,
Fitch,	McDevitt,	Shepard,	Zappala,
Flanagan,	McElroy,	Shoemaker,	Furman,
Flannery,	McFall,		

NAYS—1

Stackpole,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1087, entitled:

An Act providing for the exclusions from the court room and the segregation of certain witnesses in criminal cases imposing restrictions on such witnesses providing for their maintenance at the expense of the county and prescribing penalties

On the question.

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. BROWN. Mr. Speaker, I would like to interrogate the gentleman from Berks, Mr. Hess.

The SPEAKER. Will the gentleman from Berks permit himself to interrogated?

Mr. HESS. I will, Mr. Speaker.

Mr. BROWN. Mr. Speaker, I would like to ask the gentleman from Berks, Mr. Hess, what is a court of original criminal jurisdiction, not of record, in the Commonwealth of Pennsylvania.

Mr. HESS. Mr. Speaker, the magistrate's court. In answer to the question of the gentleman from Allegheny, I would say that the magistrate's or alderman's court would be a court of criminal original jurisdiction, not of record.

Mr. BROWN. Mr. Speaker, I take it, under this bill a magistrate could sequester a witness and have the county pay for the witnesses in his court.

Mr. HESS. He could, Mr. Speaker.

Mr. BROWN. Mr. Speaker and members of the House, I do not want to be misunderstood as being opposed to this measure. I think this question of sequestration of witnesses or witnesses under rule, as we have in many states throughout this country, is a good one, but I think this bill goes obviously too for. It should be confined to courts of record and courts of record only.

I should like to ask the gentleman from Berks, Mr. Hess, if he will not be willing to let this bill go over until it may be amended to strike out "not of record."

Mr. HESS. Mr. Speaker, my co-sponsor, Mr Nagel, and myself are willing that this bill be placed upon the final passage postponed calendar, so that we can get together with the gentleman from Allegheny for the purpose of that amendment.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. HESS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 647, entitled:

An Act to promote public health morals safety and welfare by providing for the supervision and encouragement of housing creating a State Board of Housing a departmental administrative board within the Department of Health providing for the organization of the board the appointment and removal of its members enumerating its duties and powers including the powers to conduct investigations issue subpoenas apply to courts for punishment of contempts make orders rules and regulations prescribe forms require reports supervise the operations of limited dividend housing companies and housing authorities and their members and employes commence actions to prevent violations of law and to surcharge members of authorities supervise rentals charged by limited dividend companies charge fees for services providing for the selection and removal of the board's employes providing for appeals from its orders and making an appropriation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flinchbaugh,	McGee,	Simon,
Alexander,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stackpole,
Bohn,	Harkins,	Muir,	Stank,
Boles,	Harmuth,	Munley,	Stewart,
Boltz,	Hays,	Murrin,	Stockham,
Boose,	Hering,	Nagel,	Strode,
Boyer,	Hess,	O'Brien,	Terry,
Bradley,	Hetrick,	O'Connor,	Thomas,
Brancato,	Hindman,	O'Keefe,	Thompson,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, S.,	Turner,
Burrows,	Hontz,	Patterson, W.,	Valibus,
Cadwalader,	Horting,	Peale,	VanAllsburg,
Caesar,	Huntley,	Pearson,	VanSickle,
Caputo,	Imbrie,	Perry,	Vogt,
Chervenak,	Jirolanio,	Pershing,	Wagner,
Coakley,	Kane,	Piole,	Wall,
Cohen, H. B.,	Keenan,	Powers,	Walsh,
Cohen, R. E.,	Kelso,	Preston,	Wampole,
Coleman,	Kilroy,	Readinger,	Watkins,
Coolahan,	Kline,	Reese,	Webster,
Corrigan,	LaRue,	Reising,	Weidemann,
Costanzo,	Leisey,	Richter,	Weiss, D. H.,
Davies,	Levy,	Robinson,	Weiss, S. A.,
Decker,	Lewis,	Rothenberger,	Welliver,
DeNote,	Long,	Royer,	Welsh,
Dickinson,	Longaker,	Ruffennach,	Westrick,
Donohoe,	Lopresti,	Rush,	Whalen,
Dougherty,	Lovett,	Sarraf,	Whitenight,
Downey,	Lyons,	Scanlon,	Wilson,
Dubbs,	Mallen,	Schor,	Winner,
Dyson,	Marino,	Schrock,	Wood,
Eckels,	Matthews, H. T.,	Schrope,	Woodside,
Elpern,	Matthews, J. F.,	Schumacher,	Wright,
Falkenstein,	McArdle,	Serrill,	Yanoshat,
Finnerty,	McCullough,	Shaw,	Yeakel,
Fiss,	McDermott,	Shea,	Yourishin,
Fitch,	McDevitt,	Shepard,	Zappala,
Flanagan,	McElroy,	Shoemaker,	Furman,
Flannery,	McFall,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 917, entitled:

An Act providing for the licensing of all persons engaged as blasters except in anthracite or bituminous coal mines or on farms requiring examination for such license providing for the payment of a fee for examination and for the issuance and renewal of licenses and providing penalties

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flinchbaugh,	McGee,	Simon,
Alexander,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stackpole,
Bohn,	Harkins,	Muir,	Stank,
Boles,	Harmuth,	Munley,	Stewart,
Boltz,	Hays,	Murrin,	Stockham,
Boose,	Hering,	Nagel,	Strode,
Boyer,	Hess,	O'Brien,	Terry,
Bradley,	Hetrick,	O'Connor,	Thomas,
Brancato,	Hindman,	O'Keefe,	Thompson,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Patterson, J. W.,	Valibus,
Cadwalader,	Horting,	Peale,	VanAllsburg,
Caesar,	Huntley,	Pearson,	VanSickle,
Caputo,	Imbrie,	Perry,	Vogt,
Chervenak,	Jirolanio,	Pershing,	Wagner,
Coakley,	Kane,	Piole,	Wall,
Cohen, H. B.,	Keenan,	Powers,	Walsh,
Cohen, R. E.,	Kelso,	Preston,	Wampole,
Coleman,	Kilroy,	Readinger,	Watkins,
Coolahan,	Kline,	Reese,	Webster,
Corrigan,	LaRue,	Reising,	Weidemann,
Costanzo,	Leisey,	Richter,	Weiss, D. H.,
Davies,	Levy,	Robinson,	Weiss, S. A.,
Decker,	Lewis,	Rothenberger,	Welliver,
DeNote,	Long,	Royer,	Welsh,
Dickinson,	Longaker,	Ruffennach,	Westrick,
Donohoe,	Lopresti,	Rush,	Whalen,
Dougherty,	Lovett,	Sarraf,	Whitenight,
Downey,	Lyons,	Scanlon,	Wilson,
Dubbs,	Mallen,	Schor,	Winner,
Dyson,	Marino,	Schrock,	Wood,
Eckels,	Matthews, H. T.,	Schrope,	Woodside,
Elpern,	Matthews, J. F.,	Schumacher,	Wright,
Falkenstein,	McArdle,	Serrill,	Yanoshat,
Finnerty,	McCullough,	Shaw,	Yeakel,
Fiss,	McDermott,	Shea,	Yourishin,
Fitch,	McDevitt,	Shepard,	Zappala,
Flanagan,	McElroy,	Shoemaker,	Furman,
Flannery,	McFall,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL POSTPONED

Mr. MORAN. Mr. Speaker, I move that House Bill No. 1572, Printer's No. 429, entitled:

An Act to amend sections one eight eleven and thirteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1513) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" extending the provisions of said act to unfired pressure vessels

on page 5 of today's calendar, bill on third reading be placed upon the postponed calendar.

The motion was agreed to.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, March 29, 1937.

Resolved, (if the Senate concur), That House Bill No. 561, Printer's No. 385, entitled "An act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof; declaring void certain condemnations and appropriations of waters by municipalities, corporations, copartnerships or persons; providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities, corporations, copartnerships or persons, and appeals therefrom; conferring jurisdiction on the court of Common Pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by, and allocation of waters to, municipalities, corporations, copartnerships or persons, and for compensation for waters hereafter to be taken for public water supply purposes; and conferring powers, and imposing duties upon the Water and Power Resources Board," be recalled from the Governor for the purpose of amendment.

RESOLUTION

Mr. SLOAN offered a resolution which was filed with the Clerk under the Rules.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LaRUE asked and obtained permission for the Committee on Forestry to meet during the session of the House.

REPORTS FROM COMMITTEES

Mr. POWERS, from the Committee on Forestry, reported as amended, House Bill No. 1629, entitled:

An Act dedicating and setting aside certain lands in Lackawanna and Luzerne Counties as a public park and pleasure ground; and imposing certain powers and duties in connection therewith on the Department of Forests and Waters.

Mr. BOHN, from the Committee on Education, re-reported as amended, House Bill No. 1420, (Senate Bill No. 369), entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by designating who shall be known as professional employes in the several school districts, and making provisions for their election and dismissal.

BILL RE-REFERRED

Mr. HARKINS, returned from the Committee on Pensions and Gratuities with the recommendation that it be re-referred to the Committee on Welfare, House Bill No. 1951, (Senate Bill No. 38), entitled:

An Act to amend clause (a) of section five of the act approved the twenty-fifth day of June, one thousand nine hundred and thirty-six, (P. L. 28), entitled "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts;" providing for assistance to indigent persons sixty-five years of age and upwards.

The SPEAKER. The bill is now re-referred to the Committee on Welfare.

Mr. HARMUTH, returned from the Committee on Boroughs with the recommendation that it be re-referred to the Committee on Highways, House Bill No. 1966, entitled:

An Act to amend section two of the act approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Borough of Blossburg.

The SPEAKER. The bill is now re-referred to the Committee on Highways.

Mr. HARMUTH, returned from the Committee on Boroughs with the recommendation that it be re-referred to the Committee on Highways, House Bill No. 1964, entitled:

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing certain streets in the Boroughs of Mansfield, Knoxville and Elkland.

The SPEAKER. The bill is now re-referred to the Committee on Highways.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Sub-Committee of the Committee on Agriculture on Milk Control will meet tomorrow morning at 8:30 a. m. in Room 521.

The Sub-Committee on Game will meet in the Game Commissioner's office immediately after this session.

A public hearing at 4:00 p. m. today on House Bill No. 1119 in the House Caucus Room.

A public hearing next Tuesday, April 6, at 11:00 a. m. on House Bill No. 1155 before the Committee on Banking in the House Caucus Room.

A public hearing next Tuesday, April 6, at 12:00 Noon on House Bill No. 1020 before the Committee on Judiciary General in the House Caucus Room.

A public hearing next Tuesday, April 6, at 8:00 p. m. on House Bills No. 588, 1039, 1158 and 1134 before the Committee on Judiciary General in the House Caucus Room.

A public hearing on Tuesday, April 13, at 8:00 p. m. on House Bill No. 608 before the Committee on Judiciary General in the House Caucus Room

Committee meetings for tomorrow:

Agriculture at 9:00 a. m. in Room 521

Education at 10:00 a. m. in the House Caucus Room.

Insurance at 12:00 Noon in Room 324.

Judiciary Special at 10:30 a. m. in Room 546.

Motor Vehicles at 10:00 a. m. in Room 323.

Municipal Corporations at 11:45 a. m. in Room 301.

Printing at 11:30 a. m. in Room 544.

Public Health and Sanitation at 12:30 p. m. in Room 544.

State Government at 11:00 a. m. in Room 521.

Townships at 11:00 a. m. in Room 324.

Welfare at 12:30 p. m. in Room 301.

ADJOURNMENT

Mr. MORAN. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 3:25 p. m.) the House adjourned until Wednesday, March 31, 1937, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., WEDNESDAY, MARCH 31, 1937. No. 37.

SENATE

WEDNESDAY, March 31, 1937

The Senate met at 12 o'clock noon.

The RRESIDENT PRO-TEMPORE (Mr. Harvey Huffman) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, L. L. D., offered the following prayer:

Our Father, and our God, we would lift up our eyes unto the hills, whence cometh our help! Save us from the selfish and the sordid Even alone, Thou has wrought mightily. In the shining stars of night, or in tide or tempest of rolling seas, Thou art the Omnipotent One.

Apart from Thee, we can do nothing, but Oh the wonders of man in fellowship with God. Thy fruits more delicious, Thy blossoms more beautiful and fragrant, when we work together.

Make of this temple of stone a laboratory of God and manour output, the roy-croft of human happiness and glory divine. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal the preceding session.

The Clerk proceeded to read the J.. ..l of the preceding session, ,when, on motion of Mr. DiSILVESTRO, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

PETITIONS AND REMONSTRANCES

OPPOSING HOUSE BILL No. 587.

The Chair cleared his table and laid before the Senate communications from Mrs. Charles Wood, Overbrook, Philadelphia, Pa., opposing the passage of House Bill No. 587.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations

MEMBER PENNSYLVANIA SECURITIES COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 31, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Anthony J. Barrett, of Drexel Hill, Delaware County, for appointment as a member of the Pennsylvania Securities Commission, vice Seymour M. Heilbron, of Media, resigned, until the 3rd Tuesday of January, 1939, to compute from April 1, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 31, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Estelle M. Jones, 643 Liberty Avenue, Pittsburgh.

ERIE COUNTY

K. H. Beck, Erie.

JEFFERSON COUNTY

Glenn R. Dennison, Reynoldsville.

NORTHAMPTON COUNTY

P. H. Wright, Bethlehem.

PHILADELPHIA COUNTY

Mrs. Anna Z. Davis, 1500 Walnut St., Philadelphia.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 31, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

CAMBRIA COUNTY

Miss Verna Williams, Ebensburg, April 4, 1937.

PHILADELPHIA COUNTY

J. Horace Adams, 932 W. Lehigh Ave., Philadelphia, April 7, 1937.

ARMSTRONG COUNTY

Raymond A. Zeigler, Kittanning, April 9, 1937.

GEORGE H. EARLE.

REPORTS FROM COMMITTEES

Mr. MALLERY, from the Committee on Highways, re-reported as committed, Senate Bill No. 1, entitled:

An Act to amend section three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 920), entitled "An act providing for the relocation and changes of width, grades and lines of State highways in boroughs by the Secretary of Highways, with the approval of the Governor and commissioners of the proper county, and for the payment of damages occasioned thereby by the county; and repealing certain acts" as amended; by providing for payment by the Commonwealth, out of the Motor License Fund, of damages for land or property taken, injured or destroyed by the change of width, lines and locations of State highways in boroughs and incorporated towns, and the cost of removal of structures, where the county does not agree to such changes or removals; requiring approval of the court of quarter sessions to certain agreements made by the county commissioners with property owners; and fixing the time when the Secretary of Highways may begin work.

Mr. WOLFENDEN, from the Committee on Education, reported as amended, Senate Bill No. 559, entitled:

An Act to amend article ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by requiring the Superintendent of Public Instruction to withhold appropriations from school districts until all reports required by law are filed, and making permissive the withholding of appropriations from school districts failing to comply with health and safety regulations.

Mr. JASPAN, from the Committee on Education, reported as committed, Senate Bill No. 558, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the method of computing reimbursement to be made to school districts for the payment of high school tuition.

Mr. CAVALCANTE, from the Committee on Municipal Government, re-reported as amended, Senate Bill No. 465, (House Bill No. 679), entitled:

An Act authorizing the abatement of certain interest charges, expenses and fees added to county, city borough, town, township, school district or poor district claims imposed or assessed for improvements or for the abatement of nuisances; prohibiting the sale of real property for the nonpayment of such claims for a certain period; preserving the liens of such claims and providing for the extension thereof.

Mr. FREY, from the Committee on Municipal Government, reported as committed, Senate Bill No. 698, (House Bill No. 1296), entitled:

An Act to amend section one of Article fifteen of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled, "An act for the government of cities of the second class," as amended further, regulating the giving of contracts relating to city affairs.

Mr. RODGERS, from the Committee on Highways, reported as committed, Senate Bill No. 539, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by further regulating the affairs of such counties with respect to roads, and providing that in certain cases county roads shall become and be maintained as city and borough streets and township roads.

Also from the Committee on Highways, reported as committed, Senate Bill No. 540, entitled:

An Act establishing certain public roads and streets as a State highway and providing for their construction, reconstruction and maintenance by the Department of Highways subject to certain terms and conditions.

Mr. RUTH, from the Committee on Education reported as amended, Senate Bill No. 372, entitled:

An Act to amend section two hundred fourteen, section two hundred sixteen as amended, and section two hundred and seventeen, of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class.

Mr. McGINNIS, from the Committee on Municipal Government, reported as committed, Senate Bill No. 696, (House Bill No. 1292), entitled:

An act authorizing council in cities of the second class to make appropriations for the use of the Director of the Department of Supplies and his assistant, providing for the deposit of such moneys from time to time in a special fund which may be drawn upon for certain purchases without prior approval.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 697, (House Bill No. 1295), entitled:

An Act to amend sections one and two of the act approved the seventh day of June, one thousand nine hundred and eleven (P. L. 667) entitled, "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March one thousand nine hundred and one, regulating the certification, recording, advertising and proof of passage of legislative acts of councils and prescribing the effects of the production thereof when required as evidence," by allowing council to shorten the publications provided for.

Mr. SONES, from the Committee on Highways, reported as amended, Senate Bill No. 574, (House Bill No. 1183), entitled:

An Act providing for the taking over by the Common-

wealth under certain terms, conditions and limitations of certain streets in cities of the first class as State highways and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of reconstruction of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said streets after improvement without a permit and providing penalty therefor; regulating the maintenance of detours: authorizing the increase or city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act.

Mr. KUNKEL, from the Committee on Highways, reported as committed, Senate Bill No. 571, entitled:

An Act to amend section sixteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, Superintendents of Highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein, providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of townships, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same, providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act." as amended, by empowering viewers appointed to ascertain and assess damages upon petition of the county commissioners or property owners to also assess any benefits.

BILLS INTRODUCED

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 808, entitled:

An Act to amend section one of the act, approved the twenty-eighth day of April, one thousand nine hundred and fifteen (P. L. 197), entitled "An act regulating the manner and time of payment of employes of cities of the first class," by eliminating the provision requiring the payment of employes on the first and fifteenth day of each month.

Which was committed to the Committee on City Government.

Also read in his place and presented to the Chair Senate Bill No. 809, entitled:

An Act to amend section three of Article twelve of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by further defining the powers and duties of the city controller.

Which was committed to the Committee on City Government.

Mr. RODGERS read in his place and presented to the Chair Senate Bill No. 810, entitled:

An Act to amend section eight hundred twenty-four and section nine hundred and five as amended, of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by changing certain provisions relating to the borrowing of money for the acquiring and rebuilding of certain bridges, and for the purchase and improvement or construction of public highways, bridges, tunnels, subways and underground roads.

Which was committed to the Committee on County Government.

Mr. THOMPSON read in his place and presented to the Chair Senate Bill No. 811, entitled:

An Act permitting boroughs engaged in the construction of sewers and sewer systems to change, under certain conditions, the locations of the sewers and sewer system by amending ordinances; and providing that abutting property owners shall be liable in such cases.

Which was committed to the Committee on Municipal Government.

Mr. RANKIN read in his place and presented to the Chair Senate Bill No. 812, entitled:

An Act to amend section two hundred and twenty-seven, as amended, of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by changing the method of appointing minute clerks of the courts of common pleas, and courts of quarter sessions and oyer and terminer in counties of the second class.

Which was committed to the Committee on Judiciary Government.

Mr. GILSON read in his place and presented to the Chair Senate Bill No. 813, entitled:

An Act authorizing townships of the first class to satisfy of record liens for taxes or other township claims solely upon the payment of record costs where such liens are or record against real estate acquired by the Commonwealth or an agency of the Commonwealth subsequent to the date of the filing of the said lien.

Which was committed to the Committee on Judiciary Government.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 814, entitled:

An Act to amend the act, approved the seventeenth day of July, one thousand nine hundred and thirty-five (P. L. 1092), entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate judges and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies and for their supervision regulation, and examination by the Insurance Commissioner, etc."

Which was committed to the Committee on Insurance.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I rise to the question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Dr. Woodward, will state his question of personal privilege.

Mr. WOODWARD. Mr. President, I realize we are in a hurry and I shall be very brief. This speech would not be delivered were it not for a mistake made by the Senator from Centre, Mr. Thompson by cutting off debate, so all that is left to us is to rise on a personal privilege. Now, I want to criticize this method of ours of going into the Committee of the Whole. I do not claim to be a parliamentarian, but I am surrounded by Senator Buckman, Senator Cavalcante and Senator Shapiro—who are parliamentarians, they surround me when I go back to the rail—and I would like to suggest that it is all wrong to go into a Committee of the Whole on special amendments and by going into a Committee of the Whole we would agree on these amendments. Now, that is not in Jefferson's Manual nor in the Senate rules, and I trust these Parliamentarians will discover where it is.

Now, that is the first point; I have four points. The second point is that the Senator from Centre yesterday destroyed free speech. He acted on impulse, and I have to be very gentle in my remarks because I live in the same hotel with him and he invited me to have lunch with him, so I am going to be very careful. You all know the mistake that Columbus made when he acted upon an impulse, and the one mistake that General Robert E. Lee made when he acted on impulse at Gettysburg, and also the mistake that Napoleon made, and the same thing applies to Governor Earle concerning the sales taxes—and we have a whole lot of impulses and sales taxes.

I excuse the Senator from Centre because he acted on impulse, and from President Roosevelt down they have acted on impulses. That is point number two.

Point number three. This is on the subject of labor. The labor party was formerly called the Democratic party. Last night they had a banquet at the Penn Harris (I wasn't invited), and I understand that one of the few men in the world whom I dislike was there, Mr. John L. Lewis. In fact a man came to my desk some time ago and he said, "Is John L. Lewis here? I'm going to shoot him. Will you lend me $5.00?" And I gave him $5.00. Now, I might be willing to vote for the Lieutenant Governor for Governor.

I have the greatest respect for Lieutenant Governor Kennedy, except that I cannot vote for him if he is sponsored by John L. Lewis—that's too much—and I wouldn't mind having a labor Governor, really. I used to oppose the miners' certificate bill here, and that is how I got acquainted with Mr. Lewis. Mr. Lewis has terrific eye brows and he brow-beat the committee, the Judiciary General Committee, and so scared them that they didn't know what they were doing; of course, it fell by the wayside, but I have since discovered that the miners' certificate law is a good thing. I am not opposed to the closed shop, I am not opposed to the check-off, I am a friend of labor—but nobody knows that I am. I would like to say, Mr. President, that I have always contributed to these labor paper advertisements and when they had labor conventions in Philadelphia, until the last campaign, when there was a post-card circular sent into my district saying. "Vote against Woodward; he is an enemy of labor." Well, I preserved that card, and I had several calls from the labor people for more advertisements in the papers and for more contributions to their conventions, and then I pulled out this postal-card and read it to them and told them that until the Central Labor Union apologizes, they will not get another penny. That post-card has saved me hundreds of dollars.

Now, Mr. President, I will be as fast as I can; I would like to talk for a long time about labor. You have all heard of the "Danver Harris" case—Senator Cavalcante has heard of that—where they had recovered damages from individuals, and those individuals are now in their graves. Then later on there was a labor case, the Cornwall Coal Company case in Arkansas. That strike was managed from Indianapolis, and one of our Philadelphia lawyers obtained a verdict in a damage case against the Union in Indianapolis—I don't see how he did it—but one of the essential mistakes in all labor unions is their refusal to incorporate. They will not incorporate, they want power and responsibility, but they know that when they are incorporated they can sue and be sued, and play the game. You ask a labor leader to become incorporated and he will say "no, nothing doing, we are amenable to the common law." Well, you cannot recover common law damages that you could from a corporation.

If the labor unions would incorporate, they would have to publish their financial reports and stand up and take their medicine like other people, and not be the spoiled child, and I would be 100% for labor. Many of our people are for bigger and better labor unions, and I am all for that.

Now, for the last point, the fourth point, about the Republican Party;—as Mr. Bigelow, the first speaker the other night, said: "Now, Senator Cavalcante, don't cherish a grudge, Frank Gowan is dead, George F. Baer died, and they did wrong, but Senator, don't nurse a grievance; two wrongs don't make a right." And so it is, I say to our New Deal friends, don't nurse grievances. The Republican party has made a lot of mistakes, but so many bills we have here are administration bills, that I think it is wrong, and it is based on false principles of nursing all grievances. Now, that is the Republican Party. I believe the

Republican Party has done wrong, but they polled 17,000,000 votes and they ought to have a ratio of 40% in the government, but they haven't got that, they have only 20% instead of 40%—I can't explain that. Now then, the party will go on and I am against the name "Republican"—it has too many associations, bad associations, reactionary. I would like to see it change its name (but I can't give it a name), but it should embrace those people who do not delegate the power to one man, no matter how smart he may be, nor how sweet his smile, nor what his voice may be. I would like this new Party to have persons go into it with the express idea of breaking up the delegation of power to one man and who will also return the idea to our Governor of having three departments, the legislative, executive and judicial. Thank you very much.

CONSIDERATION OF THE CALENDAR

Mr. SHAPIRO. Mr. President, I move that the Senate do now proceed to the consideration of the calendar beginning with the bills on page 3, Senate Bill No. 79 on third reading.

Mr. MUNDY. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. RUTH. Mr. President, I move that Senate Bill No. 79, on third reading, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," requiring all county officers hereafter appointed elected upon the expiration of their terms to pay over to the county treasurer all moneys in their possession for which they are liable to account under their respective bonds together with a statement thereof and providing for the payment out of such moneys providing for the escheat of certain moneys held in the county treasury and releasing such county officers.

Be recommitted to the Committee on County Government.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 242, (House Bill No. 441), entitled:

An Act licensing and regulating the business of pawnbrokers providing for the issuance of licenses by the Secertary of Banking authorizing the Secretary of Banking to make examinations and issue regulations limiting the interest and charges on loans and prescribing penalties for the violation of this act.

An said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Buckman,	Homsher,	McCreesh,	Salus,
Cavalcante,	Howell,	McGinnis,	Scarlett,
Dando,	Jacobs,	Mundy,	Shapiro,
Dent,	Jaspan,	Owlett,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Sones,
Ealy,	Kilgallen,	Rankin,	Stiefel,
Eroe,	Kunkel,	Reed,	Thompson,
Frey,	Lanius,	Rice,	Wolfenden,
Gilson,	Law,	Rodgers,	Woodward,
Haluska,	Mallery,	Ruth,	Huffman,
Heyburn,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 330 (House Bill No. 737), entitled:

An Act to amend clauses (a) and (c) of section one thousand eight hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended providing for the acquisition holding management control protection maintenance utilization and regulation of additional lands to extend State forests so as to prevent soil erosion the silting up of reservoirs to control stream flow to extinguish interior holdings and for the establishment of fire observation towers and stations

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Buckman,	Homsher,	McCreesh,	Salus,
Cavalcante,	Howell,	McGinnis,	Scarlett,
Dando,	Jacobs,	Mundy,	Shapiro,
Dent,	Jaspan,	Owlett,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Sones,
Ealy,	Kilgallen,	Rankin,	Stiefel,
Eroe,	Kunkel,	Reed,	Thompson,
Frey,	Lanius,	Rice,	Wolfenden,
Gilson,	Law,	Rodgers,	Woodward,
Haluska,	Mallery,	Ruth,	Huffman,
Heyburn,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. THOMPSON. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 694 (House Bill No. 1154), on third reading.

Mr. KUNKEL. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 694 (House Bill No. 1154), entitled:

An Act making an appropriation to the General State Authority

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Buckman,	Homsher,	McGinnis,	Salus,
Cavalcante,	Howell,	Mundy,	Scarlett,
Dando,	Jacobs,	Owlett,	Shapiro,
Dent,	Jaspan,	Pytko,	Sipe,
DiSilvestro,	Kahle,	Rankin,	Sones,
Ealy,	Kilgallen,	Reed,	Stiefel,
Eroe,	Kunkel,	Rice,	Thompson,
Frey,	Lanius,	Roberts,	Wolfenden,
Gilson,	Law,	Rodgers,	Woodward,
Haluska,	Mallery,	Ruth,	Huffman,
Heyburn,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 363, entitled:

An Act making an appropriation to the Department of Revenue for payment to counties and county officers in order to relieve counties of certain fees and charges for the keeping of records and making of reports by county officers for the better collection of State taxes on personal property.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Buckman,	Homsher,	McCreesh,	Salus,
Cavalcante,	Howell,	McGinnis,	Scarlett,
Dando,	Jacobs,	Mundy,	Shapiro,
Dent,	Jaspan,	Owlett,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Sones,
Ealy,	Kilgallen,	Rankin,	Stiefel,
Eroe,	Kunkel,	Reed,	Thompson,
Frey,	Lanius,	Rice,	Wolfenden,
Gilson,	Law,	Rodgers,	Woodward,
Haluska,	Mallery,	Ruth,	Huffman,
Heyburn,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 378, entitled:

An Act to amend section one and section three as amended of the act approved the twenty-ninth day of April one thousand nine hundred and twenty-five (Pamphlet Laws three hundred sixty) entitled "An act conferring on the Department of Highways power to enter upon private property and open and maintain drainage channels along roads or highways constructed at the expense of the Department of Highways or under its supervision and providing penalty for interference with such drains or ditches and providing for the payment of damage" by requiring that the consent of the county within which such roads or highways are located shall be obtained if possible before the entering upon of the said lands or enclosures and that any damage sustained by the owner or owners of land entered upon by the Department of Highways without the consent of the county or counties within which said property is located shall be paid out of the Motor License Fund

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Buckman,	Homsher,	McCreesh,	Salus,
Cavalcante,	Howell,	McGinnis,	Scarlett,
Dando,	Jacobs,	Mundy,	Shapiro,
Dent,	Jaspan,	Owlett,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Sones,
Ealy,	Kilgallen,	Rankin,	Stiefel,
Eroe,	Kunkel,	Reed,	Thompson,
Frey,	Lanius,	Rice,	Wolfenden,
Gilson,	Law,	Rodgers,	Woodward,
Haluska,	Mallery,	Ruth,	Huffman,
Heyburn,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 393 (House Bill No. 543), entitled:

An Act to amend section two hundred thirteen and section two thousand four hundred four as amended of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing cerating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor

and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" prescribing the qualifications of departmental deputies and providing for liability insurance covering the operation of Federal vehicles used by the National Guard

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution. and were as follows, viz:

YEAS—41

Buckman,	Homsher,	McCreesh,	Salus,
Cavalcante,	Howell,	McGinnis,	Scarlett,
Dando,	Jacobs,	Mundy,	Shapiro,
Dent,	Jaspan,	Owlett,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Sones,
Ealy,	Kilgallen,	Rankin,	Stiefel,
Eroe,	Kunkel,	Reed,	Thompson,
Frey,	Lanius,	Rice,	Wolfenden,
Gilson,	Law,	Rodgers,	Woodward,
Haluska,	Mallery,	Ruth,	Huffman,
Heyburn,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 400 (House Bill No. 860), entitled:

An Act requiring county officers in counties of the first class to pay over to the county offices in counties of the first class to pay over to the county treasurer for safekeeping certain unclaimed moneys and providing for the payment of such moneys out of the county treasury to claimants and for the escheat of unclaimed moneys

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Buckman,	Homsher,	McCreesh,	Salus,
Cavalcante,	Howell,	McGinnis,	Scarlett,
Dando,	Jacobs,	Mundy,	Shapiro,
Dent,	Jaspan,	Owlett,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Sones,
Ealy,	Kilgallen,	Rankin,	Stiefel,
Eroe,	Kunkel,	Reed,	Thompson,
Frey,	Lanius,	Rice,	Wolfenden,
Gilson,	Law,	Rodgers,	Woodward,
Haluska,	Mallery,	Ruth,	Huffman,
Heyburn,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. JACOBS. Mr. President, I ask unanimous consent that Senate Bill No. 409, on third reading, entitled:

An Act to amend section one thousand and thirtyfive as amended and section one thousand and sixty-two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" further regulating reports of auditors and controllers

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 444, entitled:

An Act to amend section two hundred eight of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" providing for the designation of the Secretary of the Commonwealth as agent for the service of process on business corporations and regulating the manner of services

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. OWLETT. Mr. President, I would like to ask if the sponsor of this bill, the Senator from Philadelphia. Mr. Stiefel, will permit himself to be interrogated.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Stiefel, permit himself to be interrogated?

Mr. STIEFEL. Mr. President, I will.

Mr. OWLETT. Mr. President, I just want to ask the Senator from Philadelphia if he will explain, for the benefit of the Senate, the evil that is intended to be corrected by this bill.

Mr. STIEFEL. Mr. President, the late President Woodrow Wilson, one of the outstanding masters of the English language, coined the expression, "Justice delayed is justice denied."

Now, at the present time when you have to serve a corporation it takes a long time until you complete the serv-

ice in the county where the corporation is located. The purpose of this bill is to enable the serving of domestic corporations by serving the Secretary of the Commonwealth, and in that way saving expense and time; and this can be effected by means of a certificate of designation, in which a corporation will choose the Secretary of the Commonwealth as its agent, and, in case the corporation should fail, the Secretary of the Commonwealth will have authority to act as its agent.

The purpose of the bill, as I said before, is to save expense and speed up action.

Mr. OWLETT. Mr. President, I would ask the Senator from Philadelphia whether in his opinion this bill will give the counties other than the county in which the company is doing business jurisdiction of action, or does it change the jurisdiction of the courts of the State?

Mr. STIEFEL. Mr. President, may I call the attention of my colleague from Tioga County to the bottom of page 4 and the top of page 5 of the bill, under Section 208, subsection 3-D, in which is stated "Such process may be issued by any court, magistrate or justice of the peace having jurisdiction of the subject matter of the controversy in any county of the Commonwealth in which the corporation shall have its registered office***."

Mr. OWLETT. Mr. President, I would like to ask if the sponsor of the bill, the Senator from Philadelphia, would object to this bill's going over in its order.

Mr. STIEFEL. Mr. President, I have no objection.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 444, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 469 (House Bill No. 1042), entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by continuing the tax upon that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which were formerly exempt and by further defining the method of computing the franchise tax of foreign corporations

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. BUCKMAN. Mr. President, I would like to request that the Chairman of the Committee on Finance make a brief statement explaining this present bill and the other tax bills on this morning's calendar, paying particular attention to whether or not there are any changes in those bills as passed two years ago, and telling us just what these bills do,—if the Senator from Allegheny, Mr. Rankin, will be kind enough to do so.

The PRESIDENT. Will the Senator from Allegheny, Mr. Rankin, make the explanation requested?

Mr. RANKIN. Mr. President, we find on the calendar today four of the Administration tax bills, the first of which is Senate Bill No. 469 (House Bill No. 1042), which we are now considering. Briefly I would state that the original Act of June 1, 1889, levied a tax of five mills on all corporations except certain manufacturing businesses. On the sixteenth day of May, 1935, the Act was amended to include those corporations which had been tax-exempt for two years, and this, at that time, was an emergency tax measure.

The bill that is before us now is just a re-enactment of the tax on manufacturing corporations, but it does not state how long the tax shall be charged. The bill also includes nonprofit corporations, and dividends and interest earned in the Commonwealth. These are the only changes made in the Act by House Bill No. 1042.

The other two bills follow; that is, Senate Bill No. 470 (House Bill No. 1044) and Senate Bill No. 472 (House Bill No. 1048). The original Act, which is changed by House Bill No. 1044, was approved the seventh day of June, 1879, and provided for an eight mill tax upon the gross receipts of transportation, power and transmission companies. This Act was further amended in 1935, when an emergency tax of six mills was added to the original eight mills, making a total tax of fourteen mills. This Act was further amended on August 6, 1936, when a further emergency tax of six mills was added to the original eight mills, making a total of twenty mills tax on gross receipts. House Bill No. 1044 proposes keeping the tax at the amount of twenty mills—that is, on gross receipts of transportation, power and transmission companies—for the period from June, 1937, down to December, 1938, after which it will go back to eight mills. Those are the only changes from the 1935 and 1936 bills.

Senate Bill No. 529 (House Bill No. 1047) and Senate Bill No. 472 (House Bill No. 1048), that are before us this morning on third reading, are companion bills; there are no changes whatever from the bills enacted in 1935.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as folows, viz:

YEAS—31

Cavalcante,	Heyburn,	McCreesh,	Ruth,
Dando,	Jacobs,	McGinnis,	Shapiro,
Dent,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Wolfenden,
Gilson,	Lanius,	Rice,	Huffman,
Haluska,	Law,	Rodgers,	

NAYS—8

Buckman,	Homsher,	Mallery,	Salus,
Ealy,	Howell,	Owlett,	Scarlett,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 470 (House Bill No. 1044), entitled:

An Act to further amend the act approved the first day of June one thousand nine hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by increasing for a limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies limited partnerships associations joint-stock associations copartnerships and persons

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as folows, viz:

YEAS—36

Cavalcante,	Howell,	McCreesh,	Ruth,
Dando,	Jacobs,	McGinnis,	Salus,
DiSilvestro,	Jaspan,	Mundy,	Scarlett,
Ealy,	Kahle,	Owlett,	Shapiro,
Eroe,	Kilgallen,	Pytko,	Sipe,
Frey,	Kunkel,	Rankin,	Sones,
Gilson,	Lanius,	Reed,	Stiefel,
Haluska,	Law,	Rice,	Wolfenden,
Heyburn,	Mallery,	Rodgers,	Huffman,

NAYS—2

Buckman,	Homsher,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HOUSE MESSAGES

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 554

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, March 31, 1937.

Resolved (if the Senate concur) that House Bill No. 554, Printer's No. 365, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four), entitled "Banking Code," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, March 29, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 5th, at nine o'clock; and when the Hours of Representatives adjourns this week it reconvene on Monday evening, April 5th, at nine o'clock.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 553

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, March 31, 1937.

Resolved (if the Senate concur), That House Bill No. 553, Printer's No. 69, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five), entitled "Department of Banking Code," as amended, by providing for the creation of the Building and Loan Board, the appointment of its membrs, the payment of its expenses, and defining its powers and duties; and by modifying the powers and duties of the Department of Banking, and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision; and by making inapplicable said act to certain corporations.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT PRO-TEMPORE (Mr. Harvey Huffman (announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 1154, entitled:

An Act making an appropriation to the General State Authority.

House Bill No. 742, entitled:

A Supplement to the act, approved the twentieth day of July, one thousand nine hundred thirty-five (Appropriation Acts, page seventy-one), entitled "An Act to provide for the ordinary expenses of the Excutive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-five; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five," providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first, one thousand nine hundred and thirty-seven.

House Bill No. 737, entitled:

An Act to amend clauses (a) and (c) of section one thousand eight hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 177), entitled "Administrative Code of 1929," as amended; providing for the acquisition, holding, management, control, protection, maintenance, utili-

zation and regulation of additional lands to extend State forests so as to prevent soil erosion, the silting up of reservoirs, to control stream flow, to extinguish interior holdings and for the establishment of fire observation towers and stations.

Whereupon,

The PRESIDENT PRO-TEMPORE (Mr Harvey Huffman) in the presence of the Senate signed the same.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 472 (House Bill No. 1048), entitled:

An Act to further amend section one of the act, approved the fifteenth day of July one thousand eight hundred ninety-seven (Pamphlet Laws two hundred ninety-two), entitled "An act to provide revenue by taxation" by increasing the rate of tax for a limited period of time.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS -33

Cavalcante,	Jacobs,	McCreesh,	Ruth,
Dando,	Jaspan,	McGinnis,	Salus,
DiSilvestro,	Kahle,	Mundy,	Shapiro,
Eroe,	Kilgallen,	Pytko,	Sipe,
Frey,	Kunkel,	Rankin,	Sones,
Gilson,	Lanius,	Reed,	Stiefel,
Haluska,	Law,	Rice,	Wolfenden,
Heyburn,	Mallery,	Rodgers,	Huffman,
Howell,			

NAYS—5

Buckman,	Homsher,	Owlett,	Scarlett,
Ealy,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 476, entitled:

An Act authorizing boroughs and townships of the first and second class to enter into agreements with the Federal Works Progress Administration for sponsoring and carrying out projects for making and distributing free clothing to the poor and needy in such municipalities and validating agreements heretofore made.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. KILGALLEN. Mr. President, I ask unanimous consent to amend title, page 1, line 3 of title, by inserting after the word "Administration" the following: "S or other Federal agencies or authorities"; amend first Whereas, page 1, line 3 of same, by inserting after the word "Administration" the following: "S or other Federal agencies or authorities"; amend section 1, page 2, line 6, by inserting after the word "Administration" the following: "S or other Federal agencies or authorities"; amend section 2, page 2, line 17, by inserting after the word "Administration" the following: "S or other Federal agencies or authorities."

The PRESIDENT. Is there objection?

Mr. KILGALLEN. Mr. President, by way of explanation, for the information of the Senate, this bill as it now reads applies to various sewing projects, agreements for which are needed between the Federal WPA and municipalities. It has occurred to me that the nomenclature of the WPA may change, or some other authority may be set up by the Federal Government to handle these matters; and therefore I think it good legislative sense to add an amendment to this bill so that it will apply also to those other Federal agencies to be set up, and the amendment so reads.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 481, entitled:

An Act to amend a part of section three of the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws seventy-three) entitled "An act to provide for the incorporation and regulation of certain corporations" vesting discretion in the governor with respect to the approval of the charter of certain corporations

And said bill having been read at length the third time, and agreed to,

On the question,

Will the Senate agree to the bill?

BILL OVER IN ORDER

Mr. EALY. Mr. President, it had been my intention to say a few words in regard to this bill. I understand that the sponsor of the bill is willing that it go over in its order. I therefore ask unanimous consent that Senate Bill No. 481, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 487, entitled:

An Act authorizing acquisition of lands adjacent to Fort Necessity Park by purchase condemnation or otherwise and appropriating funds for such acquisition

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

NAYS—40

Buckman,	Homsher,	McCreesh,	Ruth,
Cavalcante,	Howell,	McGinnis,	Salus,
Dando,	Jacobs,	Mundy,	Scarlett,
DiSilvestro,	Jaspan,	Owlett,	Shapiro,
Ealy,	Kahle,	Pytko,	Sipe,
Eroe,	Kilgallen,	Rankin,	Sones,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Lanius,	Rice,	Thompson,
Haluska,	Law,	Roberts,	Wolfenden,
Heyburn,	Mallery,	Rodgers,	Huffman,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 522 (House Bill No. 743), entitled:

An Act to provide for the leasing of land within the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land is owned by the Commonwealth conferring powers and imposing duties upon the Water and Power Resources Board requiring lessees to establish an amortization fund for improvements placed or erected upon such land granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. RODGERS. Mr. President, I ask unanimous consent to amend section 9, page 6, by inserting between lines 3 and 4 the following new paragraph: "S Nothing in this act contained shall be construed to vest in the said Board any power or authority heretofore vested by law in the Department of Wharves, Docks and Ferries of cities of the first class or in the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries except in so far as they relate to the leasing and occupancy of State-owned land as provided in this act"

The PRESIDENT. Is there objection? The Chair hears none.

The question was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 529 (House Bill No. 1047), entitled:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (Pamphlet Laws six hundred forty) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by increasing the rate of tax for a limited period of time and by imposing the tax on certain corporations heretofore exempt

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Cavalcante,	Jacobs,	McGinnis,	Salus,
Dando,	Jaspan,	Mundy,	Scarlett,
Dent,	Kahle,	Pytko,	Shapiro,
DiSilvestro,	Kilgallen,	Rankin,	Sipe,
Eroe,	Kunkel,	Reed,	Sones,
Frey,	Lanius,	Rice,	Stiefel,
Gilson,	Law,	Roberts,	Thompson,
Haluska,	Mallery,	Rodgers,	Wolfenden,
Heyburn,	McCreesh,	Ruth,	Huffman,
Howell,			

NAYS—4

Buckman,	Ealy,	Homsher,	Owlett,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 573, entitled:

An Act to amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-three (Pamphlet Laws two hundred twenty-three nineteen hundred thirty-three and nineteen hundred thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as amended extending the time during which application may be filed for veterans' compensation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Cavalcante,	Homsher,	McCreesh,	Ruth,
Dando,	Howell,	McGinnis,	Salus,
Dent,	Jacobs,	Mundy,	Scarlett,
DiSilvestro,	Jaspan,	Owlett,	Shapiro,
Ealy,	Kahle,	Pytko,	Sipe,
Eroe,	Kilgallen,	Rankin,	Sones,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Lanius,	Rice,	Wolfenden,
Haluska,	Law,	Roberts,	Huffman,
Heyburn,	Mallery,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 578 (House Bill No. 1128), entitled:

An Act requiring unemployment relief orders to be presented for payment within a certain period otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation for unemployment relief purposes

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Buckman,	Heyburn,	Mallery,	Ruth,
Cavalcante,	Homsher,	McCreesh,	Salus,
Dando,	Howell,	McGinnis,	Scarlett,
Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Ealy,	Kahle,	Rankin,	Sones,
Eroe,	Kilgallen,	Reed,	Stiefel,
Frey,	Kunkel,	Rice,	Wolfenden,
Gilson,	Lanius,	Roberts,	Huffman,
Haluska,	Law,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 673, entitled:

An Act authorizing the Secretary of Highways to abandon portions of State Highway Routes within the limits of State parks or Federal Resettlement projects under certain conditions

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

NAYS—40

Buckman,	Heyburn,	Mallery,	Rodgers,
Cavalcante,	Homsher,	McCreesh,	Ruth,
Dando,	Howell,	McGinnis,	Salus,
Dent,	Jacobs,	Mundy,	Scarlett,
DiSilvestro,	Jaspan,	Owlett,	Sipe,
Ealy,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gilson,	Lanius,	Rice,	Wolfenden,
Haluska,	Law,	Roberts,	Huffman,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 674, entitled:

An Act to amend the title and section one of the act approved the twelfth day of July one thousand nine hundred thirty-five (Pamphlet Laws eight hundred five) entitled "An act providing for the acquisition possession of occupied dwelling houses condemned for highway purposes and providing a method of procedure" by further providing for the acquisition and possession of occupied property and structures

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

NAYS—40

Buckman,	Heyburn,	Mallery,	Rodgers,
Cavalcante,	Homsher,	McCreesh,	Ruth,
Dando,	Howell,	McGinnis,	Salus,
Dent,	Jacobs,	Mundy,	Scarlett,
DiSilvestro,	Jaspan,	Owlett,	Shapiro,
Ealy,	Kahle,	Pytko,	Sipe,
Eroe,	Kilgallen,	Rankin,	Sones,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Lanius,	Rice,	Wolfenden,
Haluska.	Law,	Roberts,	Huffman,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 734 (House Bill No. 1571), entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. BUCKMAN. Mr. President, I desire to interrogate the Senator from Adams, Mr. Rice.

The PRESIDENT. Will the Senator from Adams, Mr. Rice, permit himself to be interrogated?

Mr. RICE. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I understand that this bill makes an appropriation for relief purposes for the month of April. Is that correct?

Mr. RICE. Mr. President, yes, for relief starting the first of April.

Mr. BUCKMAN. Mr. President, in what amount?

Mr. RICE. Mr. President, $5,659,000.

Mr. BUCKMAN. Mr. President, is that an increase over or a decrease under the amount appropriated for March?

Mr. RICE. Mr. President, that is an increase of $41,000.

Mr. OWLETT. Mr. President, I would like to interrogate the Chairman of the Committee on Appropriations, the Senator from Adams, Mr. Rice.

The PRESIDENT. Will the Senator from Adams, Mr. Rice, permit himself to be interrogated?

Mr. RICE. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Chairman of the Committee on Appropriations if it is not a fact that this is at a rate far in excess of the amount provided in the Governor's budget for relief purposes for the coming biennium.

Mr. RICE. Mr. President, I believe that is correct. However, I do not believe that it is an amount in excess of what had been estimated for the balance of this biennium.

Mr. OWLETT. Mr. President, we have all, I know, been astounded by each week receiving the report of an increase in the relief award in Pennsylvania; and I, for one,—not because I am unwilling to vote for an appropriation for relief but as a protest against the present methods of distributing relief, and as a protest against the increase in relief rolls during this period of business improvement,—propose to vote against this bill.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Cavalcante,	Jacobs,	McCreesh,	Ruth,
Dando,	Jaspan,	McGinnis,	Shapiro,
Dent,	Kahle,	Mundy,	Sipe,
Ealy,	Kilgallen,	Pierson,	Sones,
Eroe,	Kunkel,	Rankin,	Stiefel,
Frey,	Lanius,	Reed,	Thompson,
Gilson,	Law,	Rice,	Wolfenden,
Haluska,	Mallery,	Roberts,	Huffman,
Heyburn,			

NAYS—4

Buckman,	Homsher,	Howell,	Owlett,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL INTRODUCED

Mr. McGINNIS. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS read in his place and presented to the Chair Senate Bill No. 815, entitled:

An Act relating to motor vehicles, new and used; creating a motor vehicle dealers' commission and creating and providing for approved motor vehicle appraisers; establishing its jurisdiction, powers and duties and establishing powers and duties of approved motor vehicle appraisers; regulating the sale, trade-in allowance, appraisals, and information furnished the State on motor vehicles, new and used; and establishing regulations concerning speedometers; authorizing the Commission to establish periodical prices for used motor vehicles, either sold or traded in; establishing the appraisal value of motor vehicles, new or used, either for sale or used trade-in allowances; providing for the licensing of motor vehicle dealers and salesmen, and approved motor vehicle appraisers, and the payment of fees therefore; authorizing examination of the business, papers and affairs of and requiring the filing of reports by licensees; authorizing and empowering the Commission to hold hearings and to issue rules and orders and the issuance of subpoena by the Commission on its agents and conferring jurisdiction upon the Courts to punish contempts or to prohibit violations of orders of the Commission; providing for appeals to the Courts from decisions of the Commission; imposing penalties; and making appropriation.

Which was committed to the Committee on Highways.

BILLS OVER IN ORDER

Mr. EALY. Mr. President, the consideration of the bills on page 2 of today's calendar, on third reading, was deferred temporarily, and I desire to ask the sponsor of these bills, the Senator from Philadelphia, Mr. Shapiro, whether it is his intention to call them up.

The PRESIDENT. Will the Senator from Philadelphia inform the Senate whether he intends to move for the consideration of these bills at this time?

Mr. SHAPIRO. Mr. President, it is my intention to call them up, but not today.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 49, on third reading, entitled:

An Act to amend clause one of section one of the act, approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred thirty-three (entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto" defining the Family Court of Philadelphia as a court having jurisdiction with respect to the care guidance control placement and commitment of delinquent neglected and dependent children under sixteen years of age and eliminating the Municipal Court in the County of Philadelphia as a court having such jurisdiction.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 58, on third reading, entitled:

An Act to amend section eleven as amended and to repeal section ten of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 711), entitled "An act establishing a court for the county of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein, and appeals therefrom; and providing for the expenses thereof," taking from said court jurisdiction in civil and criminal actions and in equity.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent taht Senate Bill No. 78, on third reading, entitled:

An Act to amend the act, approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" as amended, conferring jurisdiction on the Family Court of Philadelphia in proceedings for divorce and the annulment of marriages.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

ANNOUNCEMENTS

The SECRETARY. The Committee on City Government, scheduled to meet at five p. m. on Tuesday, April 6th, in the Senate Caucus Room, will hold its meeting at four p. m. that day.

During the first recess today the Committee on Judiciary General will meet in Room 265.

Any committee chairman desiring to call a meeting of his committee will kindly notify the Secretary during the first recess of today's session.

RECESS

Mr. ROBERTS. Mr. President, I move that the Senate do now take a recess until 4:00 o'clock p. m.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 31, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Owen J. Keenan, of Cheltenham, Montgomery County, for appointment as Justice of the Peace in the Township of Cheltenham, Montgomery County, vice William J. Stalker, of Cheltenham, Montgomery County, deceased, until the first Monday of January, 1938.

GEORGE H. EARLE.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 235, (House Bill No. 50), as follows:

An Act to amend Article twenty-four of the act, approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article twenty-four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended by adding thereto a new subdivision to read as follows

(h) Non-debt Revenue Sewer Bonds

Section 2445 Sewer Bonds For the purpose of financing the cost or expense or its share of the cost or expense of constructing or acquiring a sewer sewer system or sewage treatment works either singly or jointly with other municipalities or townships or both any township may issue non-debt revenue bonds secured solely by a pledge in whole or in part of the annual rentals or charges for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the township but shall be a lien upon and payable solely from the annual rentals or charges for the use of said sewer sewer system or sewage treatment works

Whenever any township has enacted an ordinance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system or sewage treatment works when the same is completed and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges of such non-debt revenue bonds it shall have power to authorize the issue and sale of such non-debt revenue bonds from time to time as the work of construction proceeds and sufficient additional non-debt revenue bonds as may be necessary may be issued and sold to provide for the interest and sinking fund charges accruing thereon until said sewer system or sewage treatment works has been completed and has been in operation for not exceeding one year in order to provide sufficient revenues until such time as sewer rentals or charges may be collected from the owners of properties being served

Nothing in this section shall be construed to abridge or restrict or in any way impair the right of any township to create indebtedness in accordance with existing laws

Section 2446 Issuance and Sale of Bonds Maturity When any township shall issue such non-debt revenue bonds the authorities thereof shall sell the same to the highest responsible bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the county in which such township is situated No bid for such bonds

at less than par value shall be accepted Where bonds shall be advertised for sale as herein provided and no bids have been received then it shall be lawful for such township to sell the same at private sale for not less than par value and accrued interest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in equal annual installments and bear interest at a rate not exceeding six per centum per annum

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 236, (House Bill No. 51), as follows:

An Act to amend Article thirty-two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article thirty-two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended by adding thereto a new subdivision to read as follows

(e) Non-debt Revenue Sewer Bonds

Section 3250 Sewer Bonds For the purpose of financing the cost or expense or its share of the cost or expense of constructing or acquiring a sewer sewer system or sewage treatment works either singly or jointly with other municipalities or townships or both any city may issue non-debt revenue bonds secured solely by a pledge in whole or in part of the annual rentals or charges for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the city but shall be a lien upon and payable solely from the annual rentals or charges for the use of said sewer sewer system or sewage treatment works

Whenever any city has enacted an ordinance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system o sewage treatment works when the same is completed and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges on such non-debt revenue bonds it shall have power to authorize the issue and sale of such non-debt revenue bonds from time to time as the work of construction proceeds and sufficient additional non-debt revenue bonds as may be necessary may be issued and sold to provide for the interest and sinking fund charges accruing thereon until said sewer system or sewage treatment works has been completed and has been in operation for not exceeding one year in order to provide sufficient revenues until such time as sewer rentals or charges may be collected from the owners of properties being served

Nothing in this section shall be construed to abridge or restrict or in any way impair the right of any city to create indebtedness in accordance with existing laws

Section 3251 Issuance and Sale of Bonds Maturity When any city shall issue such non-debt revenue bonds the authorities thereof shall sell the same to the highest responsible bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the county in which such city is situated No bid for such bonds at less than par value shall be accepted Where bonds shall be advertised for sale as herein provided and no bids have been received then it shall be lawful for such city to sell the same at private sale for not less than par value and accrued interest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in equal annual installments and bear interest at a rate not exceeding six per centum per annum

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 237, (House Bill No. 52), as follows:

An Act to amend Article fifteen of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article fifteen of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended by adding thereto a new subdivision to read as follows

(h) Non-debt Revenue Sewer Bonds

Section 1545 Sewer Bonds For the purpose of financing the cost or expense or its share of the cost or expense of constructing or acquiring a sewer sewer system or sewage treatment works either singly or jointly with other municipalities or townships or both any township may issue non-debt revenue bonds secured solely by a pledge in whole or in part of the annual rentals or charges for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the township but shall be a lien upon and payable solely from the annual rentals or charges for the use of said sewer sewer system or sewage treatment works

Whenever any township has enacted an ordiance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system or sewage treatment works when the same is completed and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges on such non-debt revenue bonds it shall have power to authorize the issue and sale of such non-debt revenue bonds from time to time as the work of construction proceeds and sufficient additional non-debt revenue bonds as may be necessary may be issued and sold to provide for the interest and sinking funds charges accruing thereon until said sewer system or sewage treatment works has been completed and has been in operation for not exceeding one year in order to provide sufficient revenues until such time as sewer rentals or charges may be collected from the owners of properties being served

Nothing in this section shall be construed to abridge or restrict or in any way impair the right of any township to create indebtedness in accordance with existing laws

Section 1546 Issuance and Sale of Bonds Maturity

When any township shall issue such non-debt revenue bonds the authorities thereof shall sell the same to the highest responsible bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the county in which such township is situated No bid for such bonds at less than par value shall be accepted Where bonds shall be advertised for sale as herein provided and no bids have been received then it shall be lawful for such township to sell the same at private sale for not less than par value and accrued interest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in equal annual installments and bear interest at a rate not exceeding six per centum per annum

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 238 (House Bill No. 53), as follows:

An Act to amend Article twenty-one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article twenty-one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended by adding thereto a new subdivision to read as follows

(1) NON-DEBT REVENUE SEWER BONDS

Section 2180 SEWER BONDS For the purpose of financing the cost or expense or its share of the cost or expense of constructing or acquiring a sewer sewer system or sewage treatment works either singly or jointly with other municipalities or townships or both any borough may issue non-debt revenue bonds secured solely by a pledge in whole or in part of the annual rentals or charges for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the borough but shall be a lien upon and payable solely from the annual rentals or charges for the use of said sewer sewer system or sewage treatment works

Whenever any borough has enacted an ordinance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system or sewage treatment works when the same is completed and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges on such non-debt revenue bonds it shall have power to authorize the issue and sale of such non-debt revenue bonds from time to time as the work of construction proceeds and sufficient additional non-debt revenue bonds as may be necessary may be issued and sold to provide for the interest and sinking fund charges accruing thereon until said sewer system or sewage treatment works has been completed and has been in operation for not exceeding one year in order to provide sufficient revenues until such time as sewer rentals or charges may be collected from the owners of properties being served

Nothing in this section shall be construed to abridge or restrict or in any way impair the right of any borough to create indebtedness in accordance with existing laws

Section 2181 ISSUANCE AND SALE OF BONDS MATURITY When any borough shall issue such non-debt revenue bonds the authorities thereof shall sell the same to the highest responsible bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the county in which such borough is situated No bid for such bonds at less than par value shall be accepted Where bonds shall be advertised for sale as herein provided and no bids have been received then it shall be lawful for such borough to sell the same at private sale for not less than par value and accrued interest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in equal annual installments and bear interest at a rate not exceeding six per centum per annum

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

The PRESIDENT. Senate Bill 239 (House Bill 260), on second reading, entitled:

An Act to amend the title and sections one and two of the act, approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand two hundred eighty-six) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" extending the provisions thereof to cities of the first class providing for the charging and collection of annual rentals for the use of sewers sewage systems and sewage treatment works constructed or acquired jointly with other municipalities or furnished under contract by any authority

will go over in its order because of an error in the printing.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 573, as follows:

An Act to amend the title and sections three four six seven eight nine ten eleven fourteen and eighteen of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred sixty-three) entitled "An act providing for a limited period of time for the incorporation as bodies corporate and politic of 'Authorities' for municipalities defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into the contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" by removing the date by which projects must be commenced removing certain restrictions against construction of projects extending the life of Authorities providing for the creation of Authorities by joint action of municipalities and townships regulating the number and terms of members of the governing boards of Authorities authorizing the Commonwealth and the political subdivision thereof to transfer certain contracts to the Authorities authorizing Authorities to accept and acquire certain contracts and limiting the powers of receivers appointed therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and sections three four six seven eight nine ten eleven fourteen and eighteen of the act approved the twenty-eight day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred sixty-three) entitled "An act providing for a limited period of time for the incorporation as bodies corporate and politic of 'Authorities' for municipalities defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" are hereby amended to read as follows

An Act providing for a limited period of time for the incorporation as bodies corporate and politic of "Authorities" for municipalities and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes

Section 3 Method of Incorporation Whenever the municipal authorities of any municipality singly or of one or more municipalities jointly shall desire to organize an Authority under this act they shall adopt a resolution or ordinance signifying their intention to do so and setting forth in full the proposed articles of incorporation thereof Thereafter the municipal authorities of such municipality or municipalities shall cause a notice of such resolution or ordinance to be published at least one time in the legal periodical of the county in which such Authority is to be organized and at least one time in a newspaper published and of general circulation in such county or counties Said notice shall contain a brief statement of the substance of said resolution or ordinance including the substance of such articles making reference to this act and shall state that on a day certain not less than three days after publication of said notice articles of incorporation of the proposed Authority will be filed with the Secretary of the Commonwealth of Pennsylvania

On or before the day specified in said notice the municipal authorities shall file with the Secretary of the Commonwealth articles of incorporation together with proof of publication of the notice as aforesaid Said articles of incorporation shall set forth

(a) The name of the "Authority"

(b) A statement that such Authority is formed under this act

(c) A statement that no other Authority organized under this act or under the act approved December twenty-seven one thousand nine hundred and thirty-three (Special Session one thousand nine hundred and thirty-three Pamphlet Laws one hundred fourteen) is in existence in or for the incorporating municipality or municipalities

(d) The name of the incorporating municipality or municipalities together with the names and addresses of its municipal authorities and

(e) The names addresses and terms of office of the first members of the board of said authority

All of which matter shall be determined in accordance with the provisions of this act Said articles of incorporation shall be executed by each incorporating municipality by its proper officers and under its municipal seal

If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the aforesaid notice endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles

Upon the issuance of such certificate of incorporation by the Secretary of the Commonwealth the corporate existence of said Authority shall begin Said certificate of incorporation shall be conclusive evidence of the fact that such Authority has been incorporated but proceedings may be instituted by the Commonwealth to dissolve any Authority which shall have been formed without substantial compliance with the provisions of this section

Any Authority heretofore created under the laws of the Commonwealth of Pennsylvania in addition to powers granted or conferred upon said authority shall possess all the powers provided in this act

Section 4 Purposes and Powers General Every Authority incorporated under this act shall be a body corporate and politic and shall be for the purpose of constructing improving maintaining and operating bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars [low cost housing] projects parks recreation grounds and facilities sewers sewer systems sewage treatment works water supply works swimming pools playgrounds lakes [low head] dams hospitals and subways (any and all the foregoing being herein called "projects") [Provided however That no authority shall be created and no project shall be begun after the expiration of two (2) years from the effective date of this act And provided further That the purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted by this act shall be exercised in the construction improvement maintenance extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes] Every Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have existence for a term of [thirty-two] fifty years as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and to sell lease as lessor transfer and dispose of any property or interest therein at any time acquired by it

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the

security for said bonds and the rights of the holders thereof

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

Provided however [that] That the Authority shall have no power at any time or in any manner to pledge the credits or taxing power of the Commonwealth of Pennsylvania or any political subdivisions nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions nor shall the Commonwealth of Pennsylvania or any political subdivisions thereof be liable for the payment of principal of or interest on such obligations

Section 6 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to any not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the Authority shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the Authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to acquire the Authority to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the Authority and to require the Authority to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) bring suit upon the bonds

(c) by action or suit in equity require the Authority to account as if it were the trustee of an express trust for the bondholders

(d) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) by notice in writing to the Authority declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county shall have jurisdiction of any suit action or proceedings by the trustee on behalf of the bondholders Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the facilities of the Authority or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the Authority or the board might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the facilities of the Authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights Provided however That nothing in this section or any other section of this act shall authorize any receiver appointed pursuant to this act for the purpose of operating and maintaining any facilities of the Authority to sell assign mortgage or otherwise dispose of any of the assets of whatever kind and character belonging to the Authority It is the intention of this act to limit the powers of such receiver to the operation and maintenance of the facilities of the Authority as the court shall direct and no holder of bonds of the Authority nor any trustee shall ever have the right in any suit action or proceedings at law or in equity to compel a receiver nor shall any receiver ever be authorized or any court be empowered to direct the receiver to sell assign mortgage or otherwise dispose of any assets of whatever kind or character belonging to the Authority.

Section 7 Governing Body The powers of each Authority shall be exercised by a governing body (herein called the "Board") composed as follows

If the Authority is incorporated by one municipality the board shall consist of five members each of whom shall be a citizen of [the] such municipality [for which the Authority is created] The [municipal authorities] governing body of such [municipalities] municipality shall appoint the members of the board one of whom shall serve for a year one for two years one for three years one for four years and one for five years from the January first next succeeding the date of incorporation Thereafter the [municipal authorities] said governing body shall at a meeting held [at least a] not later than one month [prior to] after January first [in each] following the year in which a vacancy occurs appoint as a member of the board a citizen of the municipality for which the Authority is created for a term of five years to succeed the member whose term expires on the January first next succeeding

If the Authority is incorporated by two or more municipalities the Board shall consist of a number of members equal to the number of municipalities incorporating the Authority but in no event less than five

The members of the board shall be appointed their terms staggered and vacancies filled in such manner as the articles of incorporation shall provide No member shall be appointed for a term longer than five years

Members may succeed themselves and shall receive such salaries as may be determined by the [municipal authorities] governing body or bodies of the municipality or municipalities but none of such salaries shall be increased or diminished during the term for which the member receiving the same shall have been appointed A member may be removed for cause by the court of quarter sessions of the county in which the Authority is located after having been provided with a copy of the charges against him for at least ten days and full hearing by the court [If a vacancy shall occur by reason of the death

disqualification resignation or removal of a member the municipal authorities shall appoint a successor to fill his unexpired term]

[Three] A majority of the members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and for all other purposes and all action may be taken by vote of a majority of the members present unless in any case the by-laws shall require a larger number The board shall have full authority to manage the properties and business of the Authority and to prescribe amend and repeal by-laws rules and regulations governing the manner in which the business of the Authority may be conducted and the powers granted to it may be exercised and embodied The board shall fix and determine the number of officers agents and employes of the Authority and their respective compensation and duties and may delegate to one or more of their number or to one or more of said officers agents or employes such powers and duties as it may deem proper

Where any Authority has been created prior to the effective date of these amendments with a board composed of five members such board shall continue as the governing body of such Authority with all the powers conferred by this act The members of any such board shall hold the terms of office for which they were originally appointed and in case of a vacancy for any reason in the office of any member a successor shall be appointed for a full term of five years by the governing body of the municipality for which the Authority was created

Section 8 Moneys of the Authority All moneys of any Authority from whatever source derived shall be paid to the treasurer of the Authority Said moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies in one or more special accounts and each of such special accounts to the extent the same is not insured shall be continuously secured by a pledge of direct obligations of the United States of America of the Commonwealth or of the municipality or municipalities creating the Authority having an aggregate market value exclusive of accrued interest at all times at least equal to the balance on deposit in such account Such securities shall either be deposited with the treasurer or be held by a trustee or agent satisfactory to the Authority All banks and trust companies are authorized to give such security for such deposits The moneys in said accounts shall be paid out on the warrant or other order of the chairman of the Authority or of such other person or persons as the Authority may authorize to execute such warrants or orders The Department of Revenue of the Commonwealth and its legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of the Authority including its receipts disbursements contracts leases sinking funds investments and any other matters relating to its finances operation and affairs

Section 9 Transfer of Existing Facilities to Authority The Commonwealth the county or any city borough or township in the county may and they are hereby authorized to lease lend grant or convey to the Authority upon such terms and conditions as are mutually satisfactory to the Authority and the corporate authorities of the Commonwealth the county or any such city borough or township any existing bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars parks recreation grounds and facilities swimming pools sewers sewer systems sewage treatment works lakes or any part or parts thereof or any interest in real or personal property which may be used by the Authority in the construction improvement maintenance or operation of any project The Commonwealth the county or any city borough or township are also authorized t transfer assign and set over to the Authority any contracts which may have been awarded by said Commonwealth county city borough or township for the construction of projects not begun or if begun not completed

Section 10 Competition in Award of Contracts If any project or any portion thereof or any improvement thereof shall be constructed pursuant to a contract and the estimated cost thereof exceeds five hundred dollars such contract shall be awarded to the lowest responsible bidder after advertisement for bids The board may make rules and regulations for the submission of bids and the construction or improvement of any project or portion thereof No contract shall be entered into for construction or improvement of any project or portion thereof or for the purchase of materials unless the contractor shall give an undertaking with a sufficient surety or sureties approved by the Authority and in an amount fixed by the Authority for the faithful performance of the contract All construction contracts shall provide among other things that the person or corporation entering into such contract with the Authority will pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein provided the action is brought within one year after the time the cause of action accrued Nothing in this section shall be construed to limit the power of the Authority to construct any project or portion thereof or any addition betterment or extension thereto directly by the officers agents and employes of the Authority or otherwise than by contract

Subject to the aforesaid any Authority may (but without intending by this provision to limit any powers of such Authority) enter into and carry out such contracts or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof as the Authority may deem desirable or as may be requested by any Federal agency that may assist in the financing of such project or any part thereof Provided however That the provisions of this section shall not apply to any case in which the Authority has taken over by transfer or assignment any contract authorized to be assigned to it under the provisions of section nine of this act nor to any contract in connection with the construction of any project which the Authority may have had transferred to it by any person or private corporation

Section 11 Acquisition of Lands The Authority shall have the power to acquire by purchase or eminent domain proceedings either the fee or such right title interest or easement in such lands as the Authority may deem necessary for any of the purposes mentioned in this act Provided however That no property devoted to a public use nor any property of a public service company property used for burial purposes places of public worship or (except in the case of a housing project) a dwelling house and the reasonable curtilage not to be less than three hundred feet appurtenant thereto shall be taken under the right of eminent domain And provided further That in event of the exercise of eminent domain for the purpose of establishing housing projects the [authorities] Authorities shall first acquire by purchase or option more than sixty-five per centum of the real property or site involved The right of eminent domain shall be exercised by the Authority in the manner provided by law for the exercise of such right by municipalities of the same class as the municipality or one of the municipalities by which such Authority was organized

Section 14 Termination of Authority When any Authority shall have finally paid and discharged all bonds which together with the interest due thereon shall have been secured by a pledge of any of the revenues or receipts of a project it may (subject to any agreements concerning the operation or disposition of such project) convey such project to the municipality or municipalities creating the Authority When any Authority shall have finally paid and discharged all bonds issued and outstanding and the interest due thereon and settled all other claims which may be outstanding against it it may convey all its property to the municipality or municipalities and terminate its existence A certificate requesting the termination of the existence of the Authority shall be filed in the office of the Secretary of the Commonwealth who if he approve shall note the termination of existence on the record of incorporation and return the certificate with his approval shown thereon to the board which shall cause

the same to be recorded in the office of the recorder of deeds of the county Thereupon the property of said Authority shall pass to the municipality or municipalities and the Authority shall cease to exist

Section 18 If a project shall have been established under this act by a board appointed by a municipality or municipalities which project is of a character which the municipality or municipalities [has] have power to [itself] establish maintain or operate and such municipality [desires] or municipalities desire to acquire the same it or they may by appropriate resolution or ordinance adopted by the proper Authorities signify its or their desire to do so and thereupon the Authorities shall convey by appropriate instrument said project to such municipality or municipalities upon the assumption by the latter of all the obligations incurred by the Authorities with respect to that project

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 398, (House Bill No. 801), as follows:

An Act to amend sections one two and four section five as amended and section seven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 437) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" by bringing proprietors within the provisions of the act requiring effective cleaning agents and proper toilet facilities

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 437) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" is hereby amended to read as follows

Section 1 Be is enacted etc That the words "public eating or drinking place" shall mean any place within this Commonwealth where food or drink is served to or provided for the public with or without charge including among others hotels restaurants cafes cafeterias boarding houses ice-cream saloons soda-water or soft drink fountains and bars or taverns

The word "proprietor" shall mean any person [firm] partnership association or corporation conducting or operating within this Commonwealth a public eating or drinking place

The word "employe" shall include any cook waiter kitchen help chambermaid house servant or other employe of any kind of or in a public eating or drinking place who in any manner whatever handles or comes in contact with any food or drink served to or provided for the public and the proprietor or any member of the proprietor's family who handles said food or drink

The masculine pronoun shall be interpreted to include the feminine and neuter pronouns

Section 2 That section two of said act is hereby amended to read as follows

Section 2 No proprietor shall hereafter [employ] or work keep in his employ any employe who is suffering from trachoma active tuberculosis of the lungs open skin tuberculosis infectious or contagious syphilis gonorrhea open external cancer or barber's itch or other infections or contagious disease any such employe who at the time of the passage of this act is suffering from any of the above named diseases shall at once be excluded from such employment in such public eating or drinking place

Section 3 That section four of said act is hereby amended to read as follows

Section 4 No proprietor shall work or permit any employe to work in the public eating or drinking place conducted or operated by him if such employe or employer shall have had typhoid fever for a period of sixty (60) days after the attending physician has certified that he has completely recovered or been exposed to typhoid fever for a period of thirty (30) days after such exposure or is a carrier of typhoid fever after a notice that such employe is such carrier has been served in writing upon him by a physician or the public health authorities

Section 4 That section five of said act as amended by the act approved the fifteenth day of May one thousand nine hundred and thirty-five (P. L. 165 is hereby further amended to read as follows

Section 5 No proprietor shall furnish any towel or napkin to any patron of a public eating or drinking place unless such towel or napkin be laundered or discarded after each individual use thereof nor shall there be furnished to the patrons of such eating or drinking places any dish glass or other receptacle or utensil used in eating or drinking which has not been thoroughly cleansed with hot water and soap or other suitable and effective cleansing re-agent since it was used by another individual or destroyed or discarded after each individual use

Section 5 That section seven of said act is hereby amended to read as follows

Section 7 The proprietor shall maintain at least one toilet or outside privy for each sex and all toilets and water-closets lavatories tubs sinks and drains used in or in connection with any public eating or drinking place shall at all times be kept in a clean and sanitary condition

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 405, as follows:

An Act to amend sections three hundred forty-five three hundred forty-six and three hundred sixty-one as amended of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" further regulating reports of controllers to the Department of Internal Affairs and the preparation of annual budgets

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections three hundred forty-five three hundred forty-six and three hundred sixty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as last amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1184) are hereby further amended to read as follows

Section 345 Report to Common Pleas Publication Financial Report to Department of Internal Affairs He shall in the month of [January] June in every year make a re-

port verified by oath or affirmation to the court of common pleas of said county of all receipts and expenditures of the county for the preceding year in detail and classified as required in the preceding section of this act together with a full statement of the financial conditions of the county Such report shall thereupon be published one time in such newspapers published in said county as the controller may direct the aggregate cost of which shall not exceed one thousand five hundred dollars in any one year to be paid for out of the county treasury Such report may also be published in printed pamphlets at the cost of the county The number and cost of such pamphlets to be determined by the controller and the county commissioners

The controller shall also annually within sixty days after the close of the fiscal year make a report to the Department of Internal Affairs of the financial condition of the county in manner and form required to be made by the auditors of the county under the provisions of section three hundred sixty-four of this act and subject to the penalties provided in said section for refusing or neglecting to make said report

Section 346 Preparation of Annual Budget On or before the first day of [February] May of each year and at least thirty days prior to the adoption of the annual budget the controller shall transmit to the commissioners a proposed budget giving a detailed estimate of and for the legitimate purposes of the county for the current year including interest due and to fall due on all lawful debts of the county bearing interest Such budget when finally adopted by the commissioners shall be the guide to the commissioners in fixing the tax rate Said budget shall be prepared as provided in section three hundred seventy of this act

The commissioners shall at the same time the budget is adopted fix such rate of taxation upon the valuation of the property taxable for county purposes as will raise sufficient sum to meet the said expenditures The commissioners shall not by contract or otherwise increase the expenditures of the county in any year to an amount beyond the taxes assessed as aforesaid for said year

Section 361 Preparation of Annual Budget The commissioners of every county where the office of controller has not been established shall [at their first meeting after the general election in every year and] at least thirty days prior to the adoption of the budget prepare a proposed budget giving an estimate of the probable expense of the county for the ensuing year Said budget shall be prepared as provided in section three hundred seventy of this act When the returns of the assessors have been made and rectified the commissioners shall fix the rate of taxation upon the adjusted valuation of the property taxable for county purposes as will be necessary to meet such expenses

Section 2 This act shall become effective on the first day of March one thousand nine hundred and thirty-eight

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 408, as follows:

An Act fixing a uniform fiscal year for counties (other than counties of the first and second classes) cities of the third class boroughs towns townships school districts (other than school districts of the first class) and poor districts and providing such necessary tax tax auditing and financial report provisions as required for the fixing of such uniform year and as result from the change of the fiscal year

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter the fiscal year of each county (except counties of the first and second classes) city of the third class borough town township school district (except school districts of the first class) and poor district shall begin on the first day of June of each year

Section 2 Every such political subdivision whose fiscal year prior to the effective date of this act began under existing law on any date other than June first and which prior to the effective date of this act had levied its taxes or is by existing law authorized to levy its taxes after the effective date of this act for the fiscal year one thousand nine hundred and thirty-seven shall proceed to levy and collect such taxes according to existing law

Section 3 In the year one thousand nine hundred and thirty-eight and each year thereafter each such political subdivision shall prepare its budget for the fiscal year herein fixed and levy its taxes for said fiscal year the due date of such taxes to be July first of each year

All taxes levied for the fiscal year from June first one thousand nine hundred and thirty-eight to June first one thousand nine hundred and thirty-nine and every fiscal year thereafter shall be subject to a discount of five per centum if paid before the first day of September of the year of levy During September and October all such taxes shall be payable at face On the first day of November all such taxes shall be delinquent and a penalty of one per centum per month shall be added until the first day of May of the year following which penalty shall be collected in the same manner as the tax

From the first day of May of the year following the year of the levy interest at the rate of six per centum shall be added to the delinquent tax until the same is paid and such interest shall continue to run after the lands have been returned or after a lien for the tax has been filed in the office of the prothonotary No additional penalties or interest shall attach to said taxes under the tax return or tax lien laws of the Commonwealth

Any political subdivision may provide an installment system for the payment of taxes in accordance with existing laws

Section 4 Every such political subdivision whose fiscal year prior to the effective date of this act began under existing law on any date other than June first shall have power to borrow on the credit of the county city borough town township school district or poor district as the case may be money in anticipation of taxes to be collected to meet the running expenses of the political subdivision for the period from the end of the fiscal year one thousand nine hundred and thirty-seven to the beginning of the next fiscal year as fixed herein on June first one thousand nine hundred and thirty-eight

Such borrowing shall be only for the minimum amount which may be necessary in any such political subdivision to supplement the cash balance remaining at the end of the fiscal year one thousand nine hundred and thirty-seven and needed to meet the cost of payrolls and other expenses which unavoidably fall due during the period from the end of the fiscal year one thousand nine hundred and thirty-seven to June first one thousand nine hundred and thirty-eight

Any sums of money borrowed for this purpose shall be borrowed on certificates of indebtedness payable on specified dates not exceeding one year from the date of issue Money for the repayment of such certificates of indebtedness may be secured if not otherwise obtainable from existing funds or by means of economies in operation or by the levy of an additional tax at the time of levying the regular tax for general purposes for the fiscal year one thousand nine hundred and thirty-eight This additional tax shall not exceed in the case of any political subdivision one-half the rate levied for general purposes for the fiscal year one thousand nine hundred and thirty-seven

Any such additional tax shall be levied and collected in all respects and with like power and authority as is herein provided or otherwise established by existing law for the collection of the tax for general purposes in such political subdivisions for the fiscal year one thousand nine hundred and thirty-eight

Section 5 As soon as may be after June first one thou-

sand nine hundred and thirty-eight the auditors of the various political subdivisions shall audit the accounts of the political subdivision for the preceding six months and such auditors and all controllers and directors required by law to make report of the financial affairs of such political subdivision shall make and file their reports in the manner now required by law for the making and filing of their annual financial and audit reports which reports shall be subject to appeal in the manner now provided by law for appeals from auditor's and controllers' reports Thereafter all such audits and financial reports shall be made for the fiscal year from June to June in the manner above provided and as may be provided by existing law

Section 6 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 7 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 429, as follows:

An Act to amend sections two three four and six of the act approved the fifth day of June one thousand nine hundred thirteen (Pamphlet Laws four hundred forty-three) entitled "An act for the prevention of blindness by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of each case of said disease and fixing a penalty for violation thereof" by imposing duties on public health nurses social workers county medical directors and physicians and increasing penalties for violation of said act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two three four and six of the act approved the fifth day of June one thousand nine hundred thirteen (Pamphlet Laws four hundred forty-three) entitled "An act for the prevention of blindness by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of each case of said disease and fixing a penalty for violation thereof" are hereby amended to read as follows

Section 2 That any midwife or nurse public health nurse social worker or other person [having the care] being responsible for the health and welfare of an infant whose eyes have become inflamed or swollen or reddened at any time within two weeks after birth shall report the same in writing to the [health authorities of the city borough or township of the first class in which the case may be located or if it be located in a township of the second class or a city borough or township of the first class not having a board of health or body acting as such the State Department of Health] county medical director within six hours after the discovery thereof giving the name of the infant the names of the parents or guardians and the street and number of their residence or otherwise sufficiently designate the same together with the fact that such inflammation or swelling or redness exists and shall make a similar report in writing to the family physician or if the family does not employ a physician to some regularly qualified practicing physician of the district

Section 3 That it shall be the duty of the said [health authorities or the State Department of Health] county medical director immediately upon receipt of a written report from a midwife or a nurse or person other than a practicing physician to notify the parents or guardian or other person having charge of the infant of the danger to the eyes or eye of said infant by reason of any neglect of proper treatment of the same

The county medical director shall investigate the condition personally and shall make arrangements for the proper medical and skilled nursing care He shall within four days forward on a special blank in duplicate to the State Department of Health such information as may be required

Section 4 Every physician in this Commonwealth who shall treat any infant's eyes for ophthalmia neonatorum (inflammation of the eyes of an infant) shall within forty-eight hours after said physician ceases treatment of or attendance upon such a case of ophthalmia neonatorum make a report in duplicate to the [Commissioner] Department of Health of the Commonwealth of Pennsylvania that said physician has treated a certain case of ophthalmia neonatorum giving full information as required in section one of this act stating that he has ceased treatment of or attendance upon said case and what was condition of infant's eyes when physician ceased treatment of or attendance upon said case of ophthalmia neonatorum

Any physician who shall treat or examine or have knowledge of an infant suffering from ophthalmia neonatorum (Inflammation of the eyes of infants) shall report in duplicate forthwith in writing to the county medical director and the State Department of Health

Section 6 Any physician midwife nurse or other person who shall violate any of the provisions of this act shall [upon conviction thereof in a summary proceeding before any justice of the peace or alderman of the county wherein such offense was committed] be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than [twenty] one hundred or more than [one hundred ($100)] five hundred ($500) dollars to be paid to the use of the [said] county and the costs of prosecution or to be imprisoned in the county jail for a period of not less than [ten (10)] thirty)30 or more than [thirty (30)] ninety (90) days or both at the discretion of the court

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 462. (House Bill No. 32), entitled:

An Act to amend clause (b) of section three thousand two hundred and forty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled An act relating to cities of the third class and amending revising and consolidating the law relating thereto as amended, providing for compensation for members of joint sewer boards.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 505, (House Bill No. 925), entitled:

An Act authorizing the Department of Property and Property and Supplies with the approval of the Governor to accept and place in the corridor of the Capitol a plaque commemorating the services of Doctor Joseph Kalbfuss

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 515, as follows:

An Act authorizing county commissioners in counties of the seventh and eighth classes to transfer surplus county moneys to the poor district and providing for the expenditure of the moneys so transferred for poor district purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the current funds of the poor district of any county of the seventh or eighth class shall be exhausted it shall be lawful for the county commissioners of any such county to transfer from time to time to the account of the poor district any county moneys which in the opinion of the county commissioners will not be needed during the current fiscal year for general county purposes and the county moneys so transferred shall be available for expenditure by the poor district in the same manner and for the same purposes as if raised by taxation for poor purposes including the payment of any temporary indebtedness of the poor district

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 526, (House Bill No. 1027), entitled:

An Act regulating the recordation of assignments of mortgages in counties of the second class fixing the fees therefor and imposing certain powers and duties on the recorders of deeds of such counties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 568, as follows:

An Act to amend sections one two three and section nine as amended of the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 888) entitled "An act to safeguard human life and health throughout the Commonwealth by providing for the reporting quarantining and control of diseases declared communicable by this act or by regulation of the Department of Health providing for the prevention of infection therefrom and prescribing penalties" by eliminating list of communicable diseases and giving authority to the Department of Health to declare by regulation what diseases are communicable or communicable and quarantinable shortening reports required of physicians in such cases clarifying the duration of placarding and empowering the Department of Health to obtain additional information from local health authorities

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 888) entitled "An act to safeguard human life and health throughout the Commonwealth by providing for the reporting quarantining and control of diseases declared communicable by this act or by regulation of the Department of Health providing for the prevention of infection therefrom and prescribing penalties" is hereby amended to read as follows

Section 1 Be it enacted etc That [the following diseases are hereby specifically declared to be communicable to wit

Actinomycosis anterior poliomyelitis (infantile paralysis) anthrax bubonic plague cerebrospinal meningitis (epidemic) (cerebrospinal fever spotted fever) chicken pox Asiatic cholera diphtheria (diphtheritic croup membranous croup putrid sore throat) epidemic dysentery (bacillary or amebic dysentery) erysipelas German measles glanders (farcy) rabies (hydrophobia) impetigo contagiosa leprosy malarial fever measles mumps pellagra pneumonia (true) puerperal fever relapsing fever scabies scarlet fever (scarlatina scarlet rash) smallpox (variola varioloid) tetanus trachoma trichiniasis tuberculosis in any form typhoid fever para typhoid fever typhus fever uncinariasis whooping cough or yellow fever

The] the Department of Health may when it deems it necessary to safeguard human life and health declare [as communicable] certain diseases [additional to those hereinbefore specifically so declared] to be communicable or to be communicable and quarantinable but only in the following manner that is to say

The Secretary of Health shall call a meeting of the advisory health board five days' written notice of which shall be sent to each member of the board The notice shall state the time and place of meeting of the fact that a proposed regulation will be presented declaring a certain disease or diseases setting it or them forth by name to be communicable The notice shall also state such of the diseases as should in the opinion of the Secretary of Health be quarantinable or reportable or both and the quarantine period therefor

Upon the affrmative vote of four members of the advisory health board personally present any disease or diseases set forth in the proposed regulation is or are hereby declared communciable with the same force and effect as if expressly enumerated in this act Any such disease is hereby further declared quarantinable or reportable or both as may be provided in the regulations with the force and effect hereinbefore referred to

The regulation may be amended at such meeting so as to eliminate some or any of the diseases set forth in the notice but no disease shall be declared communicable which is not contained in the notice

Every physician practicing in any portion of this Commonwealth who shall treat or examine any person suffering from or affected with any disease [herein specifically] declared [communicable and reportable or] by regulation [declared] to be communicable and reportable shall if said case shall be located in a township of the first class a borough or a city forthwith make a report in writing to the health authorities of said township city or borough and if said case shall be located in a township of the second class or a city borough or township of the first class not having a board of health or body acting as such to the health officer appointed by the Department of Health for such district upon blanks for that purpose in which report he shall over his or her own signature state the name of the disease and the name [age sex color nativity and occupation if any] of the person suffering therefrom together with the street and house number of the premises in which said person may be located or otherwise sufficiently designate the same the date of the onset of the disease the name [and occuption] of the householder in whose family the disease may have occurred [the number of children in said household attending school and the name or names of the school or schools so attended] together with such information relating to said case as may be required by said health authorities and the Department of Health

Section 2 That section two of said act is hereby amended to read as follows

Section 2 Upon receipt by the health authorities of any township of the first class borough or city or by the health officer of the Department of Health of a report of the existence of a case [of anterior poliameylitis (infantile paralysis) bubonic plague cerebrospinal meningitis (epidemic) (cerebrospinal fever spotted fever) chicken pox Asiatic cholera diphtheria (diphtheritic croup membranous croup putrid sore throat) German measles leprosy measles mumps scarlet fever (scarlatina scarlet rash) smallpox (variola varioloid) typhoid fever para typhoid fever typhus fever whooping cough yellow fever or] of any [diseases] disease declared communicable and quarantinable by regulation as hereinbefore provided the said health authorities or health officer or medical representative of the Department of Health as the case may be shall quarantine or cause to be quarantined in the manner prescribed by the rules or regulations of the Department of Health or of the local health authorities the premises in which such disease exists and any person or persons who has or have been exposed thereto or any person or persons who in the opinion of the attending physician health authorities or a medical representative of the Department of Health is or are reasonably suspected of having such disease by quarantining such person or persons either upon the premises in which the disease exists or in a place designated in this State for the isolation control and treatment of communicable disease in the manner prescribed by the rules and regulations both of the said health authorities and the Department of Health and shall post or cause to be posted in a conspicuous place or places upon the premises in which the said disease may be located a placard or placards upon which shall be printed in conspicuous letters the name of the disease from which the person or persons in said house or premises is or are suffering with the warning that said premises are under quarantine that no person or persons other than the attending physician and trained nurse shall enter or leave the said premises except by permission of the health authorities and setting forth the penalties prescribed by this act for violations of quarantine Provided That in the case of a person or persons suspected of suffering from disease or diseases of the generative organs no quarantine shall be established or caused to be established by health officers or representatives of the Department of Health until it is reasonably certain from personal examination or laboratory tests or from evidence which has been furnished to the Department of Health or to any board bureau or department of health that the person or persons is or are suffering from diseases of the generative organs but this proviso shall not prevent the quarantine of persons known to be prostitutes and reasonably suspected of suffering from diseases of the generative organs and of being a menace to the health of the community Provided further That variola or varioloid shall be placarded as "smallpox" and that diphtheritic croup membranous croup and putrid sore throat shall be placarded as "diphtheria" that scarlatina and scarlet rash shall be placarded as "Scarlet fever" and that para typhoid fever shall be placarded as "typhoid fever" Provided further That in addition to the placarding said health authorities may for the purpose of enforcing quarantining regulations place a guard or guards over the said house or houses or premises

Section 3 That section three of said act is hereby amended to read as follows

Section 3 That the said placards shall remain in place until the expiration of the quarantine period fixed by the local health authorities and the Department of Health [and the recovery death or removal of the person or persons affected] and shall only be removed by the health officer after the destruction of disinfection of infected bedding clothing and other articles which have been exposed to infection and the disinfection of rooms premises and inmates as may be prescribed by the regulations of local health authorities or the Department of Health

Section 4 That section nine of said act as amended by the act approved the twenty-fourth day of March one thousand nine hundred and twenty-seven (Pamphlet Laws 60) is hereby further amended to read as follows

Section 9 The secretary of the board of health or health officer where council fails to appoint a board of health of the several cities boroughs and townships of the first class shall at the end of each week and for the fraction of a week occurring at the end of each month report to the Department of Health upon blanks supplied for the purpose a list of all cases of communicable diseases comprehended by section one of this act which have been reported to them during said period which report shall contain the name of each person suffering therefrom respectively and his or her age sex color and nativity together with the name of the disease and the date of the onset thereof and such additional data as the Department of Health may by rules and regulations require and in the event of no reports of any of said diseases having been received by the aforesaid health authorities respectively during any said period that fact shall be reported to the Department of Health

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 595, (House Bill No. 921), entitled:

An Act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 607, entitled:

An Act providing for the fixing of the salaries and compensation of officers clerks stenographers and employes appointed by judges of the courts of this Commonwealth in counties where salary boards exist by law

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in any of the counties of this Commonwealth where a salary board exists by law the salaries and compensation of all officers clerks stenographers and employes appointed by the judges of any courts of such counties and who are paid from the county treasury shall be fixed by the salary board of such counties as in the case of all other county employes

On the question,

Will the Senate agree to the section?

Mr. KUNKEL. Mr. President, I move to amend section 1, line 4, by inserting after the word "counties" the following: "of the second class"

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections of the bill were read as follows and agreed to.

Section 2 All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

The title of the bill was read as follows:

An Act providing for the fixing of the salaries and compensation of officers clerks stenographers and employes appointed by judges of the courts of this Commonwealth in counties where salary boards exist by law

On the question,

Will the Senate agree to the section?

Mr. KUNKEL. Mr. President, I move to amend the title by inserting after the word "counties" the following: "of the second class"

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 615, (House Bill No. 1235), entitled:

An Act to amend section four hundred seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled An Act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising amending and consolidating the laws relating thereto. by providing the method of designating, and the qualifications of the depositories selected for the deposit of funds of counties of the second class.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 617, (House Bill No. 653), entitled:

An Act to amend section five hundred thirty as amended and section five hundred thirty-two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" fixing the length of the term of certain officers appointed to fill vacancies

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 625, as follows:

An Act to add section four hundred and ninety-six to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" requiring counties to place in good condition and to care for neglected cemeteries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding after section four hundred and ninety-three the following subdivision and section to read as follows

(1) Cemeteries

Section 496 Care of Neglected Cemeteries The county commissioners of each county may at the expense of the county place in good condition and care for all neglected cemeteries in the county

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 626 as follows:

An Act to amend section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws 38) entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A and the removal of policemen in cities of the second class" further regulating the suspension and dismissal of policemen and firemen in cities of the second class A

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws 38) entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A and the removal of policemen in cities of the second class" which title and section were amended by the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1048) is hereby further amended to read as follows

Section 1 Be it enacted etc That no regularly appointed policeman in cities of the second class and no regularly appointed policeman or fireman in cities of the second class A shall be removed or dismissed without his written consent except by the decisions of court either of trial or inquiry duly determined and certified in writing to the mayor which court shall be composed of three persons belonging to the police or fire force equal or superior in official position therein to the accused Such decisions shall only be determined by trial of charges with plain specifications made by or lodged with the director of the department of public safety of which trial the accused shall have due notice and at which he shall have the right to be present in person and also by a brother officer to act as his counsel The persons composing such court shall be appointed as hereinafter provided and shall be sworn by

the director of the department of public safety to perform their duties impartially and without fear or favor and the person of highest rank in such court shall have the same authority to issue and enforce process to secure the attendance of witnesses and to administer oaths to witnesses as is possessed by any jutice of the peace of this Commonwealth

Such charges may be of disability for service in which case the court shall be one of inquiry whose decisions may be for the honorable discharge from the service of the person concerned or of neglect or violation of law or duty inefficiency intemperance disobedience of orders [or] unbecoming official or personal conduct and in cities of the second class A intoxication while on duty in which cases the court shall be one of trial and its decision may authorize the director of the department of public safety to impose fines and pecuniary penalties to be stopped from pay or to suspend from pay or duty or both for a period fixed by them not exceeding one year or to dismiss from the service Provided That in cities of the second class A where the charge is intoxication while on duty and a trial court finds the defendant guilty the mayor shall suspend the convicted from officer duty for a period of thirty days without pay Provided That the defendant has not been convicted of any similar offense within a period of five years last preceding the effective date of this statute

If the said fireman or policeman shall be convicted a second time on a charge of intoxication while on duty after the effective date of this act then the mayor shall suspend him for a period of six months without pay and upon the third conviction for intoxication while on duty after the effective date of this act the mayor shall dismiss said fireman or policeman from the service

If the accused shall have been convicted once within five years last preceding the effective date of this act on a charge of intoxication while on duty then his first conviction after the effective date of this act on a charge of intoxication while on duty he shall be suspended for a period of six months without pay and upon his second conviction after the effective date of this act on a charge of intoxication while on duty the mayor shall suspend him for one year without pay and upon the third conviction after the effective date of this act on a charge of intoxication while on duty he shall be dismissed by the mayor from the service

If the accused shall have been convicted twice within five years last preceding the effective date of this act on charges of intoxication while on duty then upon his first conviction after the effective date of this act on a charge of intoxication while on duty he shall be suspended from the service without pay for a period of one year and upon his second conviction after the effective date of this act on a charge of intoxication while on duty he shall be dismissed from the service

If the accused shall have been convicted three or more times within five years last preceding the effective date of this act on charges of intoxication while on duty then upon his conviction after the effective date of this act on a charge of intoxication while on duty he shall be dismissed from service

In all cases involving intoxication while on duty the sentence shall be imposed by the mayor of said city of the second class A and a plea of guilty shall be considered a conviction for the purposes of this amendment and shall be in writing

It shall be lawful for the director of the department of public safety at his discretion to suspend from duty before trial any person charged as aforesaid until such trial can be had with or without pay as such court shall afterwards determine but no trial shall be delayed for more than one month after charge has been made

The finding of the court of trial or inquiry as aforesaid shall be of no effect until approved by the mayor except in cases of conviction for intoxication while on duty in cities of the second class A upon conviction of intoxication while on duty in such cities the trial board shall immediately certify its findings to the mayor who shall thereupon impose sentence on the convicted in the manner herein set forth

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 651, as follows:

An Act to amend sections one two and three of Article seventeen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" advancing the dates for the submission of budget estimates the adoption of financial program and the fixing of the tax rate and providing for the ascertainment of the tax rate where the same isnot fixed within the time specified.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that sections one two and three of Article seventeen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" are hereby amended to read as follows

Section 1 On or before the fifteenth day of [October] August of each year the mayor shall furnish to the council in such form and detail as the council shall have determined a statement of the estimated receipts other than from taxation including money proposed to be borrowed and liabilities of every kind for the ensuing calendar year and the estimated expenditures for such year of all departments officers boards commissions trusts committees or other agencies whose financial requirements are to be met out of the proceeds of taxes levied by the council or out of any other funds over which the council has control designating which of such liabilities and expenditures should be met from current receipts and which should be met from loan funds The estimates of receipts and liabilities shall be furnished to the mayor by the city controller He shall also furnish to the mayor a statement of the borrowing capacity of the city Such statements shall be made up by the city controller from the best available data and the receipts from sources other than taxation and loans shall be estimated at the average of such receipts for the preceding three years with due allowance for new sources of receipts not existing during all or part of said period of three years for sources of receipts existing during all or part of said period which will not be available for the ensuing year for changes in rates and for other factors not previously existing The estimates to be furnished by the city controller to the mayor and by him transmitted to the council shall also contain a statement of the average proportion of taxes uncollected at the end of each of the three preceding years The estimated statement of expenditures shall be made up by the mayor from information supplied him by such departments officers boards commissions trusts committees and other agencies subject to revision by the mayor in his discretion

Section 2 Immediately after the receipt of such statement the council shall consider the same in open session affording a reasonable opportunity to officers and citizens to be heard thereon and the council shall in one ordinance on or before the fifteenth day of [December] October following adopt a financial program for the ensuing year showing the estimated receipts from all sources the liabilities of every kind and the amount and character of expenditures to be made by such departments officers boards commissions trusts committees and other agencies during the ensuing year In passing said ordinance the council shall be bound to accept the estimates of re-

ceipts and liabilities furnished to the mayor by the city controller but shall have full discretion to determine the character and amount of expenditures to be made out of the estimated receipts of the city during the ensuing year

Section 3 On or before the same date the council shall levy and fix a tax rate for the ensuing year which together with the estimated receipts from all other sources except borrowed money shall yield sufficient receipts to meet the liabilities of the city of every kind (except liabilities to be paid out of loan funds) for the ensuing year and the current expenditures not including expenditures from loan funds as fixed and determined by the council in said ordinance The receipts from taxation shall be estimated by deducting from the gross amount which would be yielded at the rate fixed the average proportion of the amount uncollected at the end of each year during the preceding three years If the council shall fail to fix a tax rate on or before the fifteenth day of [December] October of any year then nine-tenths of the rate for the current year shall be the rate for the ensuing year as if that rate had been fixed by the council in accordance with this act and the amount of expenditures other than from loan funds shall be fixed and determined by the council so as to come within the estimated receipts from sources other than loans

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. REED. Mr. President, I move that Senate Bill No 662, (House Bill No. 959), on second reading entitled

An Act to amend section one hundred and one of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended withdrawing the skunk or polecat from the fur-bearing animal class as defined in said act

be recommitted to the Committee on Forests and Waters for the purpose of amendment.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate bill No. 700, (House Bill No. 1309), entitled:

A Supplement to the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of cities of the second class" creating the position of solicitor for the department of city controller

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 701, (House Bill No. 1311), entitled:

An Act to authorize cities of the second class to sue out writs of scire facias on certain tax liens to revive writs of scire facias on such liens or to revive judgments on such liens where more than five years have elapsed since said liens were filed or such judgments were entered or revived and to reduce such liens to judgment or to revive such judgments and providing for the revival and collection of such judgments

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 702, (House Bill No. 1335), entitled:

An Act regulating the employment and hours of employment of the Officers and members of the uniformed Fire protection forces of the Cities of the first class and repealing existing laws

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 703, as follows:

An Act to prevent the adulteration misbranding and false advertisement of food drugs devices and cosmetics in the Commonwealth of Pennsylvania for the purposes of safeguarding the public health preventing deceit upon the purchasing public and for other purposes

Table of Contents

Chapter I

Section 1 Short Title

Chapter II

Section 2 Definition of Terms

Chapter III

Section 3 Prohibited Acts
Section 4 Injunction
Section 5 Criminal
Section 6 Seizure
Section 7 Notice and Hearing
Section 8 Settlement of Minor Violations
Section 9 Duties of District Attorney

Chapter IV

Section 10 Definitions and Standards of Identity and Quality for Foods
Section 11 Adulterated Food
Section 12 Misbranded Food
Section 13 Emergency Permit Control
Section 14 Exemptions
Section 15 Tolerances for Poisonous Ingredients and Certification of Coal-tar Colors

Chapter V

Section 16 Adulterated Drugs
Section 17 Misbranded Drugs and Devices
Section 18 Exemptions
Section 19 Certification of Coal-tar Colors

Chapter VI

Section 20 Adulterated Cosmetics
Section 21 Misbranded Cosmetics
Section 22 Exemptions
Section 23 Certification of Coal-tar Colors

Chapter VII

Section 24 Authority to Promulgate Regulations
Section 25 Examinations and Investigations
Section 26 Records of Intrastate Shipment
Section 27 Factory Inspection
Section 28 Publicity

Chapter VIII

Section 29 Interstate Commerce

Chapter IX

Section 30 Court Review of Regulations and Administrative Actions

Chapter X

Section 31 Separability
Section 32 Effective Date and Repeals

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Chapter I

Section 1 Short Title This act may be cited as the "Food Drug and Cosmetic Act"

Chapter II

Section 2 Definition of Terms As used in this act unless the context otherwise indicates

(a) The term "department" means the Department of Agriculture of the Commonwealth of Pennsylvania

(b) The term "secretary" means the Secretary of Agriculture

(c) The term "bureau" means the Food and Chemistry Bureau of the department

(d) The term "person" includes individual partnership corporation and association Unless otherwise hereinafter provided any act omission or failure or the ordering thereof by any director officer agent acting or employe for or employed by any person within the scope of his directorship office agency or employment shall in every case be deemed to be the act omission or failure of such person as well as that of the director officer agent or employe

(e) The term "food" includes all substances and preparations used for or entering into the composition of food drink confectionery chewing gum or condiment for man of other animals

(f) The term "drugs" includes (1) all substances and preparations recognized in any offcial compendium and (2) all substances and preparations intended for use in the diagnosis cure mitigation treatment or prevention of disease in man or other animals and (3) all substances and preparations other than food intended to affect the structure or any function of the body

(g) The term "device" includes all devices intended (1) for use in the diagnosis cure mitigation treatment or prevention of disease in man or other animals and (2) to affect the structure or any function of the body

(h) The term "cosmetic" includes all substances and preparations intended for cleansing or altering the appearance of or promoting the attractiveness of the person except that such term shall not include soaps intended for no cosmetic use other than cleansing

(i) The term "antiseptic" when used in labeling and advertisement shall be deemed to have the same meaning as the word 'germicide" except however in the case of a drug purporting to be or represented as an antiseptic for inhibitory use as a wet dressing ointment dusting powder or such other use as involves prolonged contact with the body

(j) The term "official compendium" means the United States Pharmacopaeia Homeopathic Pharmacopoeia of the United States National Formulary or any supplement to any of them

(k) The term "label" means the principal display or displays of written printed or graphic matter (1) upon any food drug device or cosmetic or the immediate container thereof and (2) upon the outside container or wraper if any there be of the retail package of any food drug device or cosmetic

(l) The term "labeling" includes all labels and all written printed and graphic matter in any form whatsoever accompanying any food drug device or cosmetic

(m) The term "advertisement" means all representations disseminated in any manner or by any means other than by the labeling for the purpose of inducing directly or indirectly the purchase of food drugs devices or cosmetics

Chapter III

Section 3 Prohibited Acts The following acts and the causing thereof are hereby prohibited

(a) The sale or delivery of any food drug device or cosmetic that is adulterated or misbranded

(b) The adulteration or misbranding of any food drug device or cosmetic

(c) The receipt of any food drug device or cosmetic that is adulterated or misbranded and the delivery or proffered delivery thereof in the original unbroken package for pay or otherwise

(d) (1) The dissemination in any manner or by any means including radio broadcast of any advertisement which represents any drug or device to have any therapeutic effect in the treatment of Bright's disease cancer tuberculosis poliomyelitis (infantile paralysis) veneral diseases or heart or vascular diseases unless such advertisement not in violation of subdivision (e) of this section is disseminated only to members of the medical dental and pharmaceutical profession or appears only in the scientific periodicals of those professions

(2) The dissemination in any manner or by any means of any advertisement which represents any drug or device to have any therapeutic effect in the treatment of Bright's disease cancer tuberculosis poliomyelitis (infantile paralysis) venereal diseases or heart or vascular diseases unless such advertisement not in violation of subdivision (e) of this section is disseminated only to members of the medical dental and pharamaceutical profession or appears only in the scientific periodicals of that profession

(e) (1) The dissemination in any manner or by any means including radio broadcast of any advertisement which contains any representation regarding any food drug device or cosmetic or the ingredients thereof or the substances therein or the identity strength quality purity quantity origin source harmlessness or safety thereof or the nutritional dietary curative therapeutic preventive diagnostic or beneficial effects thereof or the safety or efficacy of the dosage frequency or duration of use pertaining thereto which is false or misleading in any material particular

(2) The dissemination in any manner or by any means of an advertisement which contains any representation regarding any food drug device or cosmetic or the ingredients thereof or the substances therein or the identity strength quality purity quantity origin source harmlessness or safety thereof or the nutritional dietary curative therapeutic preventive diagnostic or beneficial effects thereof or the safety or efficacy of the dosage frequency or duration of use pertaining thereto which is false or misleading in any material particular Any representation concerning the effect of a drug or device shall be deemed to be false and misleading under subdivisions (1) and (2) of this paragraph if such representation is not supported by persons who by reasons of scientific training and experience are qualified as experts on the subject to which such representation relates

(f) The sale or delivery of any food in violation of section thirteen

(g) The refusal to permit access to or copying of any record as required by section twenty-six

(h) The refusal to permit entry or inspection as authorized by section twenty-seven

(i) Forging counterfeiting simulating or fasely representing or without proper authority using any mark stamp tag label or other identification device authorized or required by regulations promulgated under the provisions of section thirteen

(j The using by any person to his own advantage or revealing other than to the secretary or officers or employes of the department or to the courts when relevant

in any judicial proceeding under this act any information acquired under authority of section thirteen or twenty-seven concerning any method or process which as a trade secret is entitled to protection

Section 4 Injunction (a) The courts of common pleas of the Commonwealth of Pennsylvania are hereby vested with jurisdiction to prevent or restrain by injunction upon due notice temporary or permanent any person from violating any of the provisions of subdivisions (a) to (j) inclusive of section three Discontinuance of the violation shall not be grounds for denial of injunction if the court shall find that repetition of the offense is likely to occur

(b) Any injunction issued pursuant to this section shall be operative throughout the Commonwealth of Pennsylvania and may be served on the person enjoined at any place in the Commonwealth where such person may be found Any person who violates such injunction may be punished for contempt in the court of his residence or where such person may be found The clerk of the court which issued the injunction shall when so required by any other court before which application to enforce the injunction is made transfer without delay to such other court a certified copy of the decree of injunction Contempt proceedings may be instituted by order of the court or by the filing of an information by the district attorney and such order or information and the process of the court for the arrest of the violator may be served at any place in the Commonwealth

(c) No person shall be deemed to have violated an injunction issued pursuant to this section by reason of the dissemination subsequent to such injunction of an advertisement which was the basis of the injunction if such dissemination was beyond the control of such person

Section 5 Criminal (a) Any person who violates any of the provisions of subdivisions (a) (b) (c) (d) (f) (g) or (h) of section three shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than one year or a fine of not more than one housand dollars ($1,000) or both such imprisonment and fine and for a second or subsequent offense imprisonment for not more than two years or a fine of not more than five thousand dollars ($5,000) or both such imprisonment and fine

(b) Notwithstanding the provision of paragraph (a) of this section in case of a wilful violation of any of the provisions of subdivisions (a) (b) (c) (d) or (f) of section three the penalty shall be imprisonment for not more than three years or a fine of not more than ten thousand dollars ($10,000) or both such imprisonment and fine

(c) Any person who violates any of the provisions of subdivisions (i) or (j) of section three shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than one year or a fine of not more than five thousand dollars ($5,000) or both such imprisonment and fine

(d) No dealer shall be subject to the penalties of paragraph (a) of this section for having received any article of food drug device or cosmetic and delivered it or proffered delivery of it as received if such delivery or proffer was made in good faith unless he refuses to furnish on request of an officer or employe duly designated by the secretary the name and address of the person from whom he purchased or received such article and copies of all documents if any there be pertaining to the delivery of the article to him or if he establishes a guaranty or undertaking signed by the person residing in the Commonwealth of Pennsylvania from whom he received in good faith the article of food drug device or cosmetic as the case may be to the effect that such article is not adulterated or misbranded within the meaning of this act designating this act To afford protection such guaranty or undertaking shall contain the name and address of the person furnishing such guaranty or undertaking and such person shall be amenable to the prosecution and penalties which would attach in due course to the dealer under the provisions of this act

Section 6 Seizure (a) Any article of food drug device or cosmetic that is adulterated or misbranded shall be liable to be proceeded against on libel of information and condemned in any court of common pleas in the Commonwealth of Pennsylvania within the jurisdiction of which the article is found Provided however That no libel for condemnation shall be instituted under this act for any alleged misbranding if there is pending in any court a libel for condemnation proceeding under this act based upon the same alleged misbranding and not more than one such proceeding shall be instituted if no such proceeding is so pending except that such limitations shall not apply (1) when such misbranding has been the basis of a prior judgment in favor of the Commonwealth of Pennsylvania in a criminal injunction or libel for condemnation proceeding under this act or (2) when the secretary has probable cause to believe from facts found by him that such misbranding of the article renders it imminently dangerous to health

(b) The article shall be liable to seizure by process pursuant to the libel and the procedure in cases under this section shall conform as nearly as may be to the procedure in equity except that either party may demand trial by jury of any issue of fact joined in any such case The common pleas courts for any county of reasonable proximity to the claimant's principal place of business which may be agreed upon by stipulation between the Attorney General of the Commonwealth of Pennsylvania and the claimant is hereby vested with jurisdiction to try such cases On the filing of the stipulation by either party thereto in the court within the jurisdiction wherein the seizures were made the clerk of such court shall transfer immediately to the court stipulated a certified copy of the stipulation and all papers and records relating to such cases including itemized statements of all accrued court costs and fees and such cases shall thereupon be tried in the court stipulated The sheriff of the county wherein the seizures were made shall hold the articles under seizure and shall execute the orders and decrees of the court stipulated

(c) The court at any time after seizure up to a reasonable time before trial shall by order allow any party to a condemnation proceeding his attorney or agent to obtain a representative sample of the article seized

(d) Any food drug device or cosmetic condemned under this section shall after entry of the decree be disposed of by destruction or sale as the court may in accordance with the provisions of this section direct and the proceeds thereof if sold less the legal costs and charges shall be paid into the Treasury of the Commonwealth of Pennsylvania but such article shall not be sold under such decree contrary to the provisions of this act or the laws of the jurisdiction in which sold Provided That after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such article shall not be sold or disposed of contrary to the provisions of this act the court may by order direct that such article be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this act under the supervision of an officer or employe duly designated by the secretary and the expenses of such supervision shall be paid by the party obtaining release of the article under bond Any article condemned shall be disposed of by destruction

(e) When a decree of condemnation is entered against the article court costs and fees and storage and other proper expenses shall be awarded against the person if any intervening as claimant of the article

Section 7 Notice and Hearing Before reporting any violation of this act to any district attorney for institution of criminal proceedings the secretary shall in accordance with regulations prescribed by him afford appropriate notice and opportunity for hearing to the person against whom the proceedings are contemplated If after such hearing it appears that any of the provisions of this act have been violated by such person then the secretary shall at once certify the facts to the proper district attorney

The report shall be accompanied by findings of the appropriate officers and employes duly authenticated under their oaths

Section 8 Settlement of Minor Violations Notwithstanding the provisions of section seven nothing in this act shall be construed as requiring the secretary to report for prosecution or for the institution of libel or injunction proceedings minor violations of this act whenever he believes that the purposes of the act can be accomplished by a suitable written notice or warning

Section 9 Duties of District Attorney It shall be the duty of each district attorney to whom the secretary consistently with the provisions of this act reports any violation for institution of criminal libel of information for condemnation or other proceedings or to whom any health food or drug officer of any county presents evidence satisfactory to the district attorney of any such violation and in the case of criminal proceedings that appropriate notice and opportunity for hearing has been afforded to the person against whom the proceedings are contemplated to cause appropriate proceedings to be instituted in the proper courts of common pleas without delay All suits instituted under this act except those arising under section thirty shall be by and in the name of the Commonwealth of Pennsylvania

CHAPTER IV

Section 10 Definitions and Standards for Food For the effectuation of the purposes of this act the secretary is hereby authorized to promulgate regulations fixing and establishing for any food a definition and standard of identity and a reasonable standard of quality and fill of container Provided That no standard of quality shall be established for fresh fruits or fresh vegetables and no definition and standard of identity for fresh apples and fresh pears

Section 11 Adulterated Food A food shall be deemed to be adulterated

(a) (1) If it bears or contains any poisonous or deleterious substance which may render it dangerous to health or (2) if it bears or contains any added poisonous or added deleterious substance which may render it injurious to health or which is unsafe within the meaning of section fifteen or (3) if it consists in whole or in part of any filthy putrid or decomposed substance or if it is otherwise unfit for food or (4) if it has been prepared packed or held under unsanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health or (5) if it is in whole or in part the product of a diseased animal or of an animal which has died otherwise than by slaughter or (6) if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health

(b) (1) If any valuable constituent has been in whole or in part abstracted therefrom or (2) if any substance has been substituted wholly or in part therefor or (3) if damage or inferiority has been concealed in any manner or (4) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is

(c) If it contains a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by section fifteen

(d) If it is confectionery it shall also be deemed to be adulterated if it bears or contains any alcohol resinous glaze or nonnutritive substance except harmless coloring harmless flavoring natural gum and pectin Provided That this paragraph shall not apply to any confectionery by reason of its containing less than one-half of one per centum by volume of alcohol derived solely from the use of flavoring extracts or to any chewing gum by reason of its containing harmless nonnutritive mastrictory substances

Section 12 Misbranded Food A food shall be deemed to be misbranded

(a) If its labeling is false or misleading in any material particular

(b) If it is offered for sale under the name of another food

(c) If it is an imitation of another food unless its label bears in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated

(d) If its container is so made formed or filled as to be misleading in any particular

(e) If in package form unless it bears a label containing (1) the name and place of business of the manufacturer packer seller or distributor and (2) an accurate statement of the quantity of the contents in terms of weight measures or numerical count Provided That under subdivision (2) of this paragraph reasonable variations shall be permitted and exemptions as to small packages shall be established by regulations prescribed by the secretary

(f) If any word statement or other information required on the label under any provision of this act is not prominently placed thereon in such manner as to be easily seen and in such terms as to be readily understood by purchasers and users of such articles under customary conditions of purchase and use due consideration being given to the size of the package

(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section ten unless (1) it conforms to such definition and standard (2) its label bears the name of the food prescribed in the definition and standard and if so required by such regulations when such definition and standard permits optional ingredients other than spices flavors and coloring the common names of such optional ingredients as are present in such food

(h) If it purports to be or is represented as a food for which a standard of quality or fill of container has been prescribed by regulations as provided by section ten and its quality or fill falls below either such standard unless its label bears a statement in such manner as the regulations specify showing that it falls below such standard

(i) If it is not subject to the provisions of paragraph (g) of this section unless its label bears (1) the common or usual name of the food if any there be and (2) in case it is fabricated from two or more ingredients the common or usual name of each such ingredient except that spices flavors and colorings other than those sold as such may be designated as spices flavors and colorings without naming each And provided That to the extent that compliance with the requirements of sub-division (2) of this paragraph is impracticable exemptions shall be established by regulations promulgated by the secretary

(j) If it purports to be or is represented for special dietary uses by infants or invalids or for other special dietary uses unless its label bears if so required by regulations prescribed by the secretary statements concerning its vitamin mineral and other dietary properties which fully inform the purchaser as to its value for such uses

(k) If it bears or contains any artificial flavor artificial color or chemical preservative unless it bears a label stating that fact Provided That to the extent that compliance with the requirements of this paragraph is impracticable exemptions shall be established by regulations promulgated by the secretary

Section 13 Emergency Permit Control (a) Whenever the secretary finds after investigation that the distribution of any class of food may by reason of contamination with micro-organisms during the manufacture processing or packing thereof in any locality be injurious to health and that such injurious nature cannot be adequately determined he is then and in such case only authorized to promulgate regulations providing for the issuance to manufacturers processors or packers of such class of food in such locality of permits to which shall be attached such conditions governing the manufacture processing or packing of such class of food for such temporary period of time as may be necessary to protect the public health and after the effective date of such regulations and during such temporary period no person shall sell or deliver any such manufacturer processor or packer unless such manufacturer processor or packer holds a permit issued by the secretary as provided by such regulations

(b) The secretary is authorized to suspend immediately upon notice any permit issued under authority of this section if it is found that any of the coditions of the permit have been violated The holder of a permit so sus-

pended shall be privileged at any time to apply for the reinstatement of such permit and the secretary shall immediately after prompt hearing and an inspection of the establishment reinstate such permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit as originally issued or as amended

(c) Any officer or employee duly designated by the secretary shall have access to any factory or establishment the operator of which holds a permit from the secretary for the purpose of ascertaining whether or not the conditions of the permit are being complied with and denial of access for such inspection shall be ground for suspension of the permit until such access is freely given by the operator

Section 14 Exemptions The secretary is hereby directed to promulgate regulations exempting from any labeling requirement of this act (1) small open containers of fresh fruits and fresh vegetables and (2) food which is in accordance with the practice of the trade to be processed labeled or repacked in substantial quantities at establishments other than those where originally processed or packed on condition that such food is not adulterated or misbranded under the provisions of this act upon removal from such processing labeling or repacking establishment

Section 15 Tolerances for Poisonous Ingredients in Food and Certification of Coal-Tar Colors for Food (a) Any contaminating poisonous or deleterious substance added to any food except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice shall be deemed to be unsafe for purposes of the application of section eleven (a) but when such substance is so required or cannot be so avoided the secretary is authorized to promulgate regulations limiting the quantity therein or thereon to such extent as he finds necessary for the protection of public health and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of section eleven (a) In determining the quantity of such added substance to be tolerated in or on different articles of food the secretary shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances

(b) The secretary is hereby authorized to promulgate regulations for the certification of coal-tar colors which are harmless and suitable for use in food

CHAPTER V

Section 16 Adulterated Drugs A drug shall be deemed to be adulterated

(a) (1) If it consists in whole or in part of any filthy putrid or decomposed substance or (2) if it has been prepared packed or held under unsanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health or (3) if its container is composed in whole or in part of any poisonous or deleterious substance which may render it injurious to health or (4) if it contains for purposes of coloring only a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by section nineteen

(b) If its name is recognized in an official compendium or if it purports to be a drug the name of which is so recognized and it differs from the standard of strength quality or purity as determined by the tests or methods of assay set forth therein except that whenever tests or methods of assay have not been prescribed therein or such tests or methods of assay as are prescribed are insufficient for determining whether or not such drug complies with such standard the secretary is hereby authorized to bring such fact to the attention of the appropriate body charged with the revision of such compendium and if such body fails within a reasonable time to prescribe tests or methods of assay which are sufficient then the secretary may by regulations prescribe for the purposes of this act such tests or methods of assay No drug defined in an official compendium shall be deemed to be adulterated under this paragraph because it differs from the standard of strength quality or purity therefor set forth in an official compendium if its standard of strength quality or purity be plainly stated on its label Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homeopathic drug in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia

(c) If it is not subject to the provisions of paragraph (b) of this section and its strength quality or purity differs from that which it purports or is represented to possess

Section 17 Misbranded Drugs and Devices A drug or device shall be deemed to be misbranded

(a) If its labeling is false or misleading in any material particular Any representation concerning the effect of a drug or a device shall be deemed to be false and misleading under this paragraph if such representation is not supported by persons who by reason of scientific training and experience are qualified as experts on the subject to which such representation relates

(b) If it is dangerous to health when used in the dosage or with the frequency or duration prescribed or recommended in the labeling or advertisement thereof

(c) If in package form unless it bears a label containing (1) the name and place of business of the manufacturer packer seller or distributor and (2) an accurate statement of the quantity of the contents in terms of weight measure or numerical count Provided That under subdivision (2) of this paragraph reasonable variations shall be permitted and exemptions as to small packages shall be established by regulations prescribed by the secretary

(d) If any word statement or other information required on the label under any provisions of this act is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily understood by purchasers and users of such articles under customary conditions of purchase and use due consideration being given to the size of the package

(e) If it is for use by man and contains any quantity of alpha eucaine barbituric acid beta eucaine bromal cannabis carbromi chloral coca cocaine codeine heroin marihuana morphine opium paraldehyde peyote sulphonmethane or any substance chemically derived therefrom or any other narcotic or hypnotic substance which derivative or other narcotic or hypnotic substance has been designated as habit forming by regulations prescribed by the secretary unless its label bears except when dispensed on the written order of a member of the medical profession the name and quantity or proportion of such substance or derivative and in juxaposition therewith the statement "Warning—May be habit forming"

(f) If it is a drug designated on its label by a name not recognized in an official compendium unless its label bears (1) the common or usual name of the drug if such thereby and (2) in case it is facricated from two or more ingredients the common or usual name of each active ingredient including the quantity kind and proportion of any alcohol and also including whether active or not the name and quantity or proportion of any bromides either chloroform acetanilid acetphentidin amidopyrine antipyrine atropine hyoscine hyoscyamine arsenic digitalis digitalis glucosides mercury ouabain strophanthin strychnine thyroid or any derivative or preparation of any such substances contained therein Provided That to the extent that compliance with the requirements of subdivision (2) of this paragraph is impracticable exemptions shall be established by regulations promulgated by the secretary

(g) Unless its labeling bear plainly and conspicuously (1) adequate directions for use and (2) adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health or against unsafe dosage or methods or duration of administration or application Provided That where any requirement of subdivision (1) of this paragraph as applied to any drug or device is not necessary for the protection of the public health the secretary shall promulgate regula-

tions exempting such drug or device from such requirement

(h) If its name is recognized in an official compendium or if it purports to be a drug the name of which is so recognized unless it is packaged and labeled as prescribed therein Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a homeopathic drug in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia

(i) If it has been designated by regulations prescribed by the secretary as a drug liable to deterioration unless it is packaged in such form and manner and its label bears a statement of such precautions as such regulations require for the protection of public health No such regulation shall be established for any drug recognized in an official compendium until the secretary shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirements

(j) (1) If its container is so made formed or filled as to be misleading in any particular or (2) if it is an imitation of another drug or (3) if it is offered for sale under the name of another drug

Section 18 Exemptions The secretary is hereby directed to promulgate regulations exempting from any labeling or packaging requirement of this act drugs and devices which are in accordance with the practice of the trade to be processed labeled or repacked in substantial quantities at establishments other than those where originally processed or packed on condition that such drugs and devices are not adulterated or misbranded under the provisions of this act upon removal from such processing labeling or repacking establishment

Section 19 Certification of Coal-Tar Colors for Drugs The secretary is hereby authorized to promulgate regulations for the certification of coal-tar colors which are harmless and suitable for use in drugs for purposes of coloring only

Chapter VI

Section 20 Adulterated Cosmetics A cosmetic shall be deemed to be adulterated (a) If it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling thereof or under such conditions of use as are customary or usual Provided That this provision shall not apply to coal-tar hair dyes the label of which bears the following legend conspicuously displayed thereon "Caution This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made This product must not be used for dyeing the eyelashes or eyebrows"

(b) If it consists in whole or in part of any filthy putrid or decomposed substance

(c) If it has been prepared packed or held under unsanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health

(d) If its container is composed in whole or in part of any poisonous or deleterious substance which may render it injurious to health

(e) If it is not a hair dye and contains a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by section twenty-three

Section 21 Misbranded Cosmetics A cosmetic shall be deemed to be misbranded (a) If its labeling it false or misleading in any particular (b) If in package form unless it bears a label containing (1) the name and place of business of the manufacturer packer seller or distributor and (2) an accurate statement of the quantity of the contents in terms of weight measure or numerical count Provided That under subdivision (2) of this paragraph reasonable variations shall be permitted and exemptions as to small packages shall be established by regulations prescribed by the secretary

(c) If any word statement or other information required on the label under any provision of this act is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily understood by the purchasers and users of such article under customary conditions of purchase and use due consideration being given to the size of the package

Section 22 Exemptions The secretary is hereby directed to promulgate regulations exempting from any labeling requirement of this act cosmetics which are in accordance with the practice of the trade to be processed labeled or repacked in substantial quantities at establishments other than those where originally processed or packed on condition that such cosmetics are not adulterated or misbranded under the provisions of this act upon removal from such processing labeling or repacking establishment

Section 23 Certification of Coal-Tar Colors for Cosmetics The secretary is hereby authorized to promulgate regulations for the certification of coal-tar colors other than those used in hair dyes which are harmless and suitable for use in cosmetics For the purposes of this chapter the term- "hair dyes" shall not include eyelash dyes or eyebrow dyes

CHAPTER VII

Section 24 Authority to Promulgate Regulations (a) The authority to promulgate regulations for the efficient enforcement of this act except as otherwise provided in this section is hereby vested in the secretary

(b) The Secretary of Agriculture shall prescribe regulations for the efficient enforcement of the provisions of section twenty-nine except as otherwise provided therein Such regulations shall be promulgated in such manner and take effect at such time after due notice as the Secretary of Agriculture shall determine

(c) Hearings authorized or required by this act shall be conducted by the secretary or such officer or employe as he may designate for the purpose

(d) The definitions and standards of identity promulgated by or in accordance with the provisions of this act shall be effective for the purposes of the enforcement of this act notwithstanding such definitions and standards as may be contained in other laws of the Commonwealth of Pennsylvania and regulations promulgated thereunder

(e) Whenever the secretary deems that there should be established any regulation contemplated by section eleven paragraph (c) section twelve paragraph (g) (h) or (j) section ten section fifteen paragraph (a) or (b) section thirteen paragraph (a) section sixteen paragraph (a) or (b) section seventeen paragraph (e) or (i) section nineteen section twenty paragraph (e) or section twenty-three he shall give appropriate notice of the proposal and of the time and place for a public hearing to be held thereon not less than thirty days after the date of such notice After such hearing the secretary is authorized to formulate and promulgate such regulation as he shall find to be necessary to effectuate the purposes of such provision The regulation so promulgated shall become effective on a date fixed by the secretary which date shall not be prior to ninety days after its promulgation Such regulation may be amended or repealed in the same manner as is provided for its adoption and an interested industry may also request the secretary for a new regulation or a change in an existing regulation in which event the secretary shall proceed as specified except that public hearing on regulations under section thirteen (a) may be held within a reasonable time after notice thereof and the secretary may fix the effctive date of such regulations at any reasonable time after promulgation thereof

Section 25 Examinations and Investigations (a) The secretary is authorized to conduct examinations and investigations for the purposes of this act through officers and employes of the department or through any health food or drug officer or employer of any county or political

subdivision thereof duly commissioned by the secretary as an officer of the department

(b) Where a sample of a food drug or cosmetic is collected for analysis under this act the secretary shall upon request seasonably made provide a part of such official sample if available for examination or analysis by any person named on the label of the article or the owner thereof or his attorney or agent

(c) For purposes of enforcement of this act records kept by the Revenue Department and the Liquor Control Board in accordance with laws and regulations thereunder relating to alcoholic beverages and medicinal liquors shall be open to inspection by any official of the Department of Agriculture duly authorized by the Secretary of Agriculture to make such inspection

Section 26 Records of Intrastate Shipment For the purpose of enforcing the provisions of this act carriers engaged in intrastate commerce and persons receiving food drugs devices or cosmetics in intrastate commerce shall upon the request of an officer or employe duly designated by the secretary permit such officer or employe at reasonable times to have access to and to copy all records showing the movement in intrastate commerce of any food drug device or cosmetic and the quantity shipper and consignee thereof and it shall be unlawful for any such carrier or person to fail to permit such access to and copying of any such record so requested when such request is accompanied by a statement in writing specifying the nature or kind of food drug device or cosmetic to which such request relates Provided that evidence obtained under this section shall not be used in a criminal prosecution of the person from whom obtained And provided further That carriers shall not be subject to the other provisions of this act by reason of their receipt carriage or delivery of food drugs devices cosmetics or advertising matter in the usual course of business as carriers

Section 27 Factory Inspection For purposes of enforcement of this act officers or employes duly designated by the secretary after first making request and obtaining permission of the owner operator or custodian thereof are authorized (1) to enter at reasonable times any factory warehouse or establishment in which food drugs devices or cosmetics are manufactured processed packed or held for shipment in intrastate commerce or are held after such shipment or to enter any vehicle being used to transport such food drugs devices or cosmetics in intrastate commerce and (2) to inspect at reasonable times such factory warehouse establishment or vehicle and all pertinent equipment finished and unfinished materials containers labeling or advertising matter therein

Section 28 Publicity (a) The secretary shall cause to be published from time to time reports summarizing all judgments decrees and court orders which have been rendered under this act including the nature of the charge and the disposition thereof

(b) The secretary may also cause to be disseminated information regarding food drugs devices or cosmetics in situations involving in the opinion of the secretary imminent danger to health or gross deception of the consumer Nothing in this section shall be construed to prohibit the secretary from collecting reporting and illustrating the results of the investigations of the department

CHAPTER VIII

Section 29 Interstate Commerce A food drug device or cosmetic intended for delivery into another State in the United States shall not be deemed to be adulterated or misbranded under this act if it (1) accords to the specifications of the purchaser in such other State (2) complies with the laws of the State to which it is intended for delivery and (3) is labeled on the outside of the shipping package to show it is intended for such delivery But if such article is sold or offered for sale within the Commonwealth of Pennsylvania this section shall not exempt it from any of the provisions of this act

CHAPTER IX

Section 30 Court Review of Regulations and Administrative Actions The Common Pleas courts of the Commonwealth of Pennsylvania are hereby vested with jurisdiction on petition by any interested person (1) to restrain by injunction temporary or permanent the enforcement by any officer representative or employe of the Department of any regulation promulgated in accordance with section twenty-four if it is found as a fact or conclusion of law by the judge of such court that the regulation is unreasonable arbitrary or capricious or not in accordance with law and that the petitioner may suffer substantial damage by reason of its enforcement and (2) to grant appropriate injunctive relief from any act or omission of any officer representative or employe of the department in the administration of this act if it has been shown that such act or omission is unreasonable arbitrary or capricious or not in accordance with law and that the petitioner may suffer substantial damage thereby Provided That nothing in this section shall be deemed to abridge the right of any person against whom a criminal prosecution or suit for injunction shall have been brought under this act or who shall intervene as claimant in any proceeding of libel for condemnation to plead that the regulation the violation of which is alleged as the ground for such prosecution suit or libel is invalid on any grounds set forth above

CHAPTER X

Section 31 Separability Clause If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby

Section 32 Effective Date and Repeals (a) This act shall take effect twelve months after the date of its enactment

(b) All other acts or parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 714, (House Bill No. 999), entitled:

An Act providing for the appointment of a Commission to draft a report on a plan for the future government of the City of Philadelphia in accordance with a proposed amendment to the Constitution consolidating the City and County governments of the said city providing for the employment of certain persons by the Commission giving the Commission the power to subpoena witnesses books papers and records to hold hearings and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

The PRESIDENT. Senate Bill 266 should be postponed on the Calendar.

BILL RECOMMITTED

Mr. McGINNIS. Mr. President, I move that Senate Bill No. 574, (House Bill No. 1183), reported from Committee at today's session for the purpose of amendment be recommitted to the Committee on Highways.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. LAW. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection The Chair hears none.

Mr. LAW, from the Committee on Education reported as amended, Senate Bill No. 158, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for health rooms; changing the provisions for permitted and compulsory attendance; providing for enumeration of minors in certain cases; requiring enumeration of illiterate children and alien residents; providing for home and school visitors in lieu of or in addition to, other attendance officers and for their compensation; providing for the education of physically and mentally handicapped children and for the care of uneducable children; authorizing school districts to provide care and treatment of defective ears of pupils; making uniform for all districts the required number of days schools shall be kept open; and authorizing school districts of the fourth class to provide medical inspection at their own expense.

Also from the Committee on Education reported as committed, Senate Bill No. 606, entitled:

An Act to amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for sabbatical leaves of absence for certain employes of school districts.

Also from the Committee on Mines and Mining reported as amended, Senate Bill No. 365, entitled:

An Act to further amend the act, approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," and repealing inconsistent acts.

Also from the Committee on Judiciary General re-reported as amended, Senate Bill No. 384, (House Bill No. 476), entitled:

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof.

Mr. McGINNIS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS from the Committee on Highways reported as amended, Senate Bill No. 574, (House Bill No. 1183), entitled:

An Act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the first class as State highways and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of said streets, imposing duties on such cities and on public utility companies using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon; authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies, prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor; regulating the maintenance of detours, authorizing the increase for city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act.

Mr. HALUSKA. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA from the Committee on Mines and Mining reported as amended, Senate Bill No. 413, entitled:

An Act to amend section six as amended in part, and section ten of the act, approved the thirty-first day of May one thousand nine hundred and twenty-three (P. L. 481), entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen, assistant mine foreman ,and fire bosses in the bituminous coal mines of this Commonwealth; prescribing the qualifications; defining the powers and duties, and fixing the compensation of such examiners; authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations, and to designate the boards before whom applicants in the various inspection districts shall appear; providing for the issuance of certificates of qualification to successful applicants; fixing the fees to be paid by applicants, and providing for their disposition; forbidding the employment of unqualified persons as mine foremen, assistant mine foremen, and fire bosses; providing a penalty for forging or making false statements regarding certificates;" further regulating the qualifications and examination of applicants for said certificates of qualification, and the employment of foremen and assistant foremen in such mines.

The PRESIDENT. Is there objection? The Chair hears none.

Also from the Committee on Mines and Mining reported as amended, Senate Bill No. 414, entitled:

An Act placing certain restriction and regulations on the building and installation of dry coal cleaning plants tipples and screening plants at or near bituminous coal mines; providing for the safe periodic removal of dust accumulations from dry coal cleaning plants, tipples and screening plants at or near bituminous coal mines; and providing penalties.

Also from the Committee on Mines and Mining reported as amended, Senate Bill No. 415, entitled:

An Act providing for the examination and certification of, and regulating the employment of shot-firers and mining machine runners employed in gaseous bituminous coal mines; imposing duties upon the Secretary of Mines and providing penalties.

The PRESIDENT. Is there objection? The Chair hears none.

Also from the Committee on Mines and Mining reported as amended, Senate Bill No. 416, entitled:

An Act providing for the examination and certification of, and regulating the employment of mine electricians in

bituminous coal mines; imposing duties upon the mine foremen's examining board and the Secretary of Mines; and providing penalties.

BILLS INTRODUCED

Mr. KUNKEL read in his place and presented to the Chair Senate Bill No. 816, entitled:

An Act to further amend section eleven of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employe's retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by extending the service allowance of certain employes.

Which was committed to the Committee on Education.

Also read in his place and presented to the Chair Senate Bill No. 817, entitled:

An Act to amend the title and re-enact clause (b) of section thirty-five as amended of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries, the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and also, generally dealing with the jurisdiction powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents."

Which was committed to the Committee on Judiciary General.

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 158, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled, "An act to establish a public system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for health rooms changing the provisions for permitted and compulsory attendance; providing for enumeration of minors in certain cases; requiring enumeration of illiterate children and alien residents; providing for home and school visitors in lieu of, or in addition to, other attendance officers and for their compensation; providing for the education of physically and mentally handicapped children and for the care of uneducable children; authorizing school districts to provide care and treatment of defective ears of pupils; making uniform for all districts the required number of days schools shall be kept open; and authorizing school districts of the fourth class to provide medical inspection at their own expense.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 365, entitled:

An Act to further amend the act, approved the ninth day of June, one thousand nine hundred and eleven (Pamphlet Laws seven hundred fifty-six) entitled, 'An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," and repealing inconsistent acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 372, entitled:

An Act to amend section two hundred fourteen, section two hundred sixteen as amended, and section two hundred seventeen, of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 413, entitled:

An Act to amend section six as amended in part, and section ten of the act approved the thirty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws four hundred eighty-one) entitled, An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen, assistant mine foremen, and fire bosses in the bituminous coal mines of this Commonwealth; prescribing the qualifications; defining the powers and duties, and fixing the compensation of such examiners; authorizing the Chief of the Department of Mines to determine the dis-

trict in which boards of examiners shall hold examinations, and to designate the boards before whom applicants in the various inspection districts shall appear; providing for the issuance of certificates of qualification to successful applicants; fixing the fees to be paid by applicants, and providing for their disposition; forbidding the employment of unqualified persons as mine foremen, assistant mine foremen, and fire bosses; providing a penalty for forging or making false statements regarding certificates;" further regulating the qualifications and examination of applicants for such certificates of qualification, and the employment of foremen and assistant foremen in such mines.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 414, entitled:

An Act placing certain restrictions and regulations on the building and installation of dry coal cleaning plants, tipples and screening plants at or near bituminous coal mines; providing for the safe periodic removal of dust accumulations from dry coal cleaning plants, tipples and screening plants at or near bituminous coal mines; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for a second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 415, entitled:

An Act providing for the examination and certification of, and regulating the employment of shot-firers and mining machine runners employed in gaseous bituminous coal mines; imposing duties upon the Secretary of Mines; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for a second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 416, entitled:

An Act providing for the examination and certification of, and regulating the employment of mine electricians in bituminous coal mines; imposing duties upon the mine forman's examining board and the Secretary of Mines; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for a second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 465 (House Bill No. 679), entitled:

An Act authorizing the abatement of certain interest charges, expenses and fees added to county, city, borough, town, township, school district or poor district claims imposed or assessed for improvements or for the abatement of nuisances; prohibiting the sale of real property for the non-payment of such claims for a certain period; preserving the liens of such claims and providing for the extension thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for a second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 539, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating, thereto," by further regulating the affairs of such counties with respect to roads, and providing that in certain cases county roads shall become and be maintained as city and borough streets and township roads.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 540, entitled:

An Act establishing certain public roads and streets as a State highway and providing for their construction, reconstruction and maintenance by the Department of Highways subject to certain terms and conditions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 558, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the method of computing reimbursement to be made to school districts for the payment of high school tuition.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 559, entitled:

An Act to amend Article ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general special or local, or any parts thereof that are or may inconsistent therewith," by requiring the Superintendent of Public Instruction to withhold appropriations from school districts until all reports required by law are filed, and making permissive the withholding of appropriations from school districts failing to comply with health and safety regulations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 571, entitled:

An Act to amend section sixteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the

establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same, requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein, providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of townships, county, borough or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same, providing for the minium width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," as amended, by empowering viewers appointed to ascertain and assess damages upon petition of the county commissioners or property owners to also assess any benefits.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 606, entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for sabbatical leaves of absence for certain employes of school districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 696 (House Bill No. 1292), entitled:

An Act authorizing council in cities of the second class to make appropriations for the use of the Director of the Department of Supplies and his assistant providing for the deposit of such moneys from time to time in a special fund which may be drawn upon for certain purchases without prior approval

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 697 (House Bill No. 1295), entitled:

An Act to amend sections one and two of the act approved the seventh day of June, one thousand nine hundred and eleven (P. L. 667), entitled, "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March one thousand nine hundred and one, regulating the certification, recording, advertising and proof of passage of legislative acts of councils and prescribing the effect of the production thereof when required as evidence," by allowing council to shorten the publications provided for.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 698 (House Bill No. 1296), entitled:

An Act to amend section one of Article fifteen of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20), entitled, "An act for the government of cities of the second class", as amended further, regulating the giving of contracts relating to city affairs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

HOUSE MESSAGES

THE HOUSE CONCURS IN SENATE AMENDMENT TO HOUSE BILL No. 441

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 441, entitled:

An Act licensing and regulating the business of pawnbrokers, providing for the issuance of licenses by the Secretary of Banking, authorizing the Secretary of Banking to make examinations and issue regulations, limiting the interest and charges on loans and prescribing penalties for the violation of this act.

THE HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 543

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 543, entitled:

An Act to amend section two hundred thirteen, and sections one thousand four hundred two and two thousand four hundred four as amended, of the act approved the ninth day of April, one thousand nine hundred and

twenty-nine (P. L. 177), entitled "Administrative Code of 1929," prescribing the qualifications of department deputies; further regulating the sale and destruction of military stores; crediting the moneys derived from such sales to the biennial appropriation; and providing for liability insurance covering the operation of Federal vehicles used by the National Guard.

THE HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 741

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 741, entitled:

An Act to amend the title and sections two, six, ten and twelve, and to repeal section five, of the act, approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred eighteen), entitled "Elevator Regulation Law," by extending the provisions of said act to elevators located in cities of the first, second and second A classes; and further regulating insured elevators.

THE HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL NO. 850

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 850, entitled:

An Act to amend the act, approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled, "Administrative Code of 1929" as amended by abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and creating, as successor to such commission, the Pennsylvania Public Utility Commission; defining, in part, the powers and duties of the Pennsylvania Public Utility Commission, and transferring to such commission the records, employes, property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in, and complete, all pending proceedings, legal or otherwise, instituted before, by, or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission; and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania.

THE HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 860

The Clerk of the House of Representatives being, introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 860 (Senate Bill No.), entitled:

An Act requiring county officers and persons formerly occupying county offices, in counties of the first class, to pay over to the county treasurer for safe-keeping, certain unclaimed moneys; and providing for the payment of such moneys out of the county treasury to claimants and for the escheat of unclaimed moneys.

BILLS SIGNED

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 441, entitled:

An Act licensing and regulating the business of pawnbrokers, providing for the issuance of licenses by the Secretary of Banking, authorizing the Secretary of Banking to make examinations and issue regulations, limiting the interest and charges on loans and prescribing penalties for the violation of this act.

House Bill No. 543 entitled:

An Act to amend section two hundred thirteen, and sections one thousand four hundred two and two thousand four hundred four as amended of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," prescribing the qualifications of department deputies; further regulating the sale and destruction of military stores; crediting the moneys derived from such sales to the biennial; appropriation; and providing for liability insurance covering the operation of Federal vehicles used by the National Guard.

House Bill No. 741, entitled:

An Act to amend the title and sections two, six, ten and twelve, and to repeal section five of the act, approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1518), entitled "Elevator Regulation Law," by extending the provisions of said act to elevators located in cities of the first, second and second A classes; and further regulating insured elevators.

House Bill No. 850 entitled:

An Act to amend the act, approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177), entitled "Administrative Code of 1929," as amended, by abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and creating, as successor to such commission, the Pennsylvania Public Utility Commission; defining, in part, the powers and duties of the Pennsylvania Public Utility Commission, and transferring to such commission the records, employes, property and equipment of the Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in, and complete, all pending proceedings, legal or otherwise, instituted before, by, or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission; and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania.

House Bill No. 860 entitled:

An Act requiring county officers and persons formerly occupying county offices, in counties of the first class, to pay over to the county treasurer for safe-keeping, certain unclaimed moneys; and providing for the payment of such moneys out of the county treasury to claimants and for the escheat of unclaimed moneys.

House Bill No. 1042 entitled:

An Act to further amend sections twenty and twenty-one of the act, approved the first day of June, one thousand

eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine", by continuing the tax upon that portion of the capital stock of certain corporations, joint-stock associations, limited partnerships, and companies which were formerly exempt; and by further defining the method of computing the franchise tax of foreign corporations.

House Bill No. 1044, entitled:

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine" by increasing for a limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, copartnerships, and persons.

House Bill No. 1047 entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and, savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title rate of tax, and by imposing the tax on certain corporations heretofore exempt.

House Bill No. 1048 entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (P. L. 292), entitled "An act to provide revenue by taxation," by increasing the rate of tax.

House Bill No. 1128, entitled:

An Act requiring unemployment relief orders to be presented for payment within a certain period, otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation for unemployment relief purposes.

House Bill No. 1571 entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief and expenses; defining the purposes for which such moneys can be expended; prescribing the powers and duties of the State Emergency Relief Board and certain State departments; prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties.

Whereupon,

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the presence of the Senate signed the same.

NOMINATION BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

ALDERMAN

Commonwealth of Pennsylvania
Governor's Office, Harrisburg March 31, 1937

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James H. Kelly Jr., of Allentown, Lehigh County, for appointment as Alderman in the ninth Ward of the City of Allentown, Lehigh County, (to fill a vacancy), until the first Monday of January, 1938.

GEORGE H. EARLE

RECESS

Mr. FREY. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

NOMINATION BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, The Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBERS PUBLIC UTILITY COMMISSION

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 31, 1937

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Pennsylvania Public Utility Commission, for the terms indicated below:

D. J. Driscoll, of St. Marys, Elk County (designated Chairman), for the term of ten years to compute from April 1, 1937, and until his successor shall be duly appointed and shall be qualified.

Thomas C. Buchanan, of Beaver, Beaver County, for the term of eight years to compute from April 1, 1937, and until his successor shall be duly appointed and shall be qualified.

Richard J. Beamish, of Harrisburg, Dauphin County, for the term of six years to compute from April 1, 1937, and until his successor shall be duly appointed and shall be qualified.

GEORGE H. EARLE

ANNOUNCEMENTS BY THE SECRETARY

There will be a Caucus of the Democratic Senators

promptly at seven o'clock Monday evening, April 5, 1937, in the Senate Caucus Room.

ADJOURNMENT

Mr. LAW. Mr. President, I move that the Senate do now adjourn.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:50 p. m. until 9:00 o'clock Monday evening, April 5, 1937.

HOUSE OF REPRESENTATIVES

WEDNESDAY, March 31, 1937.

The House met at 1:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Give ear, O Lord, unto our prayer, may Thy spirit guide our lives today as Thou dost control the course of the sun. Create in us clean hearts and renew within us the right spirit. Then as we work in the name of our Commonwealth, we shall write new pages of history that will stand for justice and equality within our State.

In His Name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. SHEA the further reading was dispensed with and the Journal approved.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

HIGHWAYS

A petition addressed to Mr. WILSON from the Supervisors of several townships in Jefferson County urging the adoption of a township road as contained in House Bill No. 1936.

Referred to the Committee on Highways.

MUNICIPAL COURT OF PHILADELPHIA

A resolution from the Methodists' Meeting in Philadelphia, urging defeat of Senate Bills 57, 58, and 78 and House Bills Nos. 108 and 1358.

Referred to the Committee on Judiciary General.

RESOLUTION INTRODUCED AND REFERRED

By Mr. SLOAN. (Concurrent) RESOLUTION No. 60.

In the House of Representatives, March 30, 1937.

Whereas, it has been the policy of the General Assembly of Pennsylvania over a long period of years to enact laws regulating the mining industry of the Commonwealth for the welfare and protection of mine workers, and

Whereas, the Department of Mines has been entrusted with the administration of all laws having for their objective the safety of workers in Pennsylvania mines; and

Whereas, numerous accidents in recent months, the latest of which resulted in the death of nine mine employes in the Dubois district, have shocked and alarmed our people, now, therefore, be it

Resolved, that, the Senate concurring, a legislative committee of five, three members of the House to be named by the Speaker of the House, and two members of the Senate, to be named by the President Pro Tempore of the Senate, is hereby created for the purpose of investigating the policies, methods and general conduct of the Pennsylvania Department of Mines, in order that the General Assembly may be informed as to how the mine laws are being administered and where responsibility lies for the growing number of mine accidents; and to that end the said committee is herewith vested with full authority to summon necessary witnesses, demand and receive necessary data and is instructed to report its findings to the General Assembly in time for any remedial legislation necessary to be enacted before the close of the present session.

Referred to the Committee on Mines and Mining.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 29, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 5th, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening April 5th, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, that the Clerk inform the Senate accordingly.

LEAVES OF ABSENCE

Mr. Reising asked and obtained leave of absence for Mr. NAGEL for today's session on account of illness.

Mr. KANE asked and obtained leave of absence for himself for next weeks session.

Mr. Stackpole asked and obtained leave of absence for Mr. FISS for today's session.

Mr. Alexander asked and obtained leave of absence for Mr. HETRICK to attend a funeral.

REPORTS FROM COMMITTEES

Mr. JOHN J. BAKER, from the Committee on Labor, reported as committed, House Bill No. 1793, entitled:

An Act to amend section four of the act, approved the thirteenth day of May one thousand nine hundred and fifteen (P. L. 286), entitled "An act to provide for the health, safety, and welfare of minors; by forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the period of their employment, attend certain

schools, to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," as amended, further limiting the days and hours during which minors under eighteen years of age may be employed.

Mr. HESS, from the Committee on Municipal Corporations, reported as amended, House Bill No. 1761, entitled:

An Act creating a commission to study certain conditions relating to municipal ordinances; defining its powers and duties; and making an appropriation.

Mr. HOLLAND, from the Committee on Education, reported as committed, House Bill No. 1125, entitled:

An Act to amend sections one, two and six of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 492), entitled "An act to provide for the equalization of educational opportunity and the encouragement of the study of citizenship by recognition of extension education, for boys and girls who are employed and for adults, as a function of the public schools of this Commonwealth; and to facilitate the proper organization and administration of such extension education," by providing educational, recreational and social opportunities for out-of-school youth who are not employed; by reducing the number of petitioners required for applications for extension classes; and by requiring certain qualification for teachers and leaders in extension education.

Mr. VALIBUS, from the Committee on Public Health and Sanitation, reported as amended, House Bill No. 920, entitled:

An Act requiring operators of swimming pools to which admission fees are charged to have a pulmotor at such pools; making failure to comply a misdemeanor; and prescribing penalties.

Mr. ALEXANDER, from the Committee on Agriculture, reported as committed, House Bill No. 1705, entitled:

An Act to re-enact and amend the title and act, approved the twenty-eighth day of March, one thousand nine hundred and twenty nine (P. L. 86), entitled, "An act relating to the grading and sale of grapes in this Commonwealth, providing penalties for violations, and imposing certain duties upon the Department of Agriculture;" extending the provisions of said act to potatoes.

Mr. ARNOLD, from the Committee on Agriculture, reported as committed, House Bill No. 1561, entitled:

An Act to amend sections two, three, four, five and six of the act, approved the thirteenth day of April, one thousand nine hundred and twenty-one (P. L. 129), entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture, the sale, the offering for sale, or exposing for sale, or the having in possession with intent to sell, of adulterated or deleterious butter; defining butter; and prescribing the penalty for the violation thereof,' further defining butter and the adulteration of butter; conferring powers on the Department of Agriculture and the courts of quarter sessions; and providing penalties.

Mr. ARNOLD, from the Committee on Townships, reported as amended, House Bill No. 1188, entitled:

An act to amend section eight hundred two of the act, approved the first day of May, one thousand nine hundred thirty-three (Pamphlet Laws one hundred three), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto" providing for competitive bidding on contracts.

Mr. ZAPPALA, from the Committee on Counties, reported as committed, House Bill No. 881, entitled:

An Act to amend part of section one of the act, approved the fifth day of April, one thousand nine hundred and twenty-nine (P. L. 170), entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth, and imposing liability for costs upon the county in certain cases," eliminating the liability of the county for costs in discharged summary conviction cases.

Mr. SCHROCK, from the Committee on Townships, reported as committed, House Bill No. 1361, entitled:

An Act to amend section five hundred and fifty-three of the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, one hundred and three), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," extending the times within which appeals from auditors' reports may be taken.

Mr. SCHROCK, from the Committee on Townships, reported as committed, House Bill No. 1359, entitled:

An Act to amend section one thousand and nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, one thousand two hundred and six), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," extending the time within which appeals from auditors' reports may be taken.

Mr. SHOEMAKER, from the Committee on Agriculture, reported as committed, House Bill No. 1715, entitled:

An Act to prevent fraud and deception; regulating the weights and measures in the sale or offering for sale of fruit and vegetables in this Commonwealth; regulating sales and vegetables in original unbroken standard containers; imposing certain powers and duties on the Department of Internal Affairs and county and city inspectors of weights and measures; and prescribing penalties.

Mr. SHOEMAKER, from the Committee on Townships, reported as committed, House Bill No. 2067, entitled:

An Act to amend section five hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class, and amending, revising, consolidating and changing the law relating thereto." prohibiting auditors from becoming surety for certain officers.

Mr. TROUT, from the Committee on Education, reported as committed, House Bill No. 1349, (Senate Bill No. 98), entitled:

An Act to amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; estab-

lishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended; extending the retirement provisions relating to former teachers to those who returned to service only temporarily.

Mr. O'CONNOR, from the Committee on Education, reported as committed, House Resolution No. 27.

Mr. LaRUE, from the Committee on Welfare, re-reported as committed, House Bill No. 753, entitled:

An Act to promote public health, safety, morals, and welfare, by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers including the acquisition of property by purchase, gift, or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds and other obligations and giving security therefor; prescribing the remedies of obligees of housing authorities, authorizing housing authorities to enter into agreements including agreements with the United States, the Commonwealth and political subdivisions and municipalities thereof; defining the application of zoning, sanitary and building laws and regulation to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments.

Mr. LONGAKER, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 250, entitled:

An Act authorizing cities, boroughs and towns to construct, acquire, own, operate and control waterworks and electric plants and appurtenances thereto, and to sell and purchase water and electrical energy both within and without their corporate limits; conferring the power of eminent domain; conferring certain powers and imposing certain duties on such municipalities and the controller or auditors thereof; providing for the incorporation and election of a board of directors to operate and manage such works, and defining its powers and duties; and prescribing penalties.

Mr. WOODSIDE, from the Committee on Counties, re-reported as amended, House Bill No. 1223, entitled:

An Act to amend section one of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three, (P. L. 851), entitled "An act fixing the pay and mileage of jurors and witnesses;" increasing the pay and reducing the mileage of jurors and witnesses.

BILLS RE-REFERRED

Mr. HABBYSHAW returned from the Committee on Agriculture with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 1527, entitled:

An Act making an appropriation to the Department of Agriculture for the enforcement of the fresh egg laws.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

Mr. DENOTE returned from the Committee on Public Health and Sanitation with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 1982, entitled:

An Act providing for the care and maintenance of carriers of typhoid fever germs; and making an appropriation.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which read as follows:

APPROVAL OF HOUSE BILL No. 964.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 964, Printer's No. 403, entitled "An Act to amend section five A of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled 'An act for the better government of cities of the first class of this Commonwealth' as amended by changing the number and method of appointment of the civil service commissioners in said cities."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 603.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 603, Printer's No. 387, entitled "An Act to provide for the permanent personal registration of electors in cities of the first class as a codition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties."

GEORGE H. EARLE.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 737.

An Act to amend clauses (a) and (c) of section one thousand eight hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended providing for the acquisition holding management control protection maintenance utilization and regulation of additional lands to extend State forests so as to prevent soil erosion the silting up of reservoirs to control stream flow to extinguish interior holdings and for the establishment of fire observation towers and stations.

HOUSE BILL No. 1154.

An Act making an appropriation to the General State Authority.

With the information that the House has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 742.

A Supplement to the act, approved the twentieth day of July, one thousand nine hundred thirty-five (Appropriation Acts, page seventy-one), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-five; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five," providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first, one thousand nine hundred and thirty-seven.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 1154.

An Act making an appropriation to the General State Authority.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTION

RECALLING HOUSE BILL No. 554 FROM THE GOVERNOR

Mr. PEARSON asked and obtained unanimous consent to offer the following resolution which was twice read, considered and adopted:

In the House of Representatives, March 31, 1937.

Resolved (if the Senate concur), that House Bill No. 554, Printer's No. 365, entitled "An Act to amend the act approved the fifteenth day of May one thouand nine hundred and thirty-three (P. L. six hundred twenty-four) entitled 'An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers of s ing the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts' as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

RECALLING HOUSE BILL No. 553 FROM THE GOVERNOR

Mr. SCHOR asked and obtained unanimous consent to offer the following resolution which was twice read, considered and adopted:

In the House of Representatives, March 31, 1937.

Resolved (if the Senate concur), that House Bill No. 553, Printer's No. 69, entitled "An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 565) entitled 'An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising super-

vision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations association or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations association or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts' as amended by providing for the creation of the Building and Loan the appointment of its members the payment of its expenses and defining its powers and duties and by modifying the powers and duties of the Department of Banking and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his upervision and by making inapplicable said act to certain corporations", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 850.

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and creating as successor to such commission the Pennsylvania Public Utility Commission defining in part the powers and duties of the Pennsylvania Public Utility Commission and transferring to such commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk proceeded to read the amendments.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, are the amendments being read for information?

The SPEAKER. The amendments are being read for information and for the action of the House.

Mr. TURNER. Mr. Speaker, I understand that this bill was practically rewritten in the Senate, with the amendments, and under the circumstances the importance and the size of the bill I do not see how we could possibly intelligently approach the amendments by the reading of them from the desk, scanning the bill here.

MOTION TO TABLE SENATE MESSAGE

Mr. TURNER. Mr. Speaker, I move that the message from the Senate be laid on the table.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, would interrogation of the gentleman from Delaware be proper at this time?

The SPEAKER. The interrogation would not be in order unless the gentleman would withdraw his motion temporarily.

MOTION TO TABLE SENATE MESSAGE WITHDRAWN

Mr. TURNER. Mr. Speaker, I withdraw my motion temporarily to permit interrogation.

The SPEAKER. Will the gentleman from Delaware, Mr. Turner, permit himself to be interrogated?

Mr. TURNER. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I first wish to thank the gentleman from Delaware for affording me the opportunity to interrogate him.

I desire to inquire of the gentleman from Delaware if it will be satisfactory, rather than to call this bill up at this time to concur in the Senate amendments, that an opportunity be granted to the gentleman of half or three-quarters of an hour during which time this bill could be read; whether or not that would meet the objection.

Mr. TURNER. Mr. Speaker, I would say that it would be practically impossible for me during next two or three hours to sit down and read this bill.

Mr. HERBERT B. COHEN. Mr. Speaker, if the gentleman knew that the subject matter and the wording of the bill as it is now presently printed is exactly the same as it was when it passed this House, only that this appears as an amendment to the Administrative code rather than as a special enactment, would that meet the objections of the gentleman from Delaware, which would allow the bill to remain on the table, to be called up in half an hour to give him time to consider it?

Mr. TURNER. Mr. Speaker, that places me in a rather delicate position. I have never, that I know of, doubted the word of any member of the House. However, in a bill so extensive as this there is opportunity for error by the gentlemen on the other side. I do not doubt their honesty of intent, but they have to take the information of others to some extent, as we do. If we could have these men who drafted these changes sit down with us for a few minutes we might be able to thrash it out. I would like to interrogate the gentleman from York, Mr. Speaker.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, it has been rumored in the House that there is to be a caucus of the Democratic members this afternoon, is that correct?

Mr. HERBERT B. COHEN. Yes, that is correct, Mr. Speaker.

Mr. TURNER. Might we not let this whole matter lay over until that time, Mr. Speaker? From past experience we will have sufficient time to consider this bill.

Mr. HERBERT B. COHEN. That is quite satisfactory, Mr. Speaker.

Mr. TURNER. Then I ask that this bill be passed over until later in the afternoon.

The SPEAKER. The Chair wishes to thank the two gentlemen for the amicable settlement of their differences of opinion.

Mr. TURNER. We have no differences, Mr. Speaker.

The SPEAKER. The Chair observed that.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1172, entitled:

A Joint Resolution proposing an amendment to section one Article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1625, entitled:

An Act providing for and regulating joint purchases by counties (other than counties of the first and second classes) cities of the third class boroughs towns townships school districts and poor districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 253, entitled:

An Act to amend section nine of the act approved the second day of June ont thousand nine hundred and thirty-three (P. L. 1433) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and cosolidating the law relating thereto" authorizing juvenile courts to make orders on the county to maintain children in their homes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1978, entitled:

A Supplement to the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith" providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts; and authorizing the suspension of this supplement in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 103, entitled:

An Act to amend section one of the act approved the ninth day of April one thousand eight hundred and forty-nine (P. L. 533) entitled "An act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent" declaring persons incapable of waiving their right to an exemption as to household goods.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1754, entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing for and regulating the incorporation of non-profit corporations organ-

ized to provide hospitals care and service for subscribers and conferring powers on the Insurance Department with respect thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1603, entitled:

An Act to amend further section one of the act approved the twentieth day of July one thousand nine hundred seventeen (P. L. 1158 No. 401) entitled "An act to fix regulate and establish the fees to be charged and received by constables in this Commonwealth" reducing the mileage chargeable by constables.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2112, entitled:

An Act relating to political subdivisions requiring political subdivisions against which civil suits are brought to notify owners or occupants of real property who are personally liable thereon on pain of losing the right to indemnity.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 135, entitled:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators or those attempting to form an association of labor groups to approve or disapprove their incorporation or their attempted assciation or right to do business within the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1641, (Senate Bill No. 264), entitled:

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1629, entitled:

An Act dedicating and setting aside certain lands in Lackawanna and Luzerne Counties as a public park and pleasure ground and imposing certain powers and duties in connection therewith on the Department of Forests and Waters.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 742.

A Supplement to the act approved the twentieth day of July one thousand nine hundred thirty-five (Appropriation Acts page 71) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five" providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-seven and making appropriations to the Legislative Department for the legislative session of one thousand nine hundred and thirty-seven.

HOUSE BILL No. 737.

An Act to amend clauses (a) and (c) of section one thousand eight hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or apthorizing the reorganization of certain administrative departments boards and commissions defining the powers and the duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and conmissions shall be determined" as amended providing for the acquisition holding management control protection maintenance utilization and regulation of additional lands to extend State forests so far as to prevent soil erosion the silting up of reservoirs to control stream flow to extinguish interior holdings and for the establishment of fire observation towers and stations.

Whereupon,
The SPEAKER, in the presence of the House signed the same.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1042.

An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by continuing the tax upon that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which were formerly exempt and by further defining the method of computing the franchise tax of foreign corporations

HOUSE BILL No. 1044.

An Act to further amend the act approved the first day of June one thousand eight hundred eighty-nine (P.

L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by increasing for a limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies limited partnerships associations joint-stock associations copartnerships and persons.

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMEND HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Repersentatives numbered and entitled as follows:

HOUSE BILL No. 741.

An Act to amend the title and sections two six ten and twelve, and to repeal section five, of the act, approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand five hundred eighteen), entitled "An act regulating the construction, equipment, maintenance, operation and inspection of elevators outside of cities of the first and second and second A classes; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act;" by extending the provisions of said act to elevators located in cities of the first second and second A classes and further regulating insured elevators

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend titles, page 1, line 1, by inserting affter the word "amend" the words "and reenact"; also in same line by striking out after the word "and" the words "sections two six ten and twelve and to repeal section five of"; also on page 2, line 1, of tilte by striking out after the word "classes'." the words "and further regulating insured elevators".

Amend section 1, page 2, line 4, by striking out after the word "title" the word "of" and inserting in lieu thereof the word "and"; also in line 13, by striking out after the word "act" the words "is hereby amended" and inserting in lieu thereof the following: "As amended by the act approved the twenty-fourth day of May one thousand nine hundred and thirty-three (P. L. 999) are hereby further amended and re-enacted"; also in line 19 by striking out after the word "Industry" the words "providing fees for inspection of elevators certificates of operation and approval of plans" and inserting in lieu thereof the words "providing fees for inspection of elevators certificates of operation and approval of plans"; also by striking out beginning with line 24 as follows:

Section 2 That sections two six ten and twelve of the said act are hereby amended to read as follows:

Section 2 General Requirements Every elevator as described in section one of the act shall be so constructed equipped maintained and operated with respect to the supporting members elevator car shaftway guides cables doors and gates safety stops and mechanisms locking mechanisms electrical apparatus and wiring mechanical apparatus counterweights and all other appurtenances as to safely sustain the load which the said elevator is designed and intended to carry [Provided That nothing in this act shall be constructed to apply to elevators located in cities of the first second and second A classes]

Section 6 Inspection of [Uninsured] Elevators [If such elevator is not so insured the] The inspection of elevators shall be made by an inspector in the employ of the department and there shall be a fee charged for each inspection as hereinafter proveded for in this act

Section 10 Fees for Inspection The fee for the certificate of operation for all [insured and uninsured] elevators shall be one dollar [When elevators are inspected by inspectors of the department the] The following fees shall be charged for inspection of elevators by inspectors of the department in addition to the certificate fee

For passenger elevators fees not exceeding twelve dollars per annum

For freight elevators including gravity elevators fees not exceeding six dollars per annum

For dumb-waiters hoists and other lifting apparatus fees not exceeding three dollars per annum

For building hoists fees not exceeding three dollars for each inspection

Section 12 Registration of Elevators The owner or user of every elevator in this Commonwealth except [as exempted from the provisions of this act in section 21] elevators located in cities of the first second and second A classes shall prior to December thirty-first one thousand nine hundred and twenty-nine register with the Department of Labor and Industry every elevator operated by him giving the type capacity and description name of manufacturer and purpose for which each is used Such registration shall be made on forms to be furnished by the department

The owner or user of every elevator located in cities of the first second and second A classes shall register such elevator as provided in this section prior to December thirty-first one thousand nine hundred thirty-seven

Section 3 That section five of the said act is hereby repealed; and inserting in lieu thereof the following

Section 1 Definitions Be it enacted etc. That as used in this act "Department" shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania

"Elevator" shall mean all the machinery construction apparatus and equipment used in raising and lowering a car cage or platform vertically between permanent rails or guides and shall include all elevators dumb-waiters escalators gravity elevators hoists and other lifting or lowering apparatus

"Establishment" shall mean any room building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind to whom-ever payable and any place of business to which the public access except private dwellings

"Freight elevator" shall mean an elevator constructed and used for the carrying of materials

"Inspector" shall mean an inspector examined and authorized by the Department of Labor and Industry to inspect elevators and lifting apparatus in this Commonwealth

"Passenger elevator" shall mean an elevator constructed and used for carrying persons

"Persons" shall mean any individual firm partnership unincorporated association corporation or municipality

Wherever the singular is used in this act it shall include the pural and wherever the masculine gender is used it shall include the feminine and neuter

Section 2 General Requirement Every elevator as described in section one of this act shall be so constructed equipped maintained and operated with respect to the supporting members elevators car shaftway guides cables doors and gates safety stops and mechanisms locking mechanisms electrial appartus and wiring mechanical apparatus counterweights and all other appurtenances as to safely sustain the load which the said elevator is designed and intended to carry [Provided That nothing in this act shall be construed to apply to elevators located in cities of the first second and second A classes]

Section 3 Rules and Regulations To carry out the provisions and the intent and purpose of this act the department shall have power and its duty shall be to make alter amend or repeal rules and regulations for the

construction installation maintenance operation and inspection of elevators used or destined for use in this Commonwealth and shall make specifications for the construction and equipment of such elevators No elevator shall be permitted to be installed and used in this Commonwealth which does not comply with the rules and regulations herein provided for

Section 4 Examinations of Inspectors and Fees Therefor No person shall inspect elevators unless he has passed a written examination prescribed by the department Application for examination shall be made in writing upon a form furnished by the department and shall be accompanied by an examinaion fee of ten dollars If the applicant is successful in passing the said examination a certificate of competency and a commission shall be issued upon the payment of an additional fee of five dollars All inspectors shall be required to secure a new credential card each year by application to the department which application shall be accompanied by a fee of two dollars The Secretary of Labor and Industry may suspend any commission for due cause but no commission may be revoked until inspector has been granted a hearing

Section 5 Inspection of Insured Elevators In an elevator is insured by a company authorized to insure elevators in this Commonwealth against loss from accident the inspection may be by an employe of such company and the only fee collectible by the Commonwealth shall be the certificate fee of one dollar hereinafter provided for in this act

Section 6 Inspection of Uninsured Elevators If such elevator is not so insured the inspection shall be made by an inspector in the employ of the department and there shall be a fee charged for each inspection as hereinafter provided for in this act

Section 7 Frequency of Inspections Every passenger elevator and escalator shall be inspected four times in every twelve months freight elevators including gravity elevators shall be inspected at least twice in every twelve months dumb-waiters hoists and other lifting apparatus shall be inspected at least once in every twelve months building hoists shall be inspected at the time of erection at each and every building

Section 8 Issuance of Certificates Every inspector shall forward to the department a full report of each and every inspection made of any elevator showing the exact condition of the said elevator If this report indicates that the said elevator is in a safe condition to be operated the department shall issue a certificate of operation for a capacity not to exceed that named in the said report of inspection which certificate shall be valid for thirteen months after the date of inspection No elevator may be lawfully operated without having such a certificate conspicuously posted in the elevator car or platform

Section 9 Discontinuance of Operation If any elevator be found which in the judgment of an inspector in employ of the Department is dangerous to life and property or is being operated without the operating certificate required by this act such inspector may require the owner or user of such elevator to discontinue its operation within twenty-four hours and such inspector shall immediately report all facts in connection with such elevator to the department and he shall place a notice in the elevator car to this effect In the event a certificate has been issued for such elevator the said certificate shall be suspended and not renewed until such elevator shall have been placed in a safe condition In such case where an elevator has ben placed out of service the owner or user of such elevator shall not again operate the same until repairs have been made and permission given by the said inspector to resume operation of the said elevator

Section 10 Fees for inspection The fee for the certificate of operation for all insured and uninsured elevators shall be one dollar When elevators are inspected by inspectors of the department the following fees shall be charged in addition to the certificate fee

For passenger elevators fees not exceeding twelve dollars per annum

For freight elevators including graviety elevators fees not exceeding six dollars per annum

For dumb-waiters hoists and other lifting apparatus fees not exceeding three dollars per annum

For building hoists fees not exceeding three dollars for each inspection

Section 11 Approval of Plans Before any elevator shall be erected and installed or undergo repairs amounting to one-half or more of the original value of the said elevator detailed plans and specifications of the said apparatus in duplicate shall be submitted to the department for approval The application for the approval of plans of elevators shall be accompained by the following fees Dumbwaiters five dollars freight elevators seven dollars and fifty cents and passenger elevators ten dollars If the said plans are approved a permit for the erection or repair of such elevator shall be issued by the department and a final inspection shall be made of the apparatus when installed or repairs completed before final approval shall be given by the department The elevator shall not be operated until such final inspection and approval be given unless a temporary permit be granted by the department

Section 12 Registration of Elevators The owner or user of every elevator in this Commonwealth except [as exempted from the provisions of this act in section 2] elevators located in cities of the first second and second A classes shall prior to December thirty-first one thousand nine hundred and twenty-nine register with the Department of Labor and Industry every elevator operated by him giving the type capacity and description name of manufacturer and purpose for which each is used Such registration shall be made on forms to be furnished by the department

The owner or user of every elevator located in cities of the first second and second A classes shall register such elevator as provided in this section prior to December thirty-first one thousand nine hundred and thirty-seven

Section 13 Disposition of Fees Collected All fees provided for by this act shall be paid by cash money order or certified check to the Department of Labor and Industry who shall transmit the same to the State Treasurer through the Department of Revenue

Section 14 Enforcement It shall be the duty of the Department of Labor and Industry to enforce the provisions of this act

Section 15 Procedure in Prosecutions Prosecutions for violations of the provisions of this act or the rules and regulations of the department may be instituted by the department and shall be in the form of summary proceedings before an alderman magistrate or justice of the peace Upon conviction after a hearing the penalties hereinafter provided for shall be imposed and shall be final unless an appeal be taken to a court of proper jurisdiction in the manner prescribed by law

Section 16 Penalties Any person who shall violate any of the provisions of this act or the rules and regulations of the department as herein provided for or who shall fail or neglect to pay the fees herein provided for shall for the first offense be penalized by a fine of not more than one hundred dollars and costs and upon nonpayment thereof imprisonment in the county jail for not more than ten days and for each subsequent offense shall be penalized by a fine of not more than two hundred dollars and costs and upon non-payment thereof imprisonment in the county jail for not more than thirty days Any person who shall continue to operate his elevator or other lifting apparatus after notice to discontinue its use as set forth in section nine of this act shall be penalized in a like action by a fine of five dollars for each day the said elevator or lifting apparatus has been operated after the service of the said notice in addition to the fines above set forth

All fines collected under this act shall be forwarded to the Department of Labor and Industry who shall transmit the same to the State Treasury through the Department of Revenue.

On the question,

Will the House concur the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Ganser,	McKinney,	Simpson,
Alexander,	Gerard,	McShane,	Skale,
Arnold,	Gillette,	Melchiorre,	Sloan,
Atkins,	Gorski,	Mellott,	Smith, James A.,
Aukerman,	Habbyshaw,	Merrell,	Smith, John A.,
Baine,	Haberlen,	Mihm,	Snyder,
Baker, E. T.,	Hagerty,	Moomaw,	Sollenberger,
Baker, J. J.,	Hall,	Mooney,	Spengler,
Balthaser,	Hamilton, F. P.,	Moran,	Sproul,
Bierly,	Hamilton, R. S.,	Moul,	Stackpole,
Blank,	Harkins,	Muir,	Stank,
Bohn,	Harmuth,	Munley,	Stewart,
Boles,	Hays,	Murrin,	Stockham,
Boltz,	Hering,	O'Brien,	Strode,
Boose,	Hess,	O'Connor,	Terry,
Boyer,	Hindman,	O'Keefe,	Thomas,
Bradley,	Hirsch,	Ominsky,	Thompson,
Brancato,	Holland,	O'Neill,	Tronzo,
Brigerman,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, C. S.,	Tumelty,
Brown,	Hontz,	Patterson, J. W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	LaRue,	Reising,	Webster,
Coolahan,	Leisey,	Richter,	Weidemann,
Costanzo,	Levy,	Robinson,	Weiss, D. H.,
Davies,	Lewis,	Rothenberger,	Weiss, S. A.,
Decker,	Long,	Royer,	Welliver,
DeNote,	Longaker,	Ruffennach,	Welsh,
Dickinson,	Lopresti,	Rush,	Westrick,
Donohoe,	Lovett,	Sarraf,	Whalen,
Dougherty,	Lyons,	Scanlon,	Whitenight,
Downey,	Mallen,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, H. T.,	Schrope,	Wood,
Eckels,	Matthews, J. F.,	Schumacher,	Woodside,
Elpern,	McArdle,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,
Finnerty,	McDermott,	Shea,	Yeakel,
Fitch,	McDevitt,	Shepard,	Yourishin,
Flanagan,	McElroy,	Shoemaker,	Zappala,
Flannery,	McFall,	Siegel,	Furman,
Flinchbaugh,	McGee,	Simon,	

NAYS— 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

REPORTS FROM COMMITTEES

Mr. JAMES W. PATTERSON, from the Committee on Counties, reported as committed, House Bill No. 1449, entitled:

An Act providing for the creation incorporation organization and government of County Public Utility Administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such Administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by The Public Service Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such Administrations imposing certain duties and functions in connection with such Administrations upon certain county offiers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes.

Mr. COAKLEY, from the Committee on Education, reported as committed, House Bill No. 1766, entitled:

An Act to amend sections one thousand four hundred and forty-one and one thousand seven hundred and sixteen, as added, of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further defining cost of tuition.

Mr. CHERVENAK, from the Committee on Labor, reported as committed, House Bill No. 1640, entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred fifteen (P. L. 736), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing a compulsory system and schedule of compensation; providing procedure for the determination of liability and compensation thereunder: and prescribing penalties;" as amended and re-enacted, providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions and procedure related to such diseases, and making an appropriation.

ANNOUNCEMENTS

There will be a Democratic Caucus in the House Caucus Room immediately.

There will be a Republican Caucus in the Senate Caucus Room immediately.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 3:00 p. m. Are there objections? The Chair hears none and declares a recess until 3:00 p. m.

AFTER RECESS

The House reconvened at 3:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 928.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 31, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 928, Printer's No. 173, entitled 'An Act requiring persons employing others in or about motion picture theatres to allow them at least one calendar day of rest in each calendar week."

GEORGE H. EARLE.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 850.

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and creating as successor to such commission the Pennsylvania Public Utility Commission defining in part the powers and duties of the Pennsylvania Public Utility Commission and transferring to such commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, by striking out all of lines 1 to 13 inclusive; also on page 2 of the title by striking out all of lines 1 to 13 inclusive; also in line 14, by inserting at the beginning of the line before the word "commission" the words "Creating a"; also at the beginning of same line by inserting after the word "commission" the words "to be known as"; also in lines 15 and 16 by striking out the words "the Pennsylvania Public Utility Commission" and inserting in lieu thereof the following: "such commission abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof"; also in line 17, by striking out the words "such commission" and inserting in lieu thereof the words "the Pennsylvania Public Utility Commission".

Amend section 1, page 3, line 1, by striking out at the beginning of the line the following: "Section 1,"; also in line 3, by striking out at the end of said line the word "That" and inserting in lieu thereof the words "as follows"; also same page by striking out lines 1 to 29 inclusive; also on page 4, by striking out all of lines 1 to 29 inclusive.

Amend page 5, section 2, by striking out all of lines 1 to 21 inclusive.

Amend page 5, section 3, by striking out all of lines 22 to 28 inclusive: also on page 6, by striking out all of lines 1 to 29 inclusive; also on page 7, by striking out all of lines 1 to 29 inclusive; also on page 8, by striking out all of lines 1 to 29 inclusive; also on page 9, by striking out all of lines 1 to 29 inclusive; also on page 10, by striking out all of lines 1 to 29 inclusive; also on page 11, by striking out all of lines 1 to 6 inclusive.

Amend section 4, page 11, by striking out all of lines 7 to 22 inclusive.

Amend section 5, page 11, by striking out all of lines 23 to 29 inclusive; also on page 12, by striking out all of lines 1 to 29 inclusive; also on page 13, by striking out all of lines 1 to 3 inclusive.

Amend section 6, page 13, by striking out all of lines 4 to 21 inclusive.

Amend section 7, page 13, by striking out all of lines 22 to 29 inclusive; also on page 14, by striking out all of lines 1 to 29 inclusive; also on page 15 by striking out all of lines 1 to 29 inclusive; also on page 16, by striking out all of lines 1 to 29 inclusive; also on page 17, by striking out all of lines 1 to 28 inclusive; also on page 18, by striking out all of lines 1 to 8 inclusive; and inserting in lieu thereof the following new sections:

"Section 1 (a) A commission to be known as the Pennsylvania Public Utility Commission is hereby created The commission shall consist of five members who shall be appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate The commissioners first appointed under this act shall continue in office for terms of two four six eight and ten years respectively from the effective date of this act and until their respective successors shall be duly appointed and shall be qualified but their successors shall each be appointed for a term of ten years Each commissioner at the time of his appointment and qualification shall be a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector therein for a period of at least one year next preceding his appointment and shall also be not less than thirty years of age

(b) A member designated by the Governor shall be the chairman of the commission during such member's term of office When present the chairman shall preside at all meetings but in his absence a member designated by the chairman shall preside and shall exercise for the time being all the powers of the chairman

(c) Each of the commissioners shall receive an annual salary of ten thousand dollars ($10,000) except the chairman who shall receive an annual salary of ten thousand five hundred dollars ($10,500)

(d) Three members of the commission shall constitute a quorum who for all purposes including the making of any order or the ratification of any act done or order made by one or more of the commissioners must act unanimously

Section 2 When a vacancy shall occur in the office of any commissioner a commission shall in the manner aforesaid be appointed for the residue of the term If the Senate shall not be in session when any vacancy occurs any appointment made by the Governor to fill the vacancy shall be subject to the approval of the Senate when convened No vacancy in the commission shall impair the right of a quorum of the commissioners to exercise all the rights and perform all the duties of the commission

Section 3 No person shall be appointed a member of the commission or hold any place position or office under it who occupies any official relation to any public service company or public utility or who holds any other appointive or elective office of the Commonwealth or any political subdivision thereof No commissioner and no employe appointee or official engaged in the service of or in any manner connected with the commission shall hold

any office or position or be engaged in any business employment or vocation the duties of which are incompatible with the duties of his office as commissioner or his employment in the service or in connection with the work of the commission No commissioner shall participate in any hearing or proceeding in which he has any direct or indirect pecuniary interest Every commissioner and every individual or official employed or appointed to office under in the service of or in connection with the work of the commission is hereby forbidden directly or indirectly to solicit or request from or to suggest or recommend to any public service company or public utility or to any officer attorney agent or employe thereof the appointment of any individual to any office place or position in or the employment of any individual in any capacity by such public service company or public utility If any person employed or appointed in the service of the commission shall violate any provision of this section the commission shall forthwith remove him from the office or employment held by him

Section 4 The Governor by and with the consent of two-thirds of all of the members of the Senate may remove any commissioner for inefficiency neglect of duty or misconduct in office giving him a copy of the charges against him and affording him an opportunity to be publicly heard in person or by counsel in his own defense upon not less than ten days' notice If such commissioner shall be removed the Governor shall file with the Department of State a complete statement of all charges made against such commissioner and his finding thereon together with a complete record of the proceedings

Section 5 A member of the Pennsylvania Public Utility Commission to be designated by the Governor shall be a member of the Water and Power Resources Board of this Commonwealth in lieu of the member of The Public Service Commission of the Commonwealth of Pennsylvania holding such office upon the effective date of this act

Section 6 (a) The commission may appoint a secretary to hold office at its pleasure Such secretary if appointed shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe and shall receive such compensation as the commission with the approval of the Governor shall determine The Commission shall have power and authority to designate from time to time one of its clerks to perform the duties of the secretary during his absence and the clerk so designated shall possess for the time so designated the power of the secretary of the commission

(b) The commission with the approval of the Governor shall have the power to appoint and fix the compensation of such officers experts engineers statisticians accountants inspectors clerks and employes as may be necessary for the proper conduct of the work of the commission Provided That the compensation of such persons shall be fixed in accordance with the standards of compensation fixed by the Executive Board of this Commonwealth

(c) The commission shall adopt and use an official seal by which the commission shall authenticate its proceedings and of which seal the courts shall take judicial notice A copy of any paper or document on file with the commission authenticated by any such seal shall be evidence equally and in like manner as the original.

Section 7 Any investigation inquiry or hearing which the commission has power to undertake or hold may be undertaken or held by or before any one or more of the commissioners All investigations inquiries or hearings before or by any such commissioner or commissioners shall be and be deemed to be the investigations inquiries and hearings of the commission Any determination or order of a commissioner or commissioners upon any such investigation inquiry or hearing undertaken or held by him or them shall not become and be effective until approved and confirmed by at least a quorum of the commission Upon such confirmation such determination or order shall be the determination or order of the commission In any investigation inquiry or hearing the commission may designate a special agent or examiner who shall have the power to administer oaths and examine witnesses and receive evidence in any locality which the commission having regard to the public convenience and the proper discharge of its functions and duties may designate The testimony and evidence so taken or received shall have the same force and effect as if taken or received by the commission or any one or more of the commissioners as above provided

Section 8 The commission may authorize the chairman (1) To designate the time and place for the conducting of investigations inquiries and hearings (2) To assign cases to a commissioner or commissioners for hearing investigation inquiry study or other similar purposes (3) To assign cases to special agents or examiners for the taking and receiving of evidence and (4) To direct and designate officers and employes of the commission to make investigations inspections inquiries studies and other like assignments for report to the commission

Section 9 The office of counsel to the Pennsylvania Public Utility Commission is hereby created such counsel to be appointed by the Attorney General with the approval of the Governor The Attorney General may also from time to time with the approval of the Governor appoint such assistant counsel to the Pennsylvania Public Utility Commission as may be required for the proper conduct of its work The compensation of the counsel and assistant counsel of the Pennsylvania Public Utility Commission shall be fixed by the commission with the approval of the Governor Such counsel or assistant counsel shall attend the hearings before the commission or a commissioner or a special agent or examiner and conduct the examination of witnesses when requested so to do by the commission or a commissioner and shall represent the commission upon appeals and other hearings in the courts of common pleas and in the Superior and Supreme Courts or other courts of the Commonwealth of Pennsylvania or in any Federal court and in actions instituted to recover penalties and to enforce regulations and orders of the commission Such counsel and assistant counsel shall also assist the Attorney General in conducting all mandamus injunction and quo warranto proceedings at law or in equity instituted by him for the enforcement of the regulations and orders of the commission and shall perform such other professional duties as may be required of them by the commission

Section 10 The Pennsylvania Public Utility Commission shall exercise the powers and perform the duties exercised and performed prior to the effective date of this act by The Public Service Commission of the Commonwealth of Pennsylvania and any powers and duties subsequently vested in and imposed upon the Pennsylvania Public Utility Commission by law

Section 11 The Pennsylvania Public Utility Commission shall have the power and its duties shall be

(a) To administer and enforce the act approved the twenty-sixth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand three hundred seventy-four) designated as "The Public Service Company Law" as amended and supplemented or any law hereafter enacted for the regulation of public utilities

(b) To certify to the Sanitary Water Board any question of fact regarding the purity of water supplied to the public by any public service company or public utility over which it has jurisdiction when any such question arises in any controversy or other proceeding before it and upon the determination of such question by the Sanitary Water Board to incorporate the findings of the board thereon in its decision upon the controversy or other proceeding out of which the question arose

Section 12 Subject to the provisions of this act the Pennsylvania Public Utility Commission shall have all the powers and shall perform the duties generally vested in and imposed upon independent administrative boards and commissions by the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) designated as "The Administrative Code of 1929" and its amendments and shall be subject to all the provisions of such code which apply generally to independent administrative boards and commissions"

Amend bill, section 8, page 18, at the beginning of line 9 by striking ou the numeral "8" and inserting in lieu thereof the numerals "13"; also in lines 11 and 12, by striking out the words "fifteenth day of March, one thousand nine hundred thirty-seven" and inserting in lieu thereof the words: "effective date of this act"; also in line 15, by inserting after the word "maps" the word "tariffs"; also same line, by inserting after the word "plans" the words 'and other"; also in line 16, by striking out after the word "all" the word "other".

Amend bill, page 21, by inserting between lines 2 and 3, the following new sections:

Section 14. The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein.

Section 15. The following acts and parts of acts are hereby repealed as respectively indicated.

Sections one two three four five six seven eight eleven twelve thirteen fourteen fifteen and eighteen of article four of the act approved the twenty-sixth day of July one thousand nine hundred thirteen (P. L. 1374) entitled "An Act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth Article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" absolutely

Section three hundred three two thousand eight hundred one two thousand eight hundred two two thousand eight hundred three of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" absolutely and sections two hundred one two hundred ten four hundred thirty-one and nine hundred six of said act in so far as they apply to The Public Service Commission of the Commonwealth of Pennsylvania or the members or counsel thereof"

Amend section 9, page 21, line 3, by striking out at the beginning of said line, the numeral "9" and inserting in lieu thereof the numerals "16"; also at the end of said line, by striking out the word "fifteenth" and inserting in lieu thereof the word "first"; also in line 4, by striking out the word "March" and inserting in lieu thereof the word "April"; also in line 8, by inserting after the word 'act" the word "and"; also in same line, by striking out the word "purposes" and inserting in lieu thereof the word "purpose."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—147

Achterman,	Elpern,	McArdle,	Sarraf,
Alexander,	Falkenstein,	McCullough,	Scanlon,
Arnold,	Finnerty,	McDermott,	Schor,
Aukerman,	Fitch,	McElroy,	Schrope,
Baine,	Flanagan,	McFall,	Shaw,
Baker, J. J.,	Flannery,	McGee,	Shea,
Balthaser	Flinchbaugh,	McShane,	Shepard,
Bierly,	Ganser,	Melchiorre,	Shoemaker,
Blank,	Gerard,	Mellott,	Siegel,
Bohn,	Gorski,	Mihm,	Simon,
Boles,	Haberlen,	Moomaw,	Skale,
Boltz,	Hagerty,	Mooney,	Smith, James A.,
Bradley,	Hamilton, F. P.,	Moran,	Smith, John A.,
Brancato,	Harkins,	Moul,	Spengler,
Brigerman,	Harmuth,	Munley,	Stank,
Broad,	Hays,	Murrin,	Thomas,
Brown,	Hering,	O'Brien,	Thompson,
Brownfield,	Hess,	O'Connor,	Tronzo,
Burrows,	Hindman,	O'Keefe,	Tumelty,
Caesar,	Hirsch,	Ominsky,	Valibus,
Caputo,	Holland,	O'Neill,	VanSickle,
Chervenak,	Holmes,	Ostroff,	Vogt,
Coakley,	Holstrom,	Patterson, C. S.,	Wagner,
Cohen, H. E.,	Houtz,	Patterson, J. W.,	Walsh,
Cohen, R. E.,	Horting,	Pearson,	Weiss, D. H.,
Coleman,	Jirolanio,	Pershing,	Weiss, S. A.,
Coolahan,	Keenan,	Piole,	Welliver,

Corrigan,	Kelso,	Powers,	Welsh,
Costanzo,	Kilroy,	Preston,	Westrick,
Decker,	LaRue,	Readinger,	Whalen,
DeNote,	Levy,	Reese,	Whitenight,
Dickinson,	Lewis,	Reising,	Wright,
Donohoe,	Long,	Richter,	Yanoshat,
Dougherty,	Lopresti,	Robinson,	Yourishin,
Downey,	Lovett,	Rothenberger,	Zappala,
Dubbs,	Marino,	Ruffennach,	Furman,
Dyson,	Matthews, H. T.,	Rush,	

NAYS— 40

Boose,	Kline,	Schumacher,	VanAllsburg,
Boyer,	Longaker,	Sloan,	Wall,
Cadwalader,	Lyons,	Snyder,	Wampole,
Davies,	Matthews, J. F.,	Sollenberger,	Watkins,
Eckels,	McKinney,	Sproul,	Webster,
Habbyshaw,	Muir,	Stewart,	Weidemann,
Hall,	Peale,	Stockham,	Wilson,
Huntley,	Perry,	Strode,	Wood,
Imbrie,	Royer,	Trout,	Woodside,
Kane,	Schrock,	Turner,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1047.

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (Pamphlet Laws six hundred forty) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereof for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by increasing the rate of tax for a limited period of time and by imposing the tax on certain corporations heretofor exempt

HOUSE BILL No. 1048.

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (Pamphlet Laws two hundred ninety-two) entitled "An act to provide revenue by taxation" by increasing the rate of tax for a limited period of time.

HOUSE BILL No. 1128.

An Act requiring unemployment relief orders to be presented for payment within a certain period otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation for unemployment relief purposes.

HOUSE BILL No. 1571.

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties

With the information the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 441.

An Act licensing and regulating the business of pawnbrokers, providing for the issuance of licenses by the Secretary of Banking, authorizing the Secretary of Banking to make examinations and issue regulations, limiting the interest and charges on loans and prescribing penalties for the violation of this act.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 2, page 2, line 3, by striking out the word "lends" and inserting in lieu thereof the words "engages in the business of lending"

Amend bill, page 3, by inserting between lines 9 and 10, the following: "'Municipality' includes a city town borough or township."

Amend section 5, page 4, line 12, by inserting after the word "Commonwealth" the following: "The Secretary of Banking may in lieu of such surety company bond accept a bond executed by the applicant for license if such bond is secured by the deposit with the Secretary of Banking of cashiers checks treasurers checks or certificates of deposit of a banking institution or readily marketable securities approved by the Secretary of Banking Such collateral deposited in lieu of a surety company bond shall be deposited for safe-keeping by the Secretary of Banking in the Office of the State Treasurer"

Amend section 8, page 7, line 29, by striking out the word "issue" and inserting in lieu thereof the word "issued"; also on page 8, line 3, by striking out the words "Dauphin County" and inserting in lieu thereof the words "a county in which the pawnbroker's licensed place of business is situated".

Amend section 12, page 10, line 18, by striking out the words "not exceed" and inserting in lieu thereof the word "be"; also at the beginning of line 19, by striking out the word "One" and inserting in lieu thereof the following: "Not more than two percent (2%) per month for the first three (3) months and one and one-fourth percent (1¼%) per month thereafter nor less than one percent (1%) per month on loans of fifty dollars ($50.00) or less including renewals thereof and one"; also in same line, by inserting after the word "loans" the words "in excess of fifty dollars ($50.00)"; also in line 20, by striking out the words "jems gold silver" and inserting in lieu thereof the word "gems"; also in same line by striking out the words "silver plated" and inserting in lieu thereof the word "sterling"; also at the end of line 21, by inserting after the word "pledged" the following: "Provided however that the Secretary of Banking shall upon the effective date of this act fix the fees within

the limitations prescribed and thereafter the Secretary of Banking may increase or decrease such fees within the limitations prescribed;" also at the beginning of line 22, by striking out the word "Two" and inserting in lieu thereof the words "Not more than two"; also line 29 by striking out after the word "be" the words "three hundred"; also page 11, by striking out all of lines 1 and 2 inclusive and inserting in lieu thereof the following: "twelve (12) calendar months and a month shall be one calendar month or any fractional part thereof A calendar month shall be any period from a certain date in one month to the same date in the next suceeding month"; also in line 3, by inserting after the word "cents" the following: "on loans of five dollars ($5.00) or less and a minimum of fifty cents ($.50) on loans in excess of five dollars ($5.00)"; also in lines 9 to 11 inclusive by striking out the following: "Interest and charges prescribed by this act may be collected only at the time of payment or at the time of renewal of the loan;" also on page 12, line 5, by inserting after the word "pledger" the following: "provided that the records of the pawnbrokers shall be prima facie evidence of interest or charges which have been contracted for or received by the pawnbroker Nothing in this section shall be construed as prohibiting the pawnbroker from charging the pledger for actual expenses incurred for mailing when a pledge is redeemed by mail"

Amend section 13, page 12, by striking out at the beginning of line 6, the word "Signature" and inserting in lieu thereof the word "Identity"; also by striking out at the end of line 7, the word "require"; also by striking out all of lines 8 to 12 inclusive; also in line 13 by striking out the words "such record either fingerprints or" and inserting in lieu thereof the word "enter upon his records in the form and manner designated by the Secretary of Banking a".

Amend section 14, page 13, line 5, by striking out the words "sign and"; also in lines 7 to 11 inclusive by striking out the following: "If the pawnticket is presented by any person other than the pledger it shall be a sign by the pledger as required by this act to negotiate the pawn ticket and shall be signed by the person presenting such ticket."

Amend section 15, page 13, line 12, by inserting after the word "may" the words "by delivery of the pawn ticket"; also in lines 15 and 16 by striking out the words "properly assigned"; also in line 19, by striking out the word "assigned".

Amend section 16, page 13, line 22, by inserting after the word "Ticket" the words "Seizure of Ticket or of Property Offered as Pledge"; also in line 24, by striking out after the word 'pledger" the words "in writing" and inserting in lieu thereof the words "in person or by registered mail"; also in line 25, by inserting after the word "Notice" the words "by registered mail"; also in same line by inserting after the word "ticket" the words 'or the issuance of a stop tocket by the pawnbroker after personal notice by the pledger of a lost destroyed or stolen ticket"; also in line 29, by inserting after the word "ticket" the words "if the loan is in excess of five dollars ($5.00) and a statement in writing if the loan is five dollars ($5.00) or less"; also on page 14, line 1, by inserting after the word "affidavit" the words "or written statement"; also in line 4, by inserting after the word "affidavit" the words "or written statement"; also in line 5, by inserting after the word "notice" the words "by registered mail"; also in line 5, by striking out after the word "was" the words "filed with" and inserting in lieu thereof the words "received by"; also in line 6, by inserting after the syllable "broker" the words "or a stop ticket was issued by the pawnbroker"; also in line 7, by striking out the words "an unassigned pawn ticket or"; also in line 8, by striking out the words "containing a forged assignment"; also in line 11, by inserting after the word "ticket" the words "on behalf of the rightful owner"; also in line 12, by striking out the words "holder thereof" and inserting in lieu thereof the words "person presenting such pawn ticket."

Amend bill, page 16, by inserting between lines 12 and 13 the following new paragraph: "Whenever any property is offered to a pawnbroker as a pledge which is stolen property or which the pawnbroker has reason to believe is stolen property he may seize such property without incurring any liability whatsoever either civil or criminal Upon such seizure of property a seizure receipt therefore shall be issued by the pawnbroker to the person from whom the property was seized Such property and a copy of the seizure receipt shall be delivered immediately by the pawnbroker to the police authorities"

Amend section 18, page 14, line 22, by inserting after the word "ticket" the words "one behalf of the rightful owner of the pawn ticket"; also in line 23, by striking out the words "holder thereof" and inserting in lieu thereof the words "person presenting such pawn ticket."

Amend section 19, page 14, line 25, by striking out the word "repaid" and inserting in lieu thereof the word "repayable"; also in line 28, by striking out the words "shall not be released" and inserting in lieu thereof the words "may be retained"; also on page 15, by striking out all of lines 5 to 17 inclusive; also in line 18, by striking out the figures and word "($100.00) dollars" and inserting in lieu thereof the following: "a pawnbroker shall not grant any loan or renew any loan with or without a reduction of the principal balance for a period in excess of twenty (20) months from the date when the loan was originally granted on loans originally made in amounts of fifty ($50.00) dollars or less or for a period in excess of thirty (30) months from the date when the loan was originally granted on loans originally made in amounts in excess of fifty ($50.00) dollars Interest and charges on a loan shall not be compounded nor may the interest or charges be added to the principal balance when a loan is renewed for an amount greater than the principal amount due at the time of renewal"

Amend section 20, page 15, line 27, by inserting after the word "by" the words "failure by the pawnbroker to exercise reasonable care in regard thereto or by"; also same line, by inserting after the word "theft" the word "or"; also some line, by striking out after the word "burglary" the word "or" and inserting in lieu thereof the words "resulting from"; also on page 16, line 1, by inserting after the word "express" the word "written".

Amend section 23, page 17, line 17, by striking out the words "in writing on a date subsequent to the due date" and inserting in lieu thereof the following: "which amount shall be stipulated on the pawn ticket and shall not be less than one hundred twenty-five percent (125%) of the amount"; also in line 28, by striking out the word "six" and inserting in lieu thereof the word "twelve"; also on page 18, lines 1 to 3 inclusive by striking out the following: "Interest and charges authorized by this act may be charged on a defaulted loan until six months after such default"; also at the end of line 3, by inserting after the word "charges" the words "permitted under this act"; also in line 4, by striking out the word "six" and inserting in lieu thereof the word 'twelve"; also in line 5, by inserting after the word "loan" the words "whether the loan is renewed or the loan is paid and the pledge redeemed"; also same line, by striking out the word "where" and inserting in lieu thereof the word "Where"; also line 7, by striking out after the word "loan" the words "nor may" and inserting in lieu thereof the word "no"; also in line 8, by inserting after the word "charges" the word "may"; also same line, by inserting after the word "computed" the words "for the period after six months of the due date of a loan".

Amend section 24, page 18, line 13, by striking out the word "registered"; also in line 14, by striking out the words "showed on the signed card signed" and inserting in lieu thereof the word "given".

Amend section 25, page 19, line 2, by striking out after the word "mailing" the word "registered".

Amend section 26, page 19, line 9, by striking out at the end of the line the syllable "reg-"; also at the beginning of line 10 by striking out the syllable "istered"; also in lines 10 and 11, by striking out the words "shown on the signature card signed" and inserting in lieu thereof the word "'given".

Amend section 28, page 19, line 20, by striking out after the word "Sunday" the word "or" and inserting in lieu thereof the words "nor shall he accept a pledge on any other day"; also in line 22, by inserting after the word "morning" the words "unless further restricted by municipal ordinance".

Amend section 30, page 20, by striking out in lines 7 to 10 inclusive the following: "affect nor interfere with the authority of local police officials to inspect the records and supervise the business of a pawnbroker for the purpose of locating stolen goods" and inserting in lieu thereof the following new paragraphs: "prevent or preclude any municipality from imposing other and further requirements or regulations of pawnbrokers not inconsistent with this act or the rules and regulations issued by the Secretary of Banking pursuant thereto nor shall such municipality be prevented or precluded from providing such further supervision of pawnbrokers as may be deemed necessary or advisable for the police purposes of such municipality or from enforcing the same Any such provisions or requirements under existing laws ordinances or regulations of any municipality not inconsistent with this act shall remain in full force and effect

A pawnbroker shall not be authorized to engage in business unless he shall have obtained a license from the municipality if the municipality requires such a license to be obtained The fee for such a license shall not exceed two hundred dollars ($200.00) in the case of cities of the first class and cities of the second class and one hundred dollars ($100.00) elsewhere

The municipality issuing such license may for violation of police regulations suspend such license for a period of thirty (30) days Immediately upon such suspension the municipality shall give written notice to the Secretary of Banking who shall within thirty (30) days thereafter conduct a hearing to ascertain if the license required by this act shall be revoked

However if after such hearing the Secretary of Banking shall determine that the license required by this act shall not be revoked written notice thereof shall be given to the municipality and thereupon the suspension of municipal license shall be automatically dissolved by operation of law

Licenses issued by municipalities shall impose no conditions inconsistent with the provisions of this act

Whenever any pawnbroker shall make a complete and accurate report to the local police authorities and shall comply with this act and such regulations of the Secretary of Banking as may hereafter be adopted pursuant thereto such conduct on the part of the pawnbroker shall be evidence of the innocense of such pawnbroker of any crime of receiving stolen goods notwithstanding the fact that the articles may in fact be stolen provided that nothing contained in this section shall be interrupted as limiting or interfering with the title to or right of possession of the lawful owner of such articles"

Amend section 33, page 21, by striking out in lines 20 to 24 inclusive the following: "The act approved the twenty-fourth day of February one thousand eight hundred fifty-nine (Pamphlet Laws 74) entitled "An act relative to pawnbrokers in the city of Philadelphia" is hereby specifically repealed." "; also in line 17, by striking out after the word "all" the word "other".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Gerard,	McShane,	Simpson,
Alexander,	Gillette,	Melchiorre,	Skale,
Arnold,	Gorski,	Mellott,	Sloan,
Atkins,	Habbyshaw,	Merrell,	Smith, James A.,
Aukerman,	Haberlen,	Mihm,	Smith, John A.,
Baine,	Hagerty,	Moomaw,	Snyder,
Baker, J. J.,	Hall,	Mooney,	Sollenberger,
Balthaser	Hamilton, F. P.,	Moran,	Spengler,
Bierly,	Hamilton, R. S.,	Moul,	Sproul,
Blank,	Harkins,	Muir,	Stackpole,
Bohn,	Harmuth,	Munley,	Stank,
Boles,	Hays,	Murrin,	Stewart,
Boltz,	Hering,	O'Brien,	Stockham
Boose,	Hess,	O'Connor,	Strode,
Boyer,	Hindman,	O'Keefe,	Terry,
Bradley,	Hirsch,	Ominsky,	Thomas,
Brancato,	Holland,	O'Neill,	Thompson,
Brigerman,	Holmes,	Ostroff,	Tronzo,
Broad,	Holstrom,	Patterson, C. S.,	Trout,
Brown,	Houtz,	Patterson, J. W.	Tumelty,
Brownfield,	Horting,	Peale,	Turner,
Burrows,	Huntley,	Pearson,	Valibus,
Cadwalader,	Imbrie,	Perry,	VanAllsburg,
Caesar,	Jirolanio,	Pershing,	VanSickle,
Caputo,	Kane,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Walsh,
Cohen, R. E.,	Kline,	Reese,	Wampole,
Coleman,	LaRue,	Reising,	Watkins,
Coolahan,	Leisey,	Richter,	Webster,
Costanzo,	Levy,	Robinson,	Weidemann,
Davies,	Lewis,	Rothenberger,	Weiss, D. H.,
Decker,	Long,	Royer,	Weiss, S. A.,
DeNote,	Longaker,	Ruffennach,	Welliver,
Dickinson,	Lopresti,	Rush,	Welsh,
Donohoe,	Lovett,	Sarraf,	Westrick,
Dougherty,	Lyons,	Scanlon,	Whalen,
Downey,	Mallen,	Schor,	Whitenight,
Dubbs,	Marino,	Schrock,	Wilson,
Dyson,	Matthews, H. T.	Schrope,	Winner,
Eckels,	Matthews, J. F.,	Schumacher,	Wood,
Elpern,	McArdle,	Serrill,	Woodside,
Falkenstein,	McCullough,	Shaw,	Wright,
Finnerty,	McDermott,	Shea,	Yanoshat,
Fitch,	McDevitt,	Shepard,	Yeakel,
Flanagan,	McElroy,	Shoemaker,	Yourishin,
Flannery,	McFall,	Siegel,	Zappala,
Flinchbaugh,	McGee,	Simon,	Furman,
Ganser,	McKinney,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 860.

An Act requiring county officers in counties of the first class to pay over to the county offices in counties of the first class to pay over to the county treasurer for safekeeping certain unclaimed moneys and providing for the payment of such moneys out of the county treasury to claimants and for the escheat of unclaimed moneys

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 4, page 4, line 6, by inserting before the word "county" the words "Commonwealth for the use of the"; also by inserting between lines 21 and 22 the following new paragraph: "So much of any provision of any act of assembly relating to escheats as provides for a reward to informers of an escheat shall not apply to any proceedings to escheat any moneys referred to in this section but in other respects the proceedings to escheat

such money shall be governed by the laws relating to escheats now or hereafter in force in like manner as if the county treasurer were an officer of the court of common pleas of the proper county"

On the question,

Will the House concur in the amendment made by the Senate?

Mr. TURNER. Mr. Speaker, if that is an amendment it is not printed in Italics. Is it an amendment?

The SPEAKER. The gentleman is correct, it is an amendment but not printed in Italics.

Mr. TURNER. Mr. Speaker, I don't like to be technical about this, but the rule provides, does it not, that where amendments are printed they must be printed in Italics?

The SPEAKER. The House rule provides that an amendment by the House shall be printed in Italics. This is a Senate amendment and possibly their rule is different from ours, but the text of the bill and the text of the amendment are plain and understandable and can be constitutionally voted upon.

On the question recurring,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Gerard,	McKinney,	Simon,
Alexander,	Gillette,	McShane,	Simpson,
Arnold,	Gorski,	Melchiorre,	Skale,
Aukerman,	Habbyshaw,	Mellott,	Sloan,
Baine,	Haberlen,	Merrell,	Smith, James A.,
Baker, J. J.,	Hagerty,	Mihm,	Smith, John A.,
Balthaser	Hall,	Moomaw,	Snyder,
Bierly,	Hamilton, F. P.,	Mooney,	Sollenberger,
Blank,	Hamilton, R. S.,	Moran,	Spengler,
Bohn,	Harkins,	Moul,	Sproul,
Boies,	Harmuth,	Muir,	Stackpole,
Boltz,	Hays,	Munley,	Stank,
Boose,	Hering,	Murrin,	Stewart,
Boyer,	Hess,	O'Brien,	Stockham,
Bradley,	Hindman,	O'Connor,	Strode,
Brancato,	Hirsch,	O'Keefe,	Terry,
Brigerman,	Holland,	Ominsky,	Thomas,
Broad,	Holmes,	O'Neill,	Thompson,
Brown,	Holstrom,	Ostroff,	Tronzo,
Brownfield,	Hontz,	Patterson, C. S.,	Trout,
Burrows,	Horting,	Patterson, J. W.,	Tumelty,
Cadwalader,	Huntley,	Peale,	Turner,
Caesar,	Imbrie,	Pearson,	Valibus,
Caputo,	Jirolanio,	Perry,	VanAllsburg,
Chervenak,	Kane,	Pershing,	VanSickle,
Coakley,	Keenan,	Piole,	Vogt,
Cohen, H. B.,	Kelso,	Powers,	Wagner,
Cohen, R. E.,	Kilroy,	Preston,	Wall,
Coleman,	Kline,	Readinger,	Walsh,
Coolahan,	LaRue,	Reese,	Wampole,
Costanzo,	Leisey,	Reising,	Watkins,
Davies,	Levy,	Richter,	Webster,
Decker,	Lewis,	Robinson,	Weiss, D. H.,
DeNote,	Long,	Rothenberger,	Weiss, S. A.,
Dickinson,	Longaker,	Royer,	Welliver,
Donohoe,	Lopresti,	Ruffennach,	Welsh,
Dougherty,	Lovett,	Rush,	Westrick,
Downey,	Lyons,	Sarraf,	Whalen,
Dubbs,	Mallen,	Scanlon,	Whitenight,
Dyson,	Marino,	Schor,	Wilson,
Eckels,	Matthews, H. T.,	Schrock,	Winner,
Ehrn,	Matthews, J. F.,	Schrope,	Wood,
Falkenstein,	McArdle,	Schumacher,	Woodside,
Finnerty,	McCullough,	Serrill,	Wright,
Fitch,	McDermott,	Shaw,	Yanoshat,
Flanagan,	McDevitt,	Shea,	Yeakel,
Flannery,	McElroy,	Shepard,	Yourishin,
Flinchbaugh,	McFall,	Shoemaker,	Zappala,
Ganser,	McGee,	Siegel,	Furman,

NAYS—1

Weidemann,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 543.

An Act to amend section two hundred thirteen and sections one thousand four hundred two and two thousand four hundred four as amended of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" prescribing the qualifications of departmental deputies and providing for liability insurance covering the operation of Federal vehicles used by the National Guard.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, by striking out in lines 1 and 2, the words "sections one thousand four hundred two and" and inserting in lieu thereof the word "section"; also on page 2, by striking out in lines 13 to 15 inclusive the words "further regulating the sale and destruction of military stores crediting the moneys derived from such sales to the biennial appropriation."

Amend section 2, page 4, by striking out all of lines 16 to 29 inclusive; also on page 5, striking out all of lines 1 to 28 inclusive; also on page 6, by striking out all of lines 1 to 29 inclusive; also on page 7, by striking out all of lines 1 to 4 inclusive, as follows: "in amount not exceeding two hundred and fifty dollars ($250) And provided further however That all claims paid hereunder shall be subject to audit by the Department of the Auditor General."

Amend section 3, page 7, line 5, by striking out the numeral "3" and inserting in lieu thereof the numeral "2".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Gillette,	McShane,	Simpson,
Alexander,	Gorski,	Melchiorre,	Skale,
Arnold,	Habbyshaw,	Mellott,	Sloan,
Aukerman,	Haberlen,	Merrell,	Smith, James A.,
Baine,	Hagerty,	Mihm,	Smith, John A.,
Baker, J. J.,	Hall,	Moomaw,	Snyder,
Balthaser,	Hamilton, F. P.,	Mooney,	Sollenberger,
Bierly,	Hamilton, R. S.,	Moran,	Spengler,
Blank,	Harkins,	Moul,	Sproul,
Bohn,	Harmuth,	Muir,	Stackpole,
Boies,	Hays,	Munley,	Stank,
Boltz,	Hering,	Murrin,	Stewart,
Boose,	Hess,	O'Brien,	Stockham,
Boyer,	Hindman,	O'Connor,	Strode,
Bradley,	Hirsch,	O'Keefe,	Terry,
Brancato,	Holland,	Ominsky,	Thomas,
Brigerman,	Holmes,	O'Neill,	Thompson,
Broad,	Holstrom,	Ostroff,	Tronzo,
Brown,	Hontz,	Patterson, C. S.,	Trout,
Brownfield,	Horting,	Patterson, J. W.,	Tumelty,
Burrows,	Huntley,	Peale,	Turner,
Cadwalader,	Imbrie,	Pearson,	Valibus,
Caesar,	Jirolanio,	Perry,	VanAllsburg,
Caputo,	Kane,	Pershing,	VanSickle,
Chervenak,	Keenan,	Piole,	Vogt,
Coakley,	Kelso,	Powers,	Wagner,
Cohen, H. B.,	Kilroy,	Preston,	Wall,
Cohen, R. E.,	Kline,	Readinger,	Walsh,
Coleman,	LaRue,	Reese,	Wampole,
Coolahan,	Leisey,	Reising,	Watkins,
Costanzo,	Levy,	Richter,	Webster,
Davies,	Lewis,	Robinson,	Weidemann,
Decker,	Long,	Rothenberger,	Weiss, D. H.,
DeNote,	Longaker,	Royer,	Weiss, S. A.,
Dickinson,	Lopresti,	Ruffennach,	Welliver,
Donohoe,	Lovett,	Rush,	Welsh,
Dougherty,	Lyons,	Sarraf,	Westrick,
Downey,	Mallen,	Scanlon,	Whalen,
Dubbs,	Marino,	Schor,	Whitenight,
Dyson,	Matthews, H. T.,	Schrock,	Wilson,
Eckels,	Matthews, J. F.,	Schrope,	Winner,
Elpern,	McArdle,	Schumacher,	Wood,
Falkenstein,	McCullough,	Serrill,	Woodside,
Finnerty,	McDermott,	Shaw,	Wright,
Fitch,	McDevitt,	Shea,	Yanoshat,
Flanagan,	McElroy,	Shepard,	Yeakel,
Flannery,	McFall,	Shoemaker,	Yourishin,
Flinchbaugh,	McGee,	Siegel,	Zappala,
Ganser,	McKinney,	Simon,	Furman,
Gerard,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, March 31, 1937.

Resolved (if the Senate concur), That House Bill No. 553, Printer's No. 69, entitled "An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled 'An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing sertain acts and parts of acts' as amended by providing for the creation of the Building and Loan Board the appointment of its members the payment of its expenses and defining its powers and duties and by modifying the powers and duties of the Department of Banking and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision and by making inapplicable said act to certain corporations," be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, March 31, 1937.

Resolved (if the Senate concur), That House Bill No. 554, Printer's No. 365, entitled "An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled 'An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers of any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in banking or fiduciary business or both and of affiliates of such corporations or persons and of Officers directors trustees and employes of such corporations and persons," be recalled from the Governor for the purpose of amendment.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 741.

An Act to amend and re-enact the title and the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1518) entitled "An act regulating the construction equipment maintenance operation and inspection of elevators outside of cities of the first and second and second A classes granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by extending the provisions of said act to elevators located in cities of the first second and second A classes

HOUSE BILL No. 1042.

An Act to further amend sections twenty and twenty-one of the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation', approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine", by continuing the tax upon that portion of the capital stock of certain corporations, joint-stock associations, limited partnerships, and companies which were formerly exempt; and by further defining the method of computing the franchise tax of foreign corporations.

HOUSE BILL No. 1044.

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by increasing for a limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, copartnerships, and persons.

HOUSE BILL No. 441.

An Act licensing and regulating the business of pawnbrokers providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations limiting the interest and charges on loans and prescribing penalties for the violation of this act

HOUSE BILL No. 543.

An Act to amend section two hundred thirteen, and section two thousand four hundred as amended, of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative, departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," prescribing the qualifications of departmental deputies; and providing for liability insurance covering the operation of Federal vehicles used by the National Guard.

HOUSE BILL No. 850.

An Act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing the Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employes property and equipment of the Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against the Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to the Public Service Commission of the Commonwealth of Pennsylvania.

HOUSE BILL No. 1048.

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (Pamphet Laws two hundred ninety-two) entitled "An act to provide revenue by taxation" by increasing the rate of tax for a limited period of time

HOUSE BILL No. 860.

An Act requiring county officers in counties of the first class to pay over to the county offices in counties of the first class to pay over to the county treasurer for safe keeping certain unclaimed moneys and providing for the payment of such moneys out of the county treasury to claimants and for the escheat of unclaimed moneys.

HOUSE BILL No. 1047.

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred seven (Pamphlet Laws, six hundred forty), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section t..enty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand, eight hundred and ninety-five, commonly known as title insurance or trust companies" by increasing the rate of tax for a limited period of time and by imposing the tax on certain corporations heretofore exempt.

HOUSE BILL No. 1128.

An Act requiring unemployment relief orders to be presented for payment within a certain period otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation for unemployment relief purposes

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS INTRODUCED AND REFERRED

By Mr. CLIFF S. PATTERSON. HOUSE BILL No. 2123.

An Act making an appropriation to the Department of Forests and Waters for the acquisition, development and improvement of lands to round out and complete park areas now owned by the State.

Referred to the Committee on Appropriations.

By Mr. CLIFF S. PATTERSON. HOUSE BILL No. 2124.

An Act making an appropriation to the Department of Forests and Waters for the acquisition, development and maintenance of lands for State Parks in densely populated areas of the Commonwealth.

Referred to the Committee on Appropriations.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 64. (HOUSE BILL No. 2125.)

An Act to establish a separate orphans' court in and for the County of Dauphin.

Referred to the Committee on Judiciary General.

SENATE BILL No. 65. (HOUSE BILL No. 2126.)

An Act to amend section one of the act, approved the seventh day of April, one thousand eight hundred seventy (P. L. 57), entitled "An act to enlarge the jurisdiction of the court of common pleas for the County of Dauphin in cases wherein the Commonwealth may be plaintiff, and to provide for the issuing of writs of foreign attachment in such cases," by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County.

Referred to the Committee on Judiciary General.

SENATE BILL No. 288. (HOUSE BILL No. 2127.)

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by changing the manner of creation of townships of the first class.

Referred to the Committee on Townships.

SENATE BILL No. 71. (HOUSE BILL No. 2128.)

An Act to amend section twenty-one of the act, approved the twentieth day of June, one thousand nine hundred nineteen (P. L. 521), entitled, as amended: "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," by providing for the filing of bond with the Department of Revenue and by limiting the amount to be retained by registers of wills for their own use for collection of inheritance taxes as agents of the Commonwealth.

Referred to the Committee on Ways and Means.

SENATE BILL No. 377. (HOUSE BILL No. 2129.)

An Act to re-enact and further amend the act, approved the first day of June one thousand nine hundred and thirty-three (P. L. 1409), entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal, and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county;" extending said act to all counties of this Commonwealth.

Referred to the Committee on Highways.

SENATE BILL No. 363. (HOUSE BILL No. 2130.)

An Act making an appropriation to the Department of Revenue for payment to counties and county officers in order to relieve counties of certain fees and charges for the keeping of records and making of reports by county officers for the better collection of State taxes on personal property.

Referred to the Committee on Appropriations.

SENATE BILL No. 378. (HOUSE BILL No. 2131.)

An Act to amend section one and section three as amended of the act, approved the twenty-ninth day of April, one thousand nine hundred and twenty-five (P. L. 360) entitled "An act conferring on the Department of Highways power to enter upon private property, and open and maintain drainage channels along roads or highways constructed at the expense of the Department of Highways or under its supervision; and providing penalty for interference with such drains or ditches; and providing for the payment of damage," by requiring that the consent of the county within which such roads or highways are located, shall be obtained if possible before the entering upon of the said lands or enclosures; and that any damages sustained by the owner or owners of land entered upon by the Department of Highways without the consent of the county or counties within which sail property is located shall be paid out of the Motor License Fund.

Referred to the Committee on Highways.

SENATE BILL No. 487. (HOUSE BILL No. 2132.)

An Act authorizing acquisition of lands adjacent to Fort Necessity Park by purchase condemnation or otherwise and appropriating funds for such acquisition.

Referred to the Committee on Forestry.

SENATE BILL No. 573. (HOUSE BILL No. 2133.)

An Act to amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," as amended, extending the time during which application may be filed for veterans' compensation.

Referred to the Committee on Military Affairs.

SENATE BILL No. 673. (HOUSE BILL No. 2134.)

An Act authorizing the Secretary of Highways to abandon portions of State highway Routes within the limits of State parks or Federal Resettlement propects under certain conditions.

Referred to the Committee on Highways.

SENATE BILL No. 674. (HOUSE BILL No. 2135.)

An Act to amend the title and section one of the act, approved the twelfth day of July, one thousand nine hundred thirty-five (P. L. 805), entitled, "An act providing for the acquisition and possession of occupied dwelling

houses condemned for highway purposes, and providing a method of procedure", by further providing for the acquisition and possession of occupied property and structures.

Referred to the Committee on Highways.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1201 (Senate Bill No. 366), as follows:

An Act to amend sections three four and six of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing for additional projects removing the date by which projects must be commenced removing certain restrictions against the construction of projects extending the life of such Authority clarifying the powers of a receiver appointed pursuant to such act so as to prohibit such receiver from selling assigning mortgaging or otherwise disposing of any of the assets belonging to the Authority and clarifying certain provisions of said act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections three four and six of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" are hereby amended to read as follows

Section 3 General State Authority The Governor of the State the State Treasurer the Auditor General the Secretary of Internal Affairs the Secretary of Property and Supplies and the President pro tempore of the Senate and their respective successors in office and two citizens of Pennsylvania one to be appointed by the Governor and one by the President pro tempore of the Senate are hereby created a body corporate and politic constituting a public corporation and governmental instrumentality by the name of "The General State Authority" Said members of the Authority shall be entitled to no compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members Any vacancy happening among the appointed members of the Authority shall be filled by appointment by the Governor or President pro tempore of the Senate [making the original appointment] as the case may be

Section 4 Purposes and Powers General The Authority is created for the purpose of constructing improving maintaining and operating sewers sewer systems and sewage treatment works for State owned and operated institutions of every kind and character (heretofore or hereafter constructed) public buildings for the use of the Commonwealth [at the seat of the State government] State arsenals armories and military reserves State airports and landing fields [State tuberculosis sanatori additions to present] State [hospitals normal schools teachers colleges penal or correctional] owned and operated institutions of every kind and character (heretofore or hereafter constructed) additions to land grant colleges State highways and bridges tunnels and traffic circles on State highways swimming pools and lakes on State-owned land and [low head] dams and improvements to river embankments (any and all the foregoing being herein called "propects) [Provided however That no project shall be begun after the expiration of two (2) years from the effective date of this act And provided further That the purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted hereby shall be exercised in the construction improvement maintenance extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes] and the Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have existence for a period of [thirty-two] fifty years as a corporation.

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest there necessary or desirable for carrying out the purposes of the Authority and (without limitation of the foregoing) to lease from the department any property real personal or mixed or any interest therein now owned or hereafter acquired by the Commonwealth of Pennsylvania with the approval of the Governor for a term not exceeding ninety-nine years at a nominal rental or at such annual rental as may be determined and with the approval of the Governor to lease as lessor to the Commonwealth of Pennsylvania and any city county or other political subdivision or any agency department or public body of the Commonwealth any project at any time constructed by the Authority and any property real personal or mixed tangible or intangible or any interest therein at any time acquired by the Authority

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates rentals and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations.

(i) To borrow money make and issue negotiable notes

bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof.

(j) To make contracts of every name and nature and execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

Provided however that the authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth or any of its cities counties or political subdivisions nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth or of any of its cities counties or political subdivisions nor shall the Commonwealth or any city county or political subdivision thereof be liable for the payment of principal of or interest on such obligatons.

Section 6 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the Authority shall default in the payment of principal of or interest on any of the bonds after said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the Authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a need to be recorded may (except as such right may be limited under the provisions of any deed of trust indenture or other agreement as aforesaid) appoint a trustee to represent the bondholder for the purposes herein provided. Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the Authority to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the Authority and to require the Authority to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) bring suit upon the bonds

(c) by action or suit in equity require the Authority to account as if it were the trustee of an express trust for the bondholders

(d) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders.

(e) by notice in writing to the Authority declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may (to the same extent that the Authority itself could so do) enter and take possession of the facilities of the Authority or any parts thereof the revenues rentals or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the Authority, might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustees the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the facilities of the Authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

In addition to all other rights and all other remedies any holder of bonds of the Authority shall have the right by mandamus or other suit action or proceeding at law or in equity to enforce his rights against the Authority including the right to require the Authority to collect fees rentals and other charges adequate to carry out any agreement as to or pledge of such fees rentals or other charges or income revenues and receipts and to require the Authority to carry out any of its covenants and agreements with the bondholders and to perform its and their duties under this act Provided however That nothing in this section or any other section of this act shall authorize any receiver appointed pursuant to this act for the purpose of operating and maintaining any facilities of the Authority to sell assign mortgage or otherwise dispose of any of the assets of whatever kind and character belonging to the Authority. It is the intention of this act to limit the powers of such receiver to the operation and maintenance of the facilities of the Authority as the court shall direct and no holder of bonds of the Authority nor any trustee shall ever have the right in any suit action or proceedings at law or in equity to compel a receiver nor shall any receiver ever be authorized or any court be empowered to direct the receiver to sell assign mortgage or otherwise dispose of any assets of whatever kind or character belonging to the Authority

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2021, as follows:

An Act to amend clause (b) of section five hundred one of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals

upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices owners of vehicles and garage keepers providing that records are dismissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making and appropriation ond providing for refunds" by providing for the issuance of special registration plates to members of the General Assembly

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that cause (b) of section five hundred one of the act approved the first of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners or vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended to read as follows

(b) Every registration plate shall have displayed upon it the registration number assigned to the vehicle the name of the Commonwealth which may be abbreviated the year number for which it is issued and any other identification the department may deem necessary In addition thereto all registration plates issued to any State senator or member of the General Assembly shall have displayed upon it the word "Legislative" the required letters and numerals on such plate or plates shall be not more than five (5) inches in height to be plainly legible from a distance of one hundred (100) feet during daylight except that the required letters and figures on motorcycle motorcycle dealer and bicycle with motor attached plates shall be not more than three and one-half (3½) inches in height

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1419, Senate Bill No. 316, Printer's No. 100 was passed over at the request of Mr. OMINSKY.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 114, as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring certain school districts to merge with other districts and thereafter to function as a part of the districts with which they have been merged creating a county board of school directors for school districts under the direction of a county superintendent defining its powers and duties further regulating the affairs of certain school districts conferring powers and imposing duties on the Department of Public Instruction the State Council of Education and county superintendents of schools and imposing certain expenses on counties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one hundred and eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 108 (a) From and after the beginning of the first school year as herein provided for the school district herein established all independent school districts as they now exist shall be abolished and the lands comprising the same shall revert to the school districts hereby established in which they are located and all land heretofore taken from one school district and annexed to another whether by act of Assembly or order of the court or otherwise be and hereby is made a part of the school district hereby established in which such land is located so that the boundary lines of the several school districts as established by this act shall be co-terminous with the boundary lines of the several cities incorporated towns boroughs and townships in this Commonwealth as they then exist or may hereafter be created changed or extended Provided That independent school districts may be created as hereinafter provided

(b) From and after the first day of July one thousand nine hundred and thirty-eight all school districts now existing in which no teacher has been employed prior to the first day of January one thousand nine hundred and thirty-seven for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven (1936-1937) shall be merged with other districts and the lands comprising the same together with any property or equipment owned by any such district shall become a part of and belong to such district or districts as the court of common pleas of the county in which the property is located shall determine It shall be the duty of the County Board of School Directors to prepare and present petitions for such mergers in accordance with standards and regulations set up by the State Council of Education In like manner all school districts employing prior to the first day of January one thousand nine hundred and thirty-seven for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven (1936-1937) ten teachers or less shall be merged with other districts on and after the first day of July one thousand nine hundred and forty-one if the electors of any such school district shall first have consented to such

merger The question of such merger shall be submitted to the electors at the municipal election and in the year one thousand nine hundred and thirty-nine and at least ninety (90) days previous to such election the court of common pleas shall have determined the district with which such district shall merge upon petition of the county board of school directors as hereinbefore provided for districts now having no teachers The question be submitted to the electors shall be fromed by the court and be by it certified to the county commissioners for submission to the electors of the district so proposed to be merged Such submission shall be in accordance with the laws of this Commonwealth relating to such question In any such instance in which a school district is merged with another district or districts by the terms of this act each school director of the district which is discontinued shall automatically become a member of the board of school directors within the district to which the territory in which he resides has been annexed and he shall continue to serve as a member of the said board until his term of office has expired

(c) The provisions of clause (b) of this section and of clause (e) of section eight hundred fourteen shall not apply in the case of any school district affected if the district has since the first day of January one thousand nine hundred and thirty-seven and not later than the first day of July one thousand nine hundred and thirty-seven obtained from the State Council of Education the approval of a plan of consolidation of two or more districts as a union district and has actually accomplished and completed such a consolidation before the effective dates set forth in clause (b) of this section

Section 2 Section one hundred and ten of the said act as last amended by the act approved the seventh day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred twenty-one) is hereby further amended to read as follows

Section 110 Where any [independent] school district is abolished and its land reverts to or becomes a part of two or more school districts or where any land heretofore annexed to one school district is made a part of the district in which it is located or where a new district is made by the creation of a new city borough township or independent school district out of one or more school districts or where the boundary lines of any district are changed by the changing of the boundary lines of any city incorporated town borough township or school district then in any such case the school districts to which land has been annexed or from which land has been taken or which have been newly created shall make a just and proper adjustment and apportionment of all school property real and personal including funds as well as indebtedness if any to and among such school districts Such adjustment and apportionment shall be made as of the date of the decree or order creating such new city borough township or school district or of the decree of the court or vote of the electors affecting such annexation The indebtedness of any school district hereby abolished whose land is wholly within the boundaries of any school district hereby established shall be assumed and paid and all its personal property acquired by such school district

Section 3 Section five hundred and sixty-three of the said act as last amended by section two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws eleven thousand ninety-two) is hereby further amended to read as follows

Section 563 The board of school directors of each district of the second third or fourth class shall annually at least thirty days prior to the adoption of the annual budget prepare a proposed budget of the amount of funds that will be required by the school district in its several departments for the following fiscal year Such proposed budget shall be prepared on a uniform form prepared and furnished as hereinafter provided and shall be apportioned to the several classes of expenditures of the district as the board of school directors thereof may determine Final action shall not be taken on any proposed budget in which the estimated expenditures exceed two thousand dollars ($2,000) until after ten days' public notice Provided however That nothing in this act shall be construed to prevent any school district whose total estimated expenditures do not exceed two thousand dollars ($2,000) from holding a public hearing The proposed budget shall be printed or otherwise made available for public inspection to all persons who may interest themselves at least twenty days prior to the date set for the adoption of the budget The board of school directors after making such revisions and changes therein as appear advisable shall adopt the budget and the necessary appropriation measures required to put it into effect Within fifteen days after the adoption of the budget the board of school directors shall file a copy of the same in the office of the Department of Public Instruction In all school districts under the direction of a county superintendent the [shall be reviewed and certified to the department by the county board of school directors of the county and shall] county board of school directors shall inspect the annual budget and shall render such advice and assistance regarding the same as may seem proper before the said budget shall be signed and forwarded to the department by the county superintendent

The board of school directors may during any fiscal year make additional appropriations or increase existing appropriations to meet emergencies such as epidemics floods fire or other catastrophies the funds therefor to be provided from unexpended balances in existing appropriations from unappropriated revenue if any or from temporary loans Such temporary loans when made shall be approved by a two-thirds vote of the board of school directors

The board of school directors shall have power to aucumbered balance or any portion thereof from one spendthorize the transfer within the same fund of any unening agency to another but such action shall be taken only during the last nine months of the fiscal year and except as hereinbefore otherwise provided no moneys apportioned [from] to any class of expenditures shall be used for further purposes other than designated for said class in said budget The total amount of such budget shall not exceed the amount of funds including the proposed annual tax levy and State appropriation available for school purposes in that district

The uniform budget forms required by this act shall be prepared by the department of Public Instruction which shall issue said forms and distribute them annually as needed to the school districts

Section 4 Section six hundred and one of said act is hereby amended to read as follows

Section 601 The board of school directors of each district shall provide the necessary grounds and suitable school buildings to accommodate all the children between the ages of six and twenty-one years in said district who attend school Such building shall be constructed furnished equipped and maintained in a proper manner as herein provided suitable provisions being made for the heating ventilating and sanitary conditions thereof so that every pupil in any such building may have proper and healthful accommodations In all school districts under the direction of a county superintendent all grounds and the plans for all buildings shall be approved only with the advice and consent of the county board of school directors

Section 5 Article eight of the said act is hereby amended by adding thereto section eight hundred and nine eight hundred and ten eight hundred and eleven eight hundred and twelve eight hundred and thirteen and eight hundred and fourteen to read as follows

Section 809 There is hereby created in each country under the supervision of a county superintendent a county board of school directors The membership of the first board so created shall consist of the members of the executive committee chosen at the annual convention of school directors held during the school year one thousand nine hundred and thirty-seven one thousand nine hundred and thirty-eight (1937-1938)

Section 810 The term of office of the members first chosen for the said county board of school directors shall be determined as follows Immediately after they are

chosen at the annual convention of school directors held during the school year one thousand nine hundred and thirty-seven one thousand nine hundred and thirty-eight (1937-1938) they shall meet and qualify by taking an oath of office They shall then determine by lot which one of their members shall serve until the first day of July one thousand nine hundred forty-four which two shall serve until the first day of July one thousand nine hundred forty-two and which two shall serve until the first day of July one thousand nine hundred forty Thereafter members of the said county board of school directors shall be elected at the annual convention next preceding the expiration of their respective terms of office and shall serve for terms of six years or until their successors are chosen All vacancies occurring except by the expiration of a term shall be filled by the county board of school directors until the next annual convention at which a successor shall be elected for the balance of the unexpired term

No person shall become or be re-elected as a member of the county board of school directors unless he at the time he is chosen holds the office of school director within the county

Section 811 Each officer of the board of county school director first chosen under the provisions of this act shall continue to serve in the office for which he was chosen by the annual convention until the first Monday in December one thousand nine hundred thirty-eight On the first Monday in December one thousand nine hundred thirty-eight and annually thereafter the county board of school directors shall choose from their members a president and a vice-president each to serve for one year and in December one thousand nine hundred thirty-eight they shall choose for a term of four years a secretary who needs not be a member of the board but who is and who shall remain during his term of office a resident of the county and during the month of December one thousand nine hundred thirty-eight they shall choose a treasurer to serve until the first Monday in July one thousand nine hundred thirty-nine and during the month of May one thousand nine hundred thirty-nine and annually thereafter a treasurer shall be chosen to serve for one year beginning the first Monday in July following such election

Section 812 The county board of school directors shall meet in at least ten regular meetings each year at a specified time and place and in addition thereto shall meet in special meeting at any other time upon the call of the county superintendent A majority of the members shall be a quorum If less than a majority is present at any meeting no business shall be tranacted but the members present may adjourn to some stated time Provided That if at any time vacancies exist in the majority of the memberships the remaining members may fill such vacancies in the manner provided by existing law for school districts of the second third and fourth class No business shall be transacted at any special meeting except that named in the call but special meetings may be called for general purposes Members shall have reasonable notice of special meetings The board may adopt reasonable rules directing the kind and length of such notice

Section 813 Each member of the county board of school directors shall receive a salary which shall equal five dollars for each meeting attended but shall not exceed sixty dollars ($60.00) per annum which shall be paid monthly by the State from appropriations made for this purpose or from the appropriations for the public schools The county board of school directors shall be provided at the expense of the county with such telephone typewriter and stenographic services as may be needed which services may if adequate be the same as those furnished to the county superintendent

Section 814 The county board of school directors shall have power and its duty shall be

(a) To inspect all budgets and annual financial reports and shall render such advice and assistance regarding the same as may seem proper before such budgets or reports are transmitted to the Department of Public Instruction

(b) To advise local boards and make recommendations to them regarding all free transportation routes and contracts ot be used after the first day of July one thousand nine hundred thirty-eight

(c) Subject to the approval of the State Council of Education to apportion the cost of free transportation among school districts in all cases where after the first day of July one thousand nine hundred thirty-eight such districts jointly use the same transportation facilities

(d) To recommend the approval or disapproval of school sites and buildings by the State Council of Education

(e) In accordance with standards and regulations set up by the State Council of Education and subject to the provisions of this act to prepare plans and to present the same in a petition to the court of common pleas of the county whereby all school districts which employ no teacher for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven (1936-1937) shall be immediately merged with other districts and all school districts which employ ten teachers or less for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-sveen shall subject to the provisions set forth in clause (b) of section one hundred and eight of this act be merged with other districts on and after July first one thousand nine hundred forty-one also to prepare and submit to the State Council of Education plans for additional re-organization of school districts and attendance areas the first draft of which plans shall be submitted on or before the first day of January one thousand nine hundred thirty-nine and supplemental drafts of plans shall thereafter be submitted at such intervals as requested by the said Council

(f) To advise local boards and make recommendations to them for the collection of current and delinquent taxes

(g) To establish a uniform and simple system of accounting under the direction of the county superintendent and the Department of Public Instruction

(h) To advise local boards and make recommendations to them for the enforcement of the attendance law

(i) To make such studies and reports as may be suggested by the State Council of Education

Section 6 Section eight hundred and seven of said act is hereby amended to read as follows

Section 807 It shall be the duty of the county superintendent and of the district and assistant county and district superintendents in the county to attend such annual conventions and they shall be members ex officio of the executive committee and shall render such assistance and aid to the executive committee of such association as may be required of them Provided That they shall have no vote in the convention or in approving the selection of assistant county superintendents

The county superintendent shall be the chief executive officer of the county board of school directors and ex officio a member of all committees thereof As chief executive officer he shall be privileged at attend all meetings of the board and to enter into all discussions and debates but shall not be privileged to vote He shall sign the annual budgets and financial reports of the school districts as they are certified to the Department of Public Instruction and shall forward them to the department The county superintendent shall furnish such reports as may be required by the county board of school directors and by the Department of Public Instruction

Section 7 The second paragraph of section one thousand four hundred and four of said act as amended by section seven of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1152) is hereby further amended to read as follows

Section 1404 The board of school directors in any school district in this Commonwealth may out of the funds of the district provide for the fee transportation of any pupil to and from the public schools In all school districts under the direction of a county superintendent

all transportation routes to be used after the first day of July one thousand nine hundred thirty-eight shall be established with the advice and assistance of the county board of school directors In any case where after such date two or more such districts jointly use the same transportation facilities the cost of such transportation shall subject to the approval of the State Council of Education be apportioned among such districts by the county board of school directors

Section 8 Section one thousand four hundred and six of said act as last amended by section thirty-four of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (P. L. 243) is hereby further amended to read as follows

Section 1406 The board of school directors of any school district in this Commonwealth may on account of the small number of pupils in attendance or the condition of the then existing school building or for the purpose of better graduation and classification or other reasons close any one or more of the public schools in its district and upon such school or schools being so closed the pupils who belong to the same shall be assigned to other schools or upon cause shown be permitted to attend schools in other districts

Provided That whenever the average term attendance of pupils regularly enrolled at any one-room school in any school district of the fourth class or township which is a district of the third class is ten or less than ten the board of school directors shall close such school

If the board of school directors does not deem it feasible to close such school it may present its petition to the State Council of Education showing the reasons why such school should not be closed thereupon the State Council of Education shall consider such petition and shall make such order as may seem just in the premises Provided however If any school as aforesaid has been closed because the average term attendance of pupils enrolled was ten or less than ten and has been re-opened upon an order of the State Council of Education and the average term attendance is twelve or more after such re-opening such school shall be considered re-established Provided further That in any district of the fourth class or township which is a district of the third class elementary school pupils who reside within that part of the school district last served by any elementary school closed since the first Monday of July one thousand nine hundred and seven or within a district all of whose schools have been closed or who are assigned to a training school of a State Normal School and reside one an done-half miles or more from the school to which they are assigned shall be furnished proper transportation at the expense of the district to and from the elementary school to which they are assigned All such transportation routes to be used after the first day of July one thousand nine hundred and thirty-eight shall be established with the advice and assistance of the county board of school directors of the county In any case after such date when two or more school districts jointly use the same transportation facilities the cost of such transportation shall subject to the approval of the State Council of Education be apportioned among such districts by the county board of school directors

And provided further That whenever the board of school directors in any fourth class district or township which is a district of the third class agrees to or is required to provide transportation for any pupils such board of school directors may upon petition of the parent guardian or person in parental relation to any of said pupils in lieu of providing such transportation pay for suitable board and lodging for such pupils if such board and lodging is secured in the home of a near relative of the pupil or in a proper school or home approved by the person making the petition Provided That in no case shall the State's share exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is in attendance attendance at school not exceeding five days in any one week

Provided That if the Department of Public Instruction approves the transportation as to methods and means and the contracts provided therefor the Commonwealth will pay annually to the school district furnishing such transportation an amount determined by (a) the true valuation per teacher per district as provided by section one thousand two hundred and ten of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended and by (b) a given per centum of the sum which has been expended during the previous school year by such a school district for transporting pupils of said schools to and from said schools as follows The amount paid by the Commonwealth to a school district which has a true valuation per teacher of assessable property of fifty thousand dollars ($50,000) or less shall be seventy-five (75) per centum more than fifty thousand dollars ($50,000) to one hundred thousand dollars ($100,000) sixty (60) per centum and more than one hundred thousand dollars ($100,000) fifty (50) per centum Provided That in case said school district has purchased or shall hereafter purchase an approved school conveyance which is used exclusively for approved school purposes said sum may include a reasonable charge for depreciation and repairs not to exceed fifteen (15) per centum of the cost of said approved school conveyance Provided That the State's share of depreciation and repairs shall not exceed one hundred dollars ($100.00) per vehicle per year Provided further That the State's share for transportation shall not exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is transported to and from school Provided further That districts receiving reimbursement on the basis of seventy-five (75) per centum and sixty (60) per centum shall not receive more than four thousand dollars ($4,000) in any one school year from the State for transportation Provided further That districts receiving reimbursement on the basis of fifty (50) per centum shall not receive more than three thousand dollars ($3,000) in any one year from the State for transportation

On or before the first day of July of each year each school district of the third and fourth class transporting pupils as herein provided shall present to the Superintendent of Public Instruction in such form as he may prescribe and on blanks to be furnished by him a sworn statement of the amount expended during the previous school year for transporting pupils to and from school as herein provided On the basis of such a statement the Superintendent of Public Instruction shall by requisition upon the State Treasurer pay during the month of September to such school district such reimbursement for the previous school year as is provided for in this act

Section 9 Section one thousand four hundred and eighteen of said act as last amended by section one of the act approved the twenty-ninth day of March one thousand nine hundred and twenty-seven (P. L. 75) is hereby further amended to read as follows

Section 1418 In case there is no public school in session within two miles by the nearest public highway of the residence of any child such child shall be exempt from the provisions of this act relating to compulsory attendance unless proper free transportation be furnished to such child to and from school [Provided] If proper free transportation is furnished to any child [under sixteen years] of compulsory school age to and from school the Commonwealth shall reimburse any school district of the fourth class furnishing such transportation in the same manner and amounts as provided for in this act for transportation of pupils from closed schools In all school districts under the direction of a county superintendent all transportation routes to be used after the first day of July one thousand nine hundred and thirty-eight shall be established with the advice and assistance of the county board of school directors In any case where after

such date two or more such districts jointly use the same transportation facilities the cost of such transportation shall subject to the approval of the State Council of Education be apportioned among such districts by the county board of school directors

Section 10 Section two thousand six hundred and fifteen of said act is hereby amended to read as follows

Section 2615 In all school districts of the second third and fourth class in this Commonwealth the auditors' report of the finances of the district for the preceding year as made by the auditors herein provided shall be filed with the board of school directors and entered on the minutes of the board by the secretary thereof In all school districts under the direction of a county superintendent the auditors' report shall be inspected by the county board of school directors and shall be signed and forwarded to the department by the county superintendent

Section 11 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 12 Except as hereinbefore otherwise specifically provided the provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1058, Senate Bill No. 151, Printer's No. 59 was passed over at the request of Mr. OMINSKY.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 455, as follows:

An Act to amend section one of the act approved the twenty-fourth day of June one thousand nine hundred and nineteen (Pamphlet Laws 579) entitled "An act to fix the salary and mileage of the members of the General Assembly and to provide for the furnishing of such postage stationery and supplies as may be necessary for the conduct of their offices and repealing all acts or parts of acts inconsistent therewith" as amended increasing the compensation of members of the General Assembly

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fourth day of June one thousand nine hundred and nineteen (Pamphlet Laws 579) entitled "An act to fix the salary and mileage of the members of the General Assembly and to provide for the furnishing of such postage stationery and supplies as may be necessary for the conduct of their offices and repealing all acts or parts of acts inconsistent therewith" as last amended by the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1422) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the salary of the members of the General Assembly shall be [two thousand five hundred dollars ($2,500)] three thousand dollars ($3,000) for each biennial session and mileage to and from their homes at the rate of five cents per mile circular for each week a member was in actual attendance at the session to be computed by the ordinary mail route between their homes and the capital of the State The salary of the members of the General Assembly shall be five hundred dollars ($500) and mileage as aforesaid for each special or extraordinary session lasting less than one calendar month and seven hundred and fifty dollars ($750) and mileage as aforesaid for each special or extra ordinary session lasting one calendar month or more and no other compensation shall be allowed whatever except one hundred and fifty dollars ($150) in postage for each regular biennial session and fifty dollars ($50) for each special or extraordinary session

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

COMMITTEE OF THE WHOLE

The SPEAKER. Will the House dispense with the Committee on the Whole on House Bill No. 1420, Senate Bill No. 369, Printer's No 162?

Mr. TURNER. Mr. Speaker, I object to dispensing with the Committee of the Whole on this bill.

The SPEAKER. The Chair hears objection to dispensing with the Committee of the Whole in consideration of this bill, therefore, the House will resolve itself into a Committee of the Whole in consideration of House Bill No. 1420, Senate Bill No. 369.

The Chair requests the gentleman from Monroe, Mr. ACHTERMAN, to come to the desk and preside over the Committee of the Whole.

MR. ACHTERMAN PRESIDING

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand two hundred and one of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 1201 The board of school directors in every school district in this Commonwealth shall employ the necessary qualified teachers to keep the public schools open in their respective districts in compliance with the provisions of this act

The term "professional employee" as used in this act shall include teachers supervisors supervising principals principals directors of vocational education dental hygienists visiting teachers school secretaries the selection of whom is on the basis of merit as determined by eligibility lists school nurses who are certified as teachers and any regular full-time employee of a school district who is duly certified as a teacher

On the question,

Will the Committee agree to the section?

Mr. LONGAKER. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 3, section 1, line 10, by adding after the word "teacher" the following: "The services of all professional employes of the public schools in any school district shall be during good behavior and efficiency after the expiration of a probationary period of employment of two consecutive years in that district. The time any professional employe has taught in the district in which he or she is employed at the time this act shall go into effect shall be counted in determining such period of employment."

On the question,

Will the Committee agree to the amendment?

QUESTION OF INFORMATION

Mr. TURNER. Mr. Chairman, I rise to a question of information.

The CHAIRMAN. The gentleman will state his question of information.

Mr. TURNER. Mr. Chairman, I understand that the Chair is now asking that amendments only to section one be presented.

The CHAIRMAN. That is correct.

Mr. LONGAKER. Mr. Chairman and members of the Committee, it is with pleasure that I rise to discuss amendments which certainly are and should be of a non-partisan nature. If we as members of this Committee cannot conside the amendments which I have just proposed on a non-partisan basis, then it seems to me that we are derelict in our duty to the public school system of our Commonwealth.

The first and primary purpose of this amendment dealing with the probationary period takes into consideration the fact that the one paramount thought in all our minds should be concerning the welfare of the children in our public schools. We must also take into consideration the welfare of all those agencies which deal in and with our public schools. In our public school system we have children in the schools. I dare say that probably most of the membership here have children in the public school system. We are concerned of course with those teachers who have been selected in the various districts of our Commonwealth, who are teaching our children those fundamentals of life which we call educational training, and we must consider the principals, the superintendents, the school boards who have been selected by the various voters throughout our Commonwealth, and of course we must take into consideration the taxpayer, the citizen.

In offering this amendment, members of the Committee, I wish you to have in mind at all time those facts, that we are legislating for all interests in our school system. Now, the matter of probation or a probationary period, as incorporated in the amendment just read, provides that a teacher shall not have or be permitted to enjoy tenure until after the expiration of the probationary period of employment of two consecutive years in the particular district in which that teacher is employed. That means, members of the Committee, that the bill would be amended to include that probationary feature of two years. The bill as it now stands does not include any probationary period. Is it not logical and reasonable that in order to see to it that our children in our schools have the proper teaching and training under the guidance of the various teachers, that those in control or in charge of the hiring of the teachers, mainly the supervising principals, the school boards and indirectly the tax payers, should not have some method and manner, a fair method and manner, if you please, to determine whether or not that teacher is satisfactory in the particular district in which he or she might be employed. It has been said that by investigation of his or her prior record or by interview by those in charge, one can judge fairly well whether or not a person is qualified in a district. I submit, however, members of the committee, that such judgment is often times in error. One cannot determine the efficiency or capability of a teacher, or in fact a person in any business, until the person has been tried through actively practising and teaching in that particular district. Therefore, I submit this amendment concerning the probationary period.

With those thoughts in mind, we, in fairness to all interested parties, many of whom are in control or in power in certain districts, should have the right to see the teacher in the class room. We will go on further with the amendment. The amendment provides "the time any professional employe has taught in the district in which he or she is employed at the time this act shall go into effect shall be counted in determining such period of employment."

No doubt many members of the Committee have been concerned with those teachers who with their prior record of service down to the present moment have been found sufficiently capable in their respective districts. This amendment will not in any way deprive those tried and true teachers from continuing in their positions and tenure will immediately apply to them upon the passage of this act. Let us consider for a moment the proposed amendment from the teachers' standpoint because it so happens that I have taught school in this Commonwealth and in our sister state of New Jersey. A high school faculty or a faculty in any school whatsoever must work together. Is it not true to suppose that those teachers can be most efficient when harmony prevails in the particular school or in the particular district? Is it not true that in order to protect our best teachers, that those having the power and authority to employ the teachers should have a chance to observe as well the activities of the teacher in the class room before giving their sanction to the applying of tenure such as is provided in this bill.

In conclusion members of the Committee, let me again make reference to my opening statement. First, this is definitely a non-partisan matter; second it must be dealt with and considered in the light of all the interests concerned in our school system. I feel that if you will search your own minds and hearts you will agree that the only fair and reasonable way in which our particular districts can determine the efficiency and ability of a teacher is to see that teacher actually teaching in the classroom in that particular district.

Therefore, I ask the members of the Committee to vote favorably on this amendment.

Mr. HARKINS. Mr. Chairman and members of the committee, I rise to oppose the amendment which will require a probationary term of any teacher who is now employed or who is hereafter employed in any school in this Commonwealth. We have several teachers' colleges and private universities and colleges which now prepare teachers under rigid requirements. There they require these students or teachers to actually go into high schools and elementary schools and teach the very subjects which

they are preparing to teach and they are graded upon their work there and by the time they graduate and obtain their teacher's certificate, they are tried and true teachers.

In addition to that, experience shows that where a probationary period has been required in tenure bills, the so-called tenure bills belie their names. The requirement of the probationary period has been such that it is a mere device, and if it is not intended as a device to enable the boards to discharge teachers, in effect and in practice it beccomes a device to work to that end. There is no logical argument for the requirement of a probationary period because there is no other walk of life in which you can find a probationary period. Teachers are not paid huge sums which may be paid to individuals who show exceptional ability in a particular branch. No matter how good a teacher is a teacher is paid only a small increment of salary each year. It is unfair to suggest to a teacher the moment she places herself in a certain teaching position in a certain district, that she is limited by outside influences with regard to her salary; she may be limited with regard to her obtaining other positions; she is under contract and very often cannot avail herself of the opportunity of obtaining a better position, even if one be offered to her.

So Mr. Chairman and members of the Committee, I say that the freedom of contract is limited in that respect and we should not penalize teachers by requiring a probationary period which will really turn out not to be a probationary period, but just means that there is going to be another shuffling of cards, and you will find that the teacher is going to be dismissed. Any probationary period which would give the boards or the school districts the right to dismiss a school teacher, at the end means that you do not think that your various State teachers' training institutions are doing their work properly, and that would be an insult to the various members of the teaching profession. I ask the members of this Committee to vote down this amendment.

Mr. LONGAKER. Mr. Chairman and members of the Committee, briefly, in answer to the gentleman from Allegheny, Mr. Harkins, let me emphasize that as far as I am concerned personally, and I am sure we all share that feeling, we are in no way finding fault with our State teachers' institutions or the ladies and gentlemen who are on the faculties of those institutions or the graduates of them. But the fact remains, members of the Committee, that although the record of a certain student in a particular college might be an excellent one, until that teacher is in that particular school district and has met with the conditions and the question arising in that district, one does not know whether that is the best and proper district for that particular teacher. Furthermore a great many of our school boards, in selecting the younger teachers know that upon the execution of the contract with the teacher, tenure will immediately enure, and there will be a tendency to continue with the older teachers, thinking that perhaps the lesser of the two evils is take the one they do know something about rather the one of whom they are not certain.

Let me answer another question raised by the gentleman from Philadelphia, a question which deals with other walks of life, that they have no probationary periods. We are on probation in our respective jobs all the time, least I personally feel so. We are as members of this House, in our business, we are as employes, of certain companies, and we do not have the protection which would be afforded by this bill. The question of probation raised by the gentleman from Allegheny is entirely beside the point, illogical and not part of this discussion. He raised a question about salary incerment. Having been a teacher and having drawn pay checks for such teaching, I know how heavy such checks were, and I am certainly in favor of having our teachers paid properly, and the teachers' pay advanced from time to time, as finances will warrant. So, I say to the members of the Committee I do not think the gentleman from Allegheny has answered the question raised in my original argument, I will, therefore, ask you to support the amendment providing for a two year probationary period.

Mr. KANE. Mr. Chairman and members of the Committee, I would like to further answer the statements of the gentleman from Allegheny, Mr. Harkins, with regard to the two year probationary period. I trust you will note my remarks are not hostile to teachers from the fact that I have two sisters who are teachers, and on the other hand my old father served twenty-seven consecutive years on the township board in the town in which I live. It would be very unfair that teachers who are frankly incompetent should be made a permanent part of our educational system, to put them in a position where they would have to be dismissed during the first year for incompetency. I think we too often take the attitude that we are guarding one class of society from domination or abuse from some other class. In our part of the country at least we do not have to assume that the school boards are hostile to teachers. Thank God we do not have that sort of condition in the northwestern part of the state. You cannot fairly to your own children place teachers in a permanent frozen tenure system without giving them some trial whereby the people of your own home district can find out whether or not they can properly employ teachers. There is a vast difference between a person who is a good scholar in a normal school and a person who can teach children in actual practice. I say to you when the teachers made the statement as they did at the public hearing on this bill, that Pennsylvania has the best educated teachers in the American union, the system we have been working under cannot be all bad. We haven't had such terrible teachers in Pennsylvania and our children have been getting along reasonably well, and now we are going to provide what we think will be an adequate protection for the worthwhile teacher. It is only fair and reasonable ladies and gentlemen, that we offer to our own citizens that we give to our own children the privilege of finding out whether or not a teacher is a teacher or wether he or she is merely a graduate of a normal school who has been lucky enough to get the job. If a teacher is a good teacher he or she can survive a short probationary period, and the sponsor of this amendment has already pointed out to you that the teachers who are already teaching have already put in time on their probationary period, so that a teacher who has been in that section for more than two years now would have no additional probationary period and would be protected by tenure immediately. I think you must look at this thing from the standpoint

of your children as well as the teacher. What do you propose to do if you get a teacher, frankly, not satisfactory, but whom you do not wish to remove by means of any specific charges that are required for removal under this tenure act? Mr. Longaker's amendment merely offers you an opportunity to test out the teachers, before you make them a part of your system. I also think we should have regard for the protection of the system under which our own children are going to be educated, and we should support this amendment because it is for the protection of better teachers.

On the question recurring,

Will the Committee agree to the amendment?

The yeas and nays were required by Mr. TURNER and Mr. SCHROCK were as follows:

YEAS—40

Boose,	Kane,	Schrock,	Trout,
Boyer,	Kline,	Schumacher,	Turner,
Cadwalader,	Leisey,	Simpson,	VanAllsburg,
Chervenak,	Longaker,	Sloan,	Watkins,
Davies,	Lyons,	Snyder,	Webster,
Eckels,	Matthews, J. F.,	Sollenberger,	Weidemann,
Habbyshaw,	McKinney,	Sproul,	Wilson,
Hall,	Muir,	Stewart,	Wood,
Huntley,	Perry,	Stockham,	Woodside,
Imbrie,	Royer,	Strode,	Yeakel,

NAYS—131

Achterman,	Falkenstein,	McShane,	Schrope,
Alexander,	Finnerty,	Melchiorre,	Shaw,
Aukerman,	Fitch,	Mellott,	Shea,
Baine,	Flanagan,	Mihm,	Shepard,
Baker, J. J.,	Flannery,	Moomaw,	Shoemaker,
Bierly,	Flinchbaugh,	Mooney,	Siegel,
Blank,	Ganser,	Moran,	Simon,
Bohn,	Haberlen,	Munley,	Skale,
Boltz,	Hagerty,	Murrin,	Smith, James A.,
Bradley,	Hamilton, F. P.,	O'Brien,	Smith, John A.,
Brancato,	Harkins,	O'Connor,	Spengler,
Brigerman,	Hays,	O'Keefe,	Stank,
Broad,	Hering,	Ominsky,	Thomas,
Brown,	Hess,	O'Neill,	Thompson,
Brownfield,	Hindman,	Ostroff,	Tronzo,
Burrows,	Hirsch,	Patterson, C. S.,	Tumelty,
Caesar,	Holland,	Patterson, J. W.,	Valibus,
Caputo,	Holmes,	Pearson,	Vogt,
Coakley,	Holstrom,	Pershing,	Wagner,
Cohen, H. B.,	Hontz,	Piole,	Walsh,
Cohen, R. E.,	Horting,	Powers,	Weiss, D. H.,
Coleman,	Keenan,	Preston,	Weiss, S. A.,
Coolahan,	LaRue,	Readinger,	Welliver,
Corrigan,	Long,	Reese,	Welsh,
Costanzo,	Lopresti,	Reising,	Westrick,
Decker,	Lovett,	Richter,	Whalen,
DeNote,	Marino,	Robinson,	Whitenight,
Donohoe,	Matthews, H. T.,	Rothenberger,	Wright,
Dougherty,	McCullough,	Rush,	Yanoshat,
Downey,	McDermott,	Sarraf,	Yourishin,
Dubbs,	McElroy,	Scanlon,	Zappala,
Dyson,	McFall,	Schor,	Furman,
Elpern,	McGee,		

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the Committee agree to the section?

It was agreed to.

The second section was read as follows:

Section 2 Section one thousand two hundred five of said act as last amended by section twenty-six of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (P. L. 243) is hereby further amended to read as follows

Section 1205 In all school districts [of the second third and fourth class] all contracts with [teachers] professional employees shall be in writing in duplicate and shall be executed on behalf of the board of school directors (or board of public education) by the president and secretary and signed by the [teacher] professional employee

[After the thirtieth day of June one thousand nine hundred and twenty-nine] Each board of school directors or board of public education in all school districts [of the second third and fourth class] in this Commonwealth shall within thirty days after the effective date of this act enter into contract in writing with all [teacher supervisors supervising principals and principals] professional employees now employed by them [and said contract] and thereafter shall in the same manner enter into contracts in writing with each professional employe at or before the time the employe first enters the service of the district Said contracts shall contain only the following

"IT IS AGREED BY and between

[Teacher] Professional Employee and the Board of Directors (or Board of Public Education) of the school district of Pennsylvania that said [teacher] professional employee shall under the authority of the said board and its successors and subject to the supervision and authority of the properly authorized superintendent of schools or supervising principals teach in the said school district for a term of months for an annual compensation of $ payable monthly or semi-monthly during the school term or year less the contribution required by law to be paid to the Teachers' Retirement Fund and less other proper deductions for loss of time due to unpermitted absence from duty

"This contract is subject to the provisions of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' and the amendments thereto [and to such regulations as the Board of School Directors of this district may impose consistent with the said act]

"And it is further agreed by the parties hereto that none of the provisions of this act may be waived either orally or in writing and that this contract shall continue in force year after year with the right of [the Board of Education or] the Board of School Directors (or Board of Public Education) to increase the compensation over the compensation herein stated from time to time as may be provided under the provisions and proper operation of the established salary schedule if any for the school district [or to change said salary] subject to the provisions of law without invalidating any other provision of this contract unless terminated by the [teacher] professional employee [at the close of the school term] by written resignation presented sixty days before [the close of the school term] resignation becomes effective or by the Board of School Directors (or Board of Public Education) by official written notice presented to the [teacher] professional employee sixty days before the close of the school term Provided That the said notice shall designate the cause for the termination and shall state that an opportunity to be heard shall be granted if the said professional employee within ten days after receipt of the termination notice presents a written request for such a hearing"

(a) The only valid causes for termination of a contract in accordance with the provisions of this section shall be Immorality incompetency intemperance cruelty wilful and persistent insubordination wilful and persistent negligence mental derangement persistent and wilful violation of the school laws of this Commonwealth on the part of the professional employee or substantial decrease in the number of pupils or students due to natural causes Nothing within the foregoing enumeration of causes however shall be interpreted to conflict with the retirement of professional employees upon proper evidence of disability or the election by professional employes to retire during the period of voluntary retire-

ment or the compulsion on the part of professional employees to retire at the attainment of age seventy

(b) Whenever it shall become necessary to decrease the number of professional employees by reason of substantial decrease of pupil population within the school district the Board of School Directors (or Board of Public Education) may suspend the necessary number of professional employees in the inverse order of the appointment of such employees No employee suspended as aforesaid shall be prevented from engaging in other occupation during the period of such suspension Such professional employees shall be reinstated in the inverse order of their suspension No new appointments shall be made while there are suspended professional employees available

(c) All hearings under the provisions of this section or any other section of the school laws pertaining to the dismissal or the termination of contracts of professional employees shall be public unless otherwise requested by the party against whom the complaint is made

(d) Before any professional employee is dismissed or refused re-election by the board of school directors (or board of public education) the secretary of the school district shall furnish such professional employee with a detailed written statement of the charges upon which his or her dismissal or refusal of re-election is based together with a written notice signed by the president and attested by the secretary of the board of school directors of a time and place when and where such professional employee will be given an opportunity to be heard either in person or by counsel or both before the board of school directors (or board of public education) Such hearing shall be not sooner than ten (10) days nor later than fifteen (15) days after such written notice At such hearing all testimony offered including that of complainants and their witnesses as well as that of the accused professional employee and his or her witnesses shall be recorded by a competent disinterested public stenographer whose services shall be furnished by the school district at its expense Any such hearing may be postponed continued or adjourned by agreement by the persons charged and the board of school directors (or board of public education)

(e) The board shall have power to issue subpoenas requiring the attendance of witnesses at any hearing and shall do so at the requisition of the party against whom a complaint is made If any person shall refuse to appear and testify in answer to any subpoena issued by the board any party interested may petition the court of common pleas of the county setting forth the facts which court shall thereupon issue its subpoena commanding such person to appear before it there to testify as to the matters being inquired into Any person refusing to testify before the court shall be held for contempt All testimony at any hearing shall be taken under oath and any member of the board of school directors (or board of public education shall have power to administer oaths to such witnesses

(f) After fully hearing the charges or complaints and hearing all witnesses produced by the board and the person against whom the charges are pending and after full impartial and unbiased consideration thereof the board of school directors (or board of public education) shall by a two thirds vote of all the members thereof to be recorded by roll call determine whether or not such charges or complaints have been sustained and whether the evidence substantiates such charges and complaints in accordance with such determination shall discharge demote or refuse to re-elect or retain such professional employee or shall dismiss the complaint

(g) No member of any board of school directors (or board of public education) shall vote on any roll call if he is related as father mother brother sister husband wife son daughter stepson stepdaughter grandchild nephew niece first cousin sister-in-law brother-in-law uncle or aunt to the professional employe involved or to any of the parties instituting the complaint

(h) A written notice of any decision of the board of school directors (or board of public education) discharging or refusing to re-elect a professional employee shall be sent by registered mail to such professional employee at his or her last known address within ten (10) days after such hearing is actually concluded

(i) In all cases where the final decision is in favor of the professional employee the charges made shall be physically expunged from the records of the board of school directors (or board of public education) and in all cases there shall be no abatement of salary or compensation but a complete official transcript of the records of the hearing shall be delivered to the one against whom the charges were made

(j) In case the professional employee concerned considers him or herself aggrieved by the action of the board of school directors (or board of public education) an appeal by petition setting forth the grounds for such appeal may be taken to court of common pleas of the county wherein the school district concerned is situate Such appeal shall be filed within thirty (30) days of receipt by registered mail of the written notice of the decision of the board and a copy of such appeal shall be served by registered mail on the secretary of the school board (or board of public education) The judge of the court of common pleas to whom such petition is presented shall fix a date for a hearing by the court which shall be not sooner than ten (10) days nor more than twenty (20) days after the presentation of such petition If the professional employe aggrieved shall so request in his petition such hearing shall be de novo Upon the hearing of said petition the court shall make whatever order it considers just either affirming or reversing the action of the board of school directors and stating plainly whether the professional employe is to be discharged refused reelection or is to be retained

On the question,

Will the Committee agree to the section?

Mr. TURNER. Mr. Chairman, I desire to offer the following amendments.

The CHAIRMAN. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 2 (sec. 1205) page 5, line 28, by inserting after the word "shall" the following: "except as hereinafter otherwise provided"

Amend sec. 2 (sec. 1205), page 6, line 10, by inserting after the word "causes" the following: "Provided, however, That any such contract of a professional employe may be terminated without a hearing as hereinafter provided at the discretion of the board of school directors or board of public education, in any case where the professional employe is not a citizen of the United States"

On the question,

Will the Committee agree to the amendments?

Mr. HERBERT B. COHEN. Mr. Chairman and members of the Committee, I gather from the amendments that have just been submitted by the gentleman from Delaware that the attempt is to have the teachers of our school system dismissed immediately if it is determined they are not citizens of the United States. I might say that up to the present time our present Edmonds Act does not have this requirement. I might further say that only within the past two days I was consulted relative to the insertion of such an amendment, and it was decided that the proper place for such an amendment is in the school code and not in a tenure act. I had this conversation with the Superintendent of Public Instruction, and I personally feel that the question of citizenship is not a question of tenure. That should be a question as to whether or not a teacher should be allowed into the teaching profession of the Commonwealth at its inception and not as a means of dismissal. If that requirement is placed in the Edmonds Act and the teacher does not have the quali-

fications to be a teacher she cannot continue in her work. I will ask the members of this Committee to vote these amendments down, and I again assure the members of this Committee that we will be only too glad to amend the Edmonds Act, the school code, to take care of that pertinent provision.

Mr. TURNER. Mr. Chairman and members of the Committee, I am very pleased that the gentleman from York has stated that he is willing to support an amendment to the Edmonds Act to this effect, that the teachers in the public schools shall be citizens of the United States. There is perhaps one exception to that, and that is that there might be exchange teachers who naturally might not be citizens of the United States. But I do not see that that entirely covers the situation. What we are confronted with here is a tenure bill. This does not say that all of the teachers who are not citizens of the United States shall be dismissed immediately. It merely states that teachers not citizens of the United States shall not have the protection of this act. I think that is as it should be. I think that the members of this Committee who will carefully think of it, must agree that we must today, in view of the world-wide situation, in view of the situation in this country, protect the children in our schools and protect our schools. There are thousands of young men and women who are qualified to teach in our schools but who cannot secure positions because there are no positions open for them. Therefore, why should we hold those positions open for people who are not citizens of this country. I ask that this amendment be adopted.

On the question recurring,

Will the Committee agree to the amendments?

The yeas and nays were required by Mr. TURNER and Mr. WOODSIDE and were as follows:

YEAS—43

Boose,	Kane,	Royer,	Turner,
Boyer,	Kline,	Schrock,	VanAllsburg,
Cadwalader,	LaRue,	Simpson,	Wall,
Chervenak,	Leisey,	Sloan,	Watkins,
Davies,	Longaker,	Snyder,	Webster,
Eckels,	Lyons,	Sollenberger,	Weidemann,
Flinchbaugh,	Matthews, J. F.,	Sproul,	Wilson,
Habbyshaw,	McKinney,	Stewart,	Wood,
Hall,	Moomaw,	Stockham,	Woodside,
Huntley,	Muir,	Strode,	Yeakel,
Imbrie,	Perry,	Trout,	

NAYS—123

Achterman,	Dyson,	McFall,	Schaffer,
Alexander,	Elpern,	McGee,	Shaw,
Arnold,	Falkenstein,	McShane,	Shea,
Aukerman,	Finnerty,	Melchiorre,	Shepard,
Baine,	Fitch,	Mellott,	Shoemaker,
Baker, J. J.,	Flanagan,	Mihm,	Siegel,
Balthaser,	Flannery,	Mooney,	Simon,
Bierly,	Ganser,	Moran,	Skale,
Blank,	Haberlen,	Munley,	Smith, James A.,
Bohn,	Hagerty,	Murrin,	Smith, John A.,
Boltz,	Hamilton, F. P.,	O'Connor,	Spengler,
Bradley,	Harkins,	O'Keefe,	Stank,
Brancato,	Hays,	Ominsky,	Thomas,
Brigerman,	Hering,	O'Neill,	Thompson,
Broad,	Hess,	Ostroff,	Tronzo,
Brown,	Hindman,	Patterson, W.,	Tumelty,
Brownfield,	Hirsch,	Pearson,	Valibus,
Burrows,	Holland,	Pershing,	Vogt,
Caputo,	Holmes,	Piole,	Wagner,
Coakley,	Holstrom,	Powers,	Walsh,
Cohen, H. B.,	Hontz,	Preston,	Weiss, D. H.,
Cohen, R. E.,	Horting,	Readinger,	Weiss, S. A.,
Coleman,	Jirolanio,	Reese,	Welliver,
Coolahan,	Keenan,	Reising,	Welsh,
Corrigan,	Kelso,	Richter,	Whalen,
Costanzo,	Lewis,	Robinson,	Whitenight,
Decker,	Long,	Rothenberger,	Wright,
DeNote,	Lopresti,	Rush,	Yanoshat,
Dickinson,	Marino,	Sarraf,	Yourishin,
Donohoe,	Matthews, H. T.,	Scanlon,	Zappala,
Dougherty,	McCullough,	Schor,	Furman,
Dubbs,	McElroy,		

So the question was determined in the negative and the amendments were not agreed to.

On the question, recurring,

Will the Committee agree to the section?

Mr. TURNER. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 2 (sec. 1205), page 6, line 9, by inserting after the word "employe" the following: "editious teaching"

On the question,

Will the Committee agree to the amendment?

Mr. TURNER. Mr. Chairman and members of the committee, this amendment adds but two words to the reasons for the termination of a contract, that is "seditious teaching." I do not know whether there is anyone in this House who feels more strongly on the question of freedom of speech, nor who is more tolerant of the discussion of the forms of government, or of the theories of political economy than I am myself. I have five youngsters and I have had three of them in the public schools of Pennsylvania and I am a graduate of the public school system myself. I am perfectly willing that in the classroom I want my children to know all about other forms of government; I want them to know about progressive theories of government; I want them to know what is the background and the history of our government and the background and the history of other governments. I feel that no one can appreciate and understand this government of ours without knowing the history that preceded it and the history of other governments and of other forms of government. But in this day and at this time when there is abroad in this land of ours so much aggitation, when there is in this country so much that is not sincere aggitation for the improvement of our form of government, but aggitation for the overthrow of our form of government. When we have speeches made not only in our cities but in the Halls of Congress of the United States, of organizations that are supplying money and literature and propaganda in order to destroy our form of government, not to improve it, not to make changes in the machinery that may be necessary, but to absolutely destroy our idea of government that our forefathers laid down,—I want to say to you that as far as I am concerned I am willing to infringe somewhat upon the freedom of speech of some of these people, if that be necessary, in order that we may not here have people who are undermining, boring and sapping into this Government of ours, and into our schools, in order to teach doctrines that are subservive to our Democratic form of government that we have under our Constitution.

Therefore, I think that we should lean over backwards in this instance. I realize there may be danger; I realize that teachers may be teaching about different forms of govrnment and they may be charged with sedition, but I realize on the other hand that we now and here ought

to serve notice that henceforth, here at least in the Commonwealth of Pennsylvania, we are not going to have sedition taught, we are not going to have alien forms of government and propaganda put out which will have for its sole intent and purpose instilling into the minds of our youth of America the thought of destroying their belief in this Government of ours, this great Constitution of ours under which we have grown to be the greatest and most powerful nation on this globe. We have given to the peoples of the earth an example that others have sought to follow; we have raised the standard of living beyond that ever known in any other time in the history of the world; we have given to the ordinary man far more advantages than he ever has had. Certainly we cannot now sit idly by and let the heritage which we ought to pass to our children be destroyed by people who for their purpose merely to go into our schools and to get before our children doctrines that are not consistent with our government, and I ask you to vote for this amendment.

Mr. BROWNFIELD. Mr. Chairman and members of the Committee, when we get into the proposition of tenure there are a thousand and one little things we might bring up in relation to it. I do not call this a little thing, which the gentleman from Delaware has offered. Certainly there could be nothing worse than teaching of what is defined to be sedition. It is one of the things that we can add. We might pick out five hundred things perhaps not so strong as this, but there are many things that we might add to that list of enumerated causes for dismissals. We feel that incompetency certainly covers this situation. You and everyone else in the State would not hesitate to say that a teacher is incompetent if she would teach sedition or if he would teach sedition. Therefore, since we feel that this is entirely covered in that particular word in the enumeration of causes I ask you to vote "no" on this amendment.

Mr. TURNER. Mr. Chairman and members of the committee, if any provision in the bill provides for incompetency as a reason and it does, if incompetency would include seditious teaching, then it seems to me there is no reason why we should not definitely define it. Why should we leave it to somebody who will interpret that question of competency. I know of a college in the state of Pennsylvania where there are a lot of teachers, whom I think, under almost any term would in the State of Pennsylvania where there are a lot of heretics so far as teaching subjects regarding the government of the United States is concerned. I would not have a child of mine enter that college because I believe their opinions, their ideas, their ideals and their aims are absolutely opposed to the American form of government. They are competent as far as teaching is concerned; they are competnt to teach Communism, they are competent to teach almost anything else; they hold all kinds of college degrees, but on this subject they are not in my mind teaching that which we have a right to demand. Why should we in the government of the United States, why should we in the Commonwealth of Pennsylvania, pay out to the public schools for salaries of teachers some sixty-five million dollars in a two-year period; why should the local taxpayer be paying out thousands of dollars to teachers? We are here sworn to uphold and defend the Constitution. Every other public officer is sworn to defend and uphold the Constitution. Why should we therefore allow teachers who receive remuneration from the taxpayers of the Commonwealth teach things that ar destructive of our form of government. Therefore, if incompetency does cover it, we should have no hesitancy in going farther and defining it.

Mr. BROWN. Mr. Chairman, I would like to interrogate the gentleman from Delaware, Mr. Turner.

The CHAIRMAN. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I will, Mr. Chairman.

Mr. BROWN. Mr. Chairman, I would like to ask the gentleman from Delaware if we do not have an act in the Commonwealth of Pennsylvania making sedition a crime.

Mr. TURNER. We do, Mr. Chairman.

Mr. BROWN. Mr. Chairman, I would like to ask the gentleman further whether or not in his opinion as an astute lawyer, which I know he is, it would be better to leave the question of sedition to the courts rather than to an Administrative board.

Mr. TURNER. Mr. Chairman, I think that might be true under certain circumstances but we have this problem to face: the question the courts is going to determine will be dependent to a great extent upon the action of the person bringing the charges against that party. In the second place I am not clear in my own mind as to whether the act in Pennsylvania goes that far, because, as I understand it there must be some overt act, such as standing out on the corner and trying to incite people to overthrow the government, which is one thing; but this is teaching, it is not inciting.

Mr. BROWN. Mr. Chairman, do I understand the gentleman from Delaware to mean that in his opinion the sedition act does not cover this point because in his opinion he thinks the sedition act means there must be an overt act.

Mr. TURNER. I think that is in the act, an overt act It consists of somebody standing on a soap box and trying to tell some people to go out and overthrow the government. Teaching is something else from telling some one to actually go out and do it. There is a difference in degree.

Mr. BROWN. Mr. Chairman, I am very interested to know just what the gentleman from Delaware means when he says sedition is a question of degree.

Mr. TURNER. Mr. Chairman, I did not say that. I said that the sedition you are talking about under the act, I thought there was a difference of degree in teaching sedition and the actual standing out and telling people to overthrow the government.

Mr. BROWN. Mr. Chairman, does not the gentleman from Delaware agree with me, that teaching sedition, uttering seditious statements or otherwise in public schools would be inditible under the present law of the Commonwealth of Pennsylvania as much as teaching and uttering seditious statements on the public highways?

Mr. TURNER. Mr. Chairman, I would say, that depends entirely upon the facts of the case. That has been my own experience in Delaware County.

Mr. HERBERT B. COHEN. Mr. Chairman and members of the Committee, I wish to call to the attention of the members of the Committee the facts brought out by the astute and scholarly interrogation of the gentle-

man from Allegheny. To clutter up the tenure bill with a lot of possibilities of indictable offenses or criminal offenses, whether they be seditious or criminal or embezzlement or what not, would run this tenure act through the entire course of the criminal statutes. I think we have already apropriated, or the previous session has appropriated money to the Attorney-General's office to codify our criminal laws, and to attempt to do that in a tenure bill is something that would be insurmountable. I would suggest to the gentleman from Delaware and I would suggest to the members of the Committee that this bill merely goes to the problem of safeguarding the teachers in their present positions; this bill only goes to that. Any other violation of the acts, any other ideas that do not pertain to that particular phase, have no place whatsoever in this bill. I say to the Committee that they should vote this amendment down.

Mr. TURNER. Mr. Chairman and members of the committee, I do not know why the feelings of the gentleman from York or anybody else should be so tender about what we put in this bill. He says we are creating a bill to take care of the teachers. That is true. But the teachers are asking for something, not the teachers individually, but the general public and those sponsoring the bill are asking something in the nature of a special privilege for the teachers, something that the rest of us do not have. The teacher is a public employe; the teacher is paid out of public funds, and I cannot conceive of any reason why we should not put into this bill every possible safeguard. If we are trying to safeguard the teacher, we have a higher right and certainly a greater duty to safeguard the children in our public schools and to safeguard our country, and to turn it aside on a mere pretense that there is already on the statute books an act which makes sedition an indictable crime, and to say therefore we should not put it into the act, does not to me seem logical. It seems to me that there is every reason why we should put it into the act. If the teacher can be taken from a school for seditious teaching, if the teacher can be indicted for seditious teaching, then there can be no reason why we should not frankly and honestly stand here and say we are in favor of writing into the bill what we believe. And if we believe that we would not be trying to find reasons and excuses to take it out of the bill.

Mr. HERBERT B. COHEN. Mr. Chairman, I would like to interrogate the gentleman from Delaware, Mr. Turner.

Mr. CHAIRMAN. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I will, Mr. Chairman.

Mr. HERBERT B. COHEN. Mr. Chairman, I desire to ask the gentleman from Delaware whether in his interpretation of the bill as presently drawn an individual who committed larceny would be susceptible to discharge from the public school system?

Mr. TURNER. That is my understanding, Mr. Chairman.

Mr. HERBERT B. COHEN. Is that the gentleman's understanding, Mr. Chairman?

Mr. TURNER. Yes, Mr. Chairman.

Mr. HERBERT B. COHEN. Mr. Chairman, may I ask the gentleman from Delaware whether or not an individual who was convicted of larceny after indictment, of course, is susceptible to dismissal from the public school system?

Mr. TURNER. I should think so, Mr. Chairman.

Mr. HERBERT B. COHEN. And, Mr. Chairman, would an individual who had ben indicted for embezzlement and convicted be subject to dismissal from the public school system?

Mr. TURNER. I should think so, Mr. Chairman.

Mr. HERBERT B. COHEN. And, Mr. Chairman, would an individual who had been indicted and convicted of assault and battery be susceptible for dismissal from the public school system?

Mr. TURNER. Yes, Mr. Chairman, going on down the line.

Mr. HERBERT B. COHEN. Mr. Chairman, may I inquire from the gentleman from Delaware if he has amendments to this bill covering those crimes?

Mr. TURNER. I have not, Mr. Chairman.

Mr. WILSON. Mr. Chairman, and members of the committee, it is not my purpose to take up much of the time of this Committee. I merely want to call attention to the fact that those who are opposing the amendment that has been offered by Mr. Turner seem to want to take the position that a teacher who is accused or may be accused of sedition, before he or she may be dismissed, would have to be prosecuted and convicted in the courts of this Commonwealth. If that is the position, it is only fair to put that on record and to give them an opportunity now to say "yes" or "no" to that proposition.

The yeas and nays were required by Mr. TURNER and Mr. LONGAKER.

Mr. TURNER. Mr. Chairman, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—41

Boose,	Kline,	Schumacher,	Turner,
Boyer,	Leisey,	Simpson,	VanAllsburg,
Cadwalader,	Longaker,	Sloan,	Wall,
Chervenak,	Lyons,	Snyder,	Watkins,
Davies,	Matthews, J. F.,	Sollenberger,	Webster,
Eckels,	McKinney,	Sproul,	Weidemann,
Habbyshaw,	Muir,	Stewart,	Wilson,
Hall,	Perry,	Stockham,	Wood,
Huntley,	Royer,	Strode,	Woodside,
Imbrie,	Schrock,	Trout,	Yeakel,
Kane,			

NAYS—122

Achterman,	Dougherty,	McFall,	Schrope,
Alexander,	Dubbs,	McGee,	Shea,
Arnold,	Dyson,	McShane,	Shepard,
Aukerman,	Finnerty,	Melchiorre,	Shoemaker,
Baine,	Fitch,	Mellott,	Siegel,
Baker, J. J.,	Flanagan,	Mihm,	Simon,
Balthaser,	Flannery,	Mooney,	Skale,
Bierly,	Flinchbaugh,	Moran,	Smith, James A.,
Blank,	Ganser,	Munley,	Spengler,
Bohn,	Hagerty,	Murrin,	Stank,
Boltz,	Hamilton, F. P.,	O'Brien,	Thomas,
Bradley,	Harkins,	O'Connor,	Thompson,
Brancato,	Hering,	O'Keefe,	Tronzo,
Brigerman,	Hess,	Ominsky,	Tumelty,
Broad,	Hindman,	Ostroff,	Vallbus,
Brown,	Hirsch,	Patterson, S.,	Vogt,
Brownfield,	Holland,	Patterson, W.,	Wagner,
Burrows,	Holmes,	Pearson,	Walsh,
Caesar,	Holstrom,	Pershing,	Weiss, D. H.,
Caputo,	Hontz,	Piole,	Weiss, S. A.,
Coakley,	Horting,	Powers,	Welliver,
Cohen, H. B.,	Keenan,	Preston,	Welsh,
Cohen, R. E.,	LaRue,	Readinger,	Westrick,
Coleman,	Lewis,	Reese,	Whalen,

Coolahan,	Long,	Robinson,	Whitenight,
Corrigan,	Lopresti,	Rothenberger,	Wright,
Costanzo,	Marino,	Rush,	Yanoshat,
Decker,	Matthews, H. T.,	Sarraf,	Yourishin,
DeNote,	McCullough,	Scanlon,	Zappala,
Dickinson,	McDermott,	Schor,	Furman,
Donohoe,	McElroy,		

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the committee agree to the section?

Mr. VAN ALLSBURG. Mr. Chairman, I desire to offer the following amendment.

The Chairman. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 2 (section 1205), page 6, line 10, by inserting after the word "causes" the following: "Provided, That in all school districts the board of school directors (or board of public education) may dismiss a professional employe who has reached the full age of sixty-two years and is eligible to retire from service, without appeal, upon a finding by the board that the best interest of the school district will be served by such retirement at the close of the school term. A written notice of such finding shall be served upon the professional employe involved at least sixty days before the end of the school term in question."

On the question,

Will the Committee agree to the amendment?

Mr. VAN ALLSBURG. Mr. Chairman and members of the Committee, this is a very simple amendment. I wish to repeat the essence of it so that we may have a perfect undrstanding of it. This amendment provides "that in all school districts the board of school directors (or Board of Education) may dismiss a professional employe who has reached the full age of sixty-two years and is eligible to retire from service, without appeal, upon a finding by the board that the best interest of the school district will be served by such retirement." It also provides that a written notice of such finding shall be served upon the teacher at least sixty days before the end of the term in question. Now briefly, it is a well known fact among school men that altogether too many teachers, we find, decline in efficiency and ability as teachers because of advancing years through no fault of their own. What we need today, what we suggest to you is to lower the retirement age. But at the present time gentlemen we have no way of removing such teachers until they are seventy years of age. What you are doing, if you enact this bill into law, it will mean that a teacher will teach from the day she gets out of normal college, providing she is not removed for other causes set forth in the bill; he or she will remain there until seventy years of age. I tell you, men, it is not fair to the boys and girls of the State. If you want to remodel your retirement law, do so, but in the meantime let us put this amendment into our law right where it belongs and protect the best interests of the boys and girls of the state. Now, the steam-roller seems to be working pretty smoothly, but haven't you a heart for the good of the school? I am for teachers' tenure just as much as you are. I happen to have spent eighteen years of my life in public school work and I believe I am as well qualified to speak upon this subject as most of you, and perhaps better qualified than some of you. Furthermore, some of the members seem bent upon protecting the teacher without considering the effect of an unwise provision upon the boys and girls of the State. You are injuring their educational opportunity. I believe that what I am asking for is reasonable, and I ask you to support it affirmatively.

Mr. HERBERT B. COHEN. Mr. Chairman, I would like to interrogate the gentleman from Erie, Mr. Van Allsburg.

The CHAIRMAN. Will the gentleman from Erie permit himself to be interrogated?

Mr. VAN ALLSBURG. I will, Mr. Chairman.

Mr. HERBERT B. COHEN. Mr. Chairman, while it is a matter of record in this House I desire to ask the gentleman how he voted on the resolution to endorse President Roosevelt's Supreme Court resolution for the retirement of judges or supplementing judges after they reach the age of seventy years?

Mr. VAN ALLSBURG. Mr. Chairman, I will answer the gentleman's question providing he will give me the privilege of explaining why I voted as I did.

The CHAIRMAN. The gentleman will proceed if he desires to answer the question.

Mr. VAN ALLSBURG. Mr. Chairman, as I recall it, I voted "no" on the resolution, and I did so not that I was not in favor of what the President of the United States wished to accomplish, but I object to the manner in which he was trying to arrive at it.

Mr. HERBERT B. COHEN. Mr. Chairman and members of the Committee, I might say that I object to the manner in which the gentleman from Erie seeks to amend this act. There is no necessity to force that particular retirement upon the school teachers, because on page six of the act, line 5, it very definitely states that incompetency is one of the causes of dismissal. If a qualified school teacher arrives at the age of sixty-two and is incompetent, he or she is susceptible of dismissal without any further action on the part of any one or any further amendment in this particular tenure act. The purpose that the gentleman seeks to accomplish has already been accomplished in this act, and I particularly object to the method in which he seeks to accomplish what he does seek to accomplish, and I ask the members of the Committee to vote no on this amendment.

Mr. BROWNFIELD. Mr. Chairman and members of the Committee, I must confess I am tremendously surprised with this amendment coming from Mr. Van Allsburg. I have a great deal of respect for Mr. Van Allsburg, having served here two sessions with him. I do not believe there is a harder worker or a finer gentleman in the House than Mr. Van Allsburg yet his great heart would tell me that he is beyond sixty-two years of age, and I do not know why he would introduce this amendment, for I know that he is serving and serving well in this House. The teachers' retirement system has long thought it inadvisable to reduce the compulsary age to sixty-two years. They have several reasons for this. One, I suppose, that they consider there are many wonderful teachers in this State who have passed this age and whom they do not like to take out of service. Another reason is that sixty-two years is a pretty low retirement age upon compulsion. We know that. It is a very low retirement age considering the amount of money available in any system from which we have to pay those who retire. There isn't a sounder thing in the State, I do not believe, or in the country for that matter, than the teachers' retirement fund. We have no business tampering with it in

this act or in any other particular bill at this time that we might introduce. I have that much faith in the wonderful system that has been built up for the teachers of this State. I would ask you therefore, members of the Committee, not to consider this amendment. The finest teachers that I have ever gone to school with years ago I believe were a little past this age. I do not know that I would go beyond seventy. I do think that is a fine period from sixty to seventy, and certainly we ought not to tamper with that period of life in this particular bill.

On the question recurring,

Will the Committee agree to the amendment?

The yeas and nays were required by Mr. HERBERT B. COHEN and Mr. WOODSIDE.

Mr. FLANNERY. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—39

Boose,	Leisey,	Simpson,	VanAllsburg,
Boyer,	Longaker,	Sloan,	Wall,
Cadwalader,	Lovett,	Snyder,	Watkins,
Chervenak,	Lyons,	Sollenberger,	Webster,
Davies,	Matthews, J. F.,	Sproul,	Weidemann,
Hall,	Muir,	Stewart,	Wilson,
Huntley,	Perry,	Stockham,	Wood,
Imbrie,	Royer,	Strode,	Woodside,
Kane,	Schrock,	Trout,	Yeakel,
Kline,	Schumacher,	Turner,	

NAYS—127

Achterman,	Elpern,	McGee,	Schrope,
Alexander,	Falkenstein,	McKinney,	Shea,
Aukerman,	Finnerty,	McShane,	Shepard,
Baine,	Fitch,	Melchiorre,	Shoemaker,
Baker, J. J.,	Flannery,	Mellott,	Siegel,
Balthaser,	Ganser,	Mihm,	Simon,
Bierly,	Haberlen,	Mooney,	Skale,
Blank,	Hagerty,	Moran,	Smith, James A.,
Bohn,	Hamilton, F. P.,	Munley,	Smith, John A.,
Boltz,	Harkins,	Murrin,	Spengler,
Bradley,	Hays,	O'Brien,	Stank,
Brancato,	Hering,	O'Connor,	Thomas,
Brigerman,	Hess,	O'Keefe,	Thompson,
Broad,	Hindman,	Ominsky,	Tronzo,
Brown,	Hirsch,	O'Neill,	Tumelty,
Brownfield,	Holland,	Ostroff,	Vallbus,
Burrows,	Holmes,	Patterson, S.,	Vogt,
Caesar,	Holstrom,	Patterson, W.,	Wagner,
Caputo,	Hontz,	Pearson,	Walsh,
Cohen, H. B.,	Horting,	Pershing,	Weiss, D. H.,
Cohen, R. E.,	Jirolanio,	Piole,	Weiss, S. A.,
Coleman,	Keenan,	Powers,	Welliver,
Coolahan,	LaRue,	Preston,	Welsh,
Corrigan,	Lewis,	Readinger,	Westrick,
Costanzo,	Long,	Reese,	Whalen,
Decker,	Lopresti,	Richter,	Whitenight,
DeNote,	Marino,	Robinson,	Wright,
Dickinson,	Matthews, H. T.,	Rothenberger,	Yanoshat,
Donohoe,	McCullough,	Rush,	Yourishin,
Dougherty,	McDermott,	Sarraf,	Zappala,
Dubbs,	McElroy,	Scanlon,	Furman,
Dyson,	McFall,	Schor,	

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the Committee agree to the section?

Mr. WOODSIDE. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 2 (sec. 1205), page 6, line 17, by inserting after the word "seventy" the following: "Any board of school directors or board of public education may, by general rule or at its discretion, terminate the contracts of female professional employes upon the marriage of such employe. In such case, the contract or contracts may be terminated at the end of the school term, during which the employe is married, or at the beginning of the next school term' if such employe is married during the vacation period."

On the question,

Will the Committee agree to the amendment?

Mr. WOODSIDE. Mr. Chairman and members of the Committee, there are a number of school districts in Pennsylvania which employ married teachers. There are also a number of school districts in Pennsylvania which make it a rule not to employ married teachers. I think that these districts which employ married teachers should be allowed to continue to employ them and I think that those married teachers in those districts should have tenure. I think that those districts which do not employ married teachers, however, should have the right to continue that rule not to employ married teachers. That is exactly what this amendment does. The question of whether or not married people should be employed does not enter into the matter. Under this amendment districts may employ married teachers; they can continue teachers who have become married during their term or during their employment.

Mr. Chairman and members of the Committee, I think from the fact that there are so many districts which make it a rule not to employ married teachers, and also so many districts that make it a rule to employ married teachers, it is evident that this is a question concerning which there could be considerable debate. I do not propose to go into that debate because I do not think that is the business of this Legislature to dictate to a local district whether or not it is going to employ married teachers or whether or not it is going to keep teachers who married while they were in its employ. This amendment does not take away from married teachers the tenure which they have. Every married teacher who is teaching in the Commonwealth of Pennsylvania, will, under this amendment, have tenure, and every district which makes it a rule not to have married teachers in their system may continue that rule. I think that this is a question concerning which there is enough doubt that it should be left to the local district, and that we as the Legislature should not came in here and say to all of the districts of the Commonwealth who now think it advisable not to employ married teachers, that hereafter you must employ married teachers and keep in your employ teachers who become married and keep them permanently. I think it is a matter that should be left to the local district to decide.

Mr. BOHN. Mr. Chairman and members of the Committee, I rise in opposition to this amendment. I do not think that we as Legislators have the right to say that married women should not be hired and that single women shall. I do not think that we have the right to say that if a married woman is a good teacher that that school should have no right to hire her. Another thing, if the gentleman from Dauphin is so interested in legislating against married women I would suggest that he have the Senate prepare a bill to that effect and have it introduced in the Senate. Therefore, Mr. Chairman and members of the Committee, I ask you to vote down this amendment.

Mr. WOODSIDE. Mr. Chairman and members of the Committee, I think that the gentleman who has just spoken either must agree with me or else he has entirely misunderstood what I have said, and has misunderstood my amendment. I haven't said one word in the amendment or here on the floor against the employment of married teachers. That is not the question that is before us. The question before us is this: Will we permit those districts which now have a rule against the employment of married teachers to decide themselves whether they want married teachers? That is the purpose of this amendment This amendment protects the married teachers who are now holding jobs; it protects the married teachers in those districts in which they employ married teachers, and it protects those districts which do not desire to employ married teachers in maintaining the rule which they have established. If a teacher is teaching in a district and becomes married, and there is no immediate discharge, that is, within the year, her tenure then becomes permanent and she has employment thereafter. This is only permitting the local districts to decide this problem. That is all you are voting on.

Mr. HERBERT B. COHEN. Mr. Chairman and members of the Committee, I realize that this question involves a lot of possible local interest and also involves a lot of local communities who have already determined to prohibit the employment of a school teacher who has become married. I realize quite well that this amendment submitted by the gentleman from Dauphin would be to the effect to allow those districts who have inaugurated that particular trend to continue in the application of that discretion in the future. However, it is a question, here, for this group to determine whether or not those districts which have already decided in that manner were wise in the exercising of their duty and their official discretion. Why the marriage of a woman should make her incompetent to serve in a school district while marriage by a man will not make the man incompetent to serve as a teacher, I cannot see. I cannot see that we as a group can enact legislation which is so patently unconstitutional. I cannot see that we can classify school teachers according to their opportunity to continue in the service of their school districts according to the female teachers and the male teachers, and say to the male teachers, "Irrespective of your marriage status, you may continue," but to the female teachers upon their marriage to say, "Upon the advent of your marriage we may terminate your teacher's contract." This problem I dare say carries with it a tremendous amount of moral implication. I do not think that any individual here can possibly realize the extent of the moral implication included in that amendment. We possibly have heard that in order to circumvent the rulings of certain local school boards, and in order to continue and to supplement their income, the female teachers have not been married. I question whether we in our wisdom should allow a situation such as that to continue among the teachers of the Commonwealth of Pennsylvania. I have heard gentlemen wax very vociferous on the question of allowing our children to be taught in schools where there is a possibility of learning sedition. I say to you by allowing some of our local districts to persist in their local enactment of an unnatural law, exposes our children to far greater hazards, and I ask this amendment be voted down.

Mr. KANE. Mr. Chairman, members and the Committee and particularly my Democratic friends. I want to give you the pleasant surprise that I thoroughly agree with the sentiments expressed by your floor leader and that I am more surprised than you by the fact that he has come right out in the open and defended the matter on its merits, and did not seem to blame it on some other part of the criminal code or something else. I think he hit the nail on the head. I do not agree with the proposition that we should not allow any longer in any district in Pennsylvania a teacher to continue in her means of livelihood. I have three children going to school. I do not know whether their mother is less competent to teach them now than she was before she got married. My mother was a teacher. I have two sisters who are teachers, who are married, and I would say they are more competent to teach now than they were before they went through that remarkable experience of marrying a man. I want to say further that the more normally your children are brought up the better for you.

I think the more married teachers you have teaching your children the better for you and for them. I would like to see the State enact this portion of the law as it is written because I firmly believe one of the reasons we have the Legislature is to pass wise laws and prevent various districts from exercising their prejudices on matters of this sort. I, therefore, ask the members of the committee to vote down this amendment.

Mr. TURNER. Mr. Chairman and members of the committee, the turn that this argument has taken in the debate by the last two speakers, reminds me of the old Irish woman who lost her husband. Her friends went around to commiserate with her. They said, "Mrs. Flaherty it is a shame that he didn't live, the wonderful man he was." She said, "Yes, it is terrible because he was a wonderful man. Every Friday night he would bring his pay envelope home and put it on the table in front of me, not that there was a damn thing in it, it was the spirit of the thing."

Now the gentleman from York doesn't often miss the point and I don't believe that he missed the point here at all. He is just trying, in his usual and vigorous way, to becloud the issue. I do not mind that coming from the other side, but when he gets one of my colleagues all befuddled on it and gets him around to a point where he thinks that his family and his children are being invaded, I do take exception. There was some remark made by the gentleman from York which I cannot reply to on the floor of the House, but if he will come to me privately I will explain it. He seems to have gotten me befuddled too.

My colleague from Dauphin county has not said a word against hiring married women. He very plainly and very clearly said so. Possibly the gentleman from York was so zealously studying the bill, trying to find out what was in it so he could debate, that he missed the point, and if the gentleman from McKean had not been quite so enthusiastic about the speech of the gentleman from York they both would have understood the proposition. There is nothing before the House that is contrary to the idea of hiring married women, and no matter how you may twist it, no matter how you say you misunderstand it, the facts are indisputable and cannot be misunderstood. There is nothing in the bill in opposition to the hiring of married women. If there were, I would go along enthusiastically

with the gentleman from McKean and the gentleman from York and the gentleman from Luzerne, all of whom seem to have become so badly muddled.

Mr. BROWNFIELD. Mr. Chairman and members of the Committee, I do not think we should end this discussion until I explain to the House why Mr. Turner was able to use the kind of word he used a little while ago. I could not repeat the word but I know why he was able to use it. A little while ago I had a page boy scour the capitol for a dictionary because I myself wanted to look up a term that I wanted to use. After a while he came back and said, "there was no dictionary in the Capitol, the only one I can find any trace of is in Mr. Turner's desk," so he possesses the only dictionary that is available and that is the reason why he was able to use that word.

The yeas and nays were required by Mr. WOODSIDE and Mr. STEWART and were as follows:

YEAS—40

Boose,	Kline,	Schrock,	Turner,
Boyer,	LaRue,	Schumacher,	Wall,
Cadwalader,	Longaker,	Simpson,	Watkins,
Chervenak,	Lyons,	Sloan,	Webster,
Davies,	Matthews, J. F.,	Snyder,	Weidemann,
Eckels,	McKinney,	Sollenberger,	Weiss, D. H.,
Habbyshaw,	Muir,	Stewart,	Wilson,
Hall,	Perry,	Stockham,	Wood,
Huntley,	Rothenberger,	Strode,	Woodside,
Imbrie,	Royer,	Trout,	Yeakel,

NAYS—118

Achterman,	Flanagan,	McShane,	Schor,
Alexander,	Flannery,	Melchiorre,	Schrope,
Aukerman,	Flinchbaugh,	Mellott,	Shea,
Baine,	Ganser,	Mihm,	Shepard,
Baker, J. J.,	Gorski,	Moomaw,	Shoemaker,
Balthaser,	Hagerty,	Mooney,	Siegel,
Bierly,	Hamilton, F. P.,	Moran,	Simon,
Blank,	Harkins,	Munley,	Skale,
Bohn,	Hays,	Murrin,	Smith, James A.,
Boies,	Hering,	O'Brien,	Smith, John A.,
Bradley,	Hess,	O'Connor,	Spengler,
Brancato,	Hindman,	O'Keefe,	Stank,
Brigerman,	Hirsch,	Ominsky,	Thomas,
Brown,	Holland,	O'Neill,	Thompson,
Brownfield,	Holmes,	Ostroff,	Tronzo,
Burrows,	Holstrom,	Patterson, S.,	Valibus,
Caputo,	Hontz,	Patterson, W.,	VanAllsburg,
Coakley,	Horting,	Pearson,	Vogt,
Cohen, H. B.,	Kane,	Pershing,	Weiss, S. A.,
Cohen, R. E.,	Keenan,	Piole,	Welliver,
Coleman,	Lewis,	Powers,	Welsh,
Coolahan,	Long,	Preston,	Westrick,
Costanzo,	Lopresti,	Readinger,	Whalen,
DeNote,	Marino,	Reese,	Whitenight,
Dickinson,	Matthews, H. T.,	Reising,	Wright,
Donohoe,	McCullough,	Richter,	Yanoshat,
Dubbs,	McDermott,	Robinson,	Yourishin,
Elpern,	McElroy,	Sarraf,	Zappala,
Falkenstein,	McFall,	Scanlon,	Furman,
Finnerty,	McGee,		

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the Committee agree to the section?

Mr. HERBERT B. COHEN. Mr. Chairman, I desire to offer the following amendments.

The CHAIRMAN. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 2 (sec. 1205), page 4, line 22, by striking out the words: "due to unpermitted absence from duty."

Amend sec. 2 (sec. 1205), page 5, line 26, by striking out with light-face brackets the following: "sixty days before the close of the school term."

Amend section 2 (sec. 1205), page 6, lines 5 and 6, by striking out with heavy faced brackets the words: "Wilful and persistent insubordination."

On the question,

Will the Committee agree to the amendments?

POINT OF INQUIRY

Mr. TURNER. Mr. Chairman, I rise to a point of inquiry.

The CHAIRMAN. Does the gentleman from Delaware desire to interrogate the sponsor of the amendment?

Mr. TURNER. Mr. Chairman, I would like to get these amendments straight if I may, so I may understand them. I think I can straighten them out quicker this way. Does the amendment start at the end of line five after the word "wilful" and take out "wilful and persistent insubordination"?

The CHAIRMAN. The gentleman is correct, it removes from the act the phrase "wilful and persistent insubordination."

Mr. TURNER. Mr. Chairman, I would like to interrogate the gentleman from York, Mr. Cohen.

The CHAIRMAN. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Chairman.

Mr. TURNER. Mr. Chairman, is this strike out because the gentleman from York feels that this reason is taken care of by other language in the act, or is it to take out that out as a reason?

Mr. HERBERT B. COHEN. Mr. Chairman, my understanding of this amendment is that this language is surplussage, that it is taken care of by other language in the act, and it is not necessary in the administration of a proper teachers' tenure act.

Mr. TURNER. Mr. Chairman and members of the Committee, this amendment which is now being stricken out is a House Committee amendment. The amendment which is now to be stricken out by the amendment offered by the gentleman from York as to "wilful and persistent subordination" is an amendment that was put into the bill by the House Committee on Education. I do not see anything else in the bill which covers the same language. The next words after those stricken out are "wilful and persistent negligence, mental derangement, persistent and wilful violation of the school laws of this Commonwealth." Certainly none of those covers the question of insubordination.

Mr. STEWART. Mr. Chairman and members of the Committee, I am the person who put them in, and we had the unanimous consent of the Committee to put them in. Why you should single out a Republican and take out that amendment I cannot understand.

Mr. BOHN. Mr. Chairman and members of the Committee, that amendment was adopted by the Committee but not by unanimous vote. The vote was twelve to fourteen. We feel that this should be stricken from the bill because it takes in too much territory and it tends to weaken the bill and put into the hands of unfair school principals, school directors and school authorities another club over the school teachers and we feel that this should be stricken from the bill. I ask this Committee to support this amendment.

Mr. WESTRICK. Mr. Chairman and members of the Committee, after due consideration on the part of the

Committee this particular amendment was inserted, and I for one want to stand by the action of that Committee. I am asking in all fairness for your consideration of this particular clause, that it remain in the bill as is. I am asking those of you who desire to be fair to stand by the action which has already taken place in the Committee. Therefore, let us vote down this amendment.

Mr. STEWART. Mr. Chairman and members of the committee, Mr. Bohn said the vote was not unanimous. I want to explain to you that when it was first voted upon they tried to figure me out, but we won by two votes. Then after that I said, "You may put the word 'wilful' in it if you wish," and a member of the Committee made the motion and another member seconded it and there was not a vote against it, so I say it was unanimous.

Mr. TURNER. Mr. Chairman, in view of the dispute upon this one amendment, may I ask that it be divided, and that the first two amendments offered by the gentleman, which have been read, one on page four and the other on page five, should be acted upon, and this amendment should be acted upon afterwards.

Mr. HERBERT B. COHEN. Mr. Chairman, I ask that the question be divided on the amendment of section two, so that the House may vote on the amendment on page four, line twenty-two, and on the amendment on page five, line twenty-six, and then a vote be taken on the amendment on page six, lines five and six.

The CHAIRMAN. If there is no objection on the part of the committee, we will submit to the Committee the first two amendments offered by the gentleman from York, Mr. Cohen. In other words, those are not the amendments that have just been discussed.

On the question recurring,

Will the Committee agree to the amendments?

They were agreed to.

On the question recurring,

Will the Committee agree to the section as amended?

The CHAIRMAN. The Clerk will read the third amendment offered by the gentleman from York, Mr. Cohen.

The amendment was read by the Clerk as follows:

Amend sec. 2 (sec. 1205), page 6, lines 5 and 6, by striking out with heavy faced bracktes the words "wilful and persistent insubordination."

On the question,

Will the Committee agree to the amendment?

Mr. BROWNFIELD. Mr. Chairman and members of the Committee, this places me in a rather peculiar position of having the Committee pass on that particular phrase yesterday, as it was explained here and that is true, and then having the amendment included in those that have been presented by the floor leader. I believe it is up to the membership of the Committee to decide this particular thing from what has been said about it. I hesitate, of course, to speak against the striking out of these words and certainly the Committee voted to put it in yesterday. However, since we are a Committee of the Whole and the entire House is a committee, I might voice my view upon that particular phrase without breaking faith with the Committee, and I think you will view it in the same manner.

The question of insubordination is about as wide as the world. I think that was the feeling when this amendment was included. I just want to mention one little thing about insubordination. When I looked at Mr. Turner's dictionary for the meaning of the word I found that it means "disobedience." There probably isn't a member in the House who can't refer back to some particular time in his life when he did something very serious from which he suffered, and he thought that he was not disobedient. Disobedience is a word that we might all ponder over. I do want to say this, when I was in the Army I met a man coming down the company street one day and he called me over and he said, "Here, what's the matter with you?" I said, "I don't know that there is anything wrong." He said, "You didn't salute me," and I said, "I saw nothing to salute, sir, if you are an officer," and that didn't help things very much,—

POINT OF ORDER

Mr. WELSH. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman from Fayette will state his point of order.

Mr. WELSH. Mr. Chairman, the gentleman, is not talking on the question before the House.

Mr. BROWNFIELD. Mr. Chairman, I am trying to explain the meaning of the word in a clear way.

The CHAIRMAN. The point of order is not well taken and the gentleman from Fayette, Mr. Brownfield, will proceed.

Mr. BROWNFIELD. Mr. Chairman, when I told him that I saw nothing to salute I did not mean any disrespect but that did not improve my status. Glowing red he said to me, "I will teach you young fellow to respect an officer," and I said, "That I saw nothing to salute, that he had on a raincoat and I saw no bars, but I had a very, very, difficult time to keep from being court-martialed by that man because I had failed to salute him when he had his bars covered. True he had on a pair of leather puttees, he had on a cap that was ordinarily classed as an officer's cap, but it so happened that the ordinance men wore leather puttees and so did some of the Y.M.C.A. men wear an officer's cap or one similar to it. That was insubordination and I have a hate of that word. I always have had, but I do not want you to accuse me of trying to take that out, I don't know anything about it, but I think it would be well for you to weigh this word because it is as wide as the ocean when you come to analyze it.

Mr. SHEPARD. Mr. Chairman and members of the Committee, when this matter was brought up in the Committee, Mr. Stewart, the gentleman from Indiana, inserted one word "insubordination." That passed by a vote of about fourteen to twelve, considering that word which is capable of so many constructions and I asked that "wilful and persistent" be added to it, in order to give it some sort of clarification. I did not find myself at that time in favor of this and I voted against it, and I think that ought to be left out of the entire section right now.

Mr. STEWART. Mr. Chairman and members of the Committee, you know if you attempted to define all the terms that are in there, immorality, incompetency and so forth you are going to have some trouble to define them. I am surprised that a man who has been in school work and who knows that there are teachers in the system who are insubordinate and who knows that there are people who are insubordinate insofar as county superintendents are concerned, that he does not know what it means. I am sure that all the persons who have ever had charge of a

school and who have had a number of teachers under them know the trouble that they make, and they are troublesome people. This is the reason I put it in, and I say to you it is easier to explain than any of the other terms in there. If it takes a judge to decide upon all these things, certainly a judge will know what it means, and I ask you to stand by your Committee and be fair about it and leave this in.

Mr. HERBERT B. COHEN. Mr. Chairman and members of the Committee, we are right at the very kernel of this bill. We have worked for weeks in order to effectuate what we think is a teachers' tenure bill, and then there have crept into the measure some insidious words which give to the individuals who in certain circumstances have been the antagonists of the teachers the opportunity to pervert the entire tenure act.

What is insubordination? Possibly a supervising principal or the principal of a school tells the teacher he should wear a silk shirt and he doesn't. That is insubordination. If the supervising principal does not like the type of shoes that the teacher wears—possibly the heels are too high or possibly they are too low—and she won't change her shoes, that is insubordination. If a teacher happens to be dressed in the modern vogue, the skirts being high as they are now, and the skirts worn by the teacher are a little bit higher than what the supervising principal thinks they should be and she doesn't lower the hem of her skirt, that is insubordination. That is the particular implication of the word insubordination, and by leaving it in the bill you are in reality saying that irrespective of what we have said in the previous pages or in the future pages of this bill it is a nullity.

Mr. Chairman, I am absolutely honest when I tell you that I do not know just what acts a teacher should be confronted with which would come within the definition so as to allow the inclusion in this act of "persistent insubordination." If you read the words that are utilized in this act, immorality, incompetence, intemperance, cruelty, negligence, mental derangement and persistent and wilful violation of the school law," you can get some very definite idea as to how they would apply in the teaching profession. But as to the problem of persistent insubordination, I cannot see how that will apply in the schoolroom. If the teacher refuses to abide by the instructions of the supervising principal relative to her school work, if she refuses to conduct her class in the manner prescribed by the school code, if the teacher refuses to adhere to the requirements of the school district relative to the school children, she can be dismissed by the terms of this act without the inclusion of the words "persistent insubordination." She is covered by the word "negligence," if she is not applying herself. I might call the attention of the membership to the fact that possibly that might be included in insubordination and make the teachers susceptible to discharge. Any act of a teacher can be construed as insubordination by an antagonistic supervising principal or some personal antagonism which has crept in between the teacher and those who are over her in authority. By that very word this entire tenure act, with which we seek to safeguard the teachers in their positions, by the inclusion of those words, the purpose of this bill would be defeated.

Let me read to you just a very short quotation of Dr. Elliot, former President of Harvard University, "The fear of losing one's job has kept education in America fifty years behind its possible improvement." I say to you men that by keeping in this act those words "persistent insubordination" you are holding back the possible improvement of our educational system another fifty years.

Mr. TURNER. Mr. Chairman, I would like to interrogate the gentleman from York, Mr. Cohen.

The CHAIRMAN. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Chairman.

Mr. TURNER. Mr. Chairman, is the gentleman in favor of keeping in a school system teachers who are wilfully and maliciously insubordinate?

Mr. HERBERT B. COHEN. Mr. Chairman, I do not know what insubordination would be in a school system. I would like to say in further answer to the interrogation that the only authority for the definition of "insubordination" that I will accept will be that contained in the new Oxford dictionary.

Mr. TURNER. Mr. Chairman, I prefer to use an American dictionary, and the Oxford dictionary would not have in it terms familiar to Americans. I am using a later edition than the Oxford dictionary, Webster's Collegiate Dictionary. "Insubordination" is defined as the quality or state of being insubordinate. Insubordinate is defined as not subordinate, disobedient and mutinous, an insubordinate person. "Insubordination" is further defined as disobedience to authority. I again ask the gentleman from York whether he is in favor of and believes that it would be to the best interest of the school system to retain teachers in any districts if they were wilfully and maliciously insubordinate.

Mr. HERBERT B. COHEN. Mr. Chairman, I would say that if the supervising principal told me he would like to see me wear a red necktie, and I would say "no," possibly under the gentleman's definition I would be insubordinate, and under the definition of this act I would be susceptible to discharge.

Mr. TURNER. Mr. Chairman, Then your only difference with this is in the fact that you are afraid that some supervising principal or some director might object to the kind of necktie you wore,—and I think under ordinary circumstances he might be justified,—or that the skirts rising with the tide or with the costume might be too short, and so forth. Therefore, you would have no objection to defining "insubordination" to be insubordination pertaining to teaching in the curriculum and to the general policies of the school and not to the simple question of attire and so forth.

Mr. HERBERT B. COHEN. Mr. Chairman, in answer to that question, if it had anything to do with the curriculum or the method of the set up of the school system or any of the matters pertaining to the conduct of the school system, I think it would be covered by another clause in the act, which pertains to the wilful violation of the school laws of this Commonwealth.

Mr. TURNER. Mr. Chairman, is there anything in the school laws of the Commonwealth pertaining to that?

Mr. HERBERT B. COHEN. As to the curriculum, Mr. Chairman?

Mr. TURNER. Mr. Chairman, is there anything in the school laws of Pennsylvania that provides for insubordination as to teaching in a certain manner or teaching in a certain way certain subjects?

Mr. HERBERT B. COHEN. Mr. Chairman, no, there is not.

Mr. TURNER. Mr. Chairman, is there anything about the conduct of the teacher in the room?

Mr. HERBERT B. COHEN. Mr. Chairman, if the teacher in the room conducts her room in a manner that is a violation of the school code, she would be susceptible to dismissal because of that fact.

Mr. TURNER. Mr. Chairman, if the school code does not provide for it, how would she be violating the law? You can not violate a law which does not exist.

Mr. HERBERT B. COHEN. Mr. Chairman, I do not understand what the gentleman from Delaware means.

Mr. TURNER. Mr. Chairman, it seems that we are both having difficulty. Maybe I should put it this way, in best Oxford English, so that you may understand. Would the gentleman be willing to amend the act as it stands instead of striking out, so that "insubordination" might be limited—that is, wilful and malicious insubordination—might be limited to the teaching?

Mr. HERBERT B. COHEN. Mr. Chairman, in answer to that, I possibly would be willing to do it but I still think it would be redundant, and that same question would be covered by the other section of the act which I have already quoted to the gentleman, namely, wilful and persistent violation of the school laws of the Commonwealth of Pennsylvania.

Mr. Chairman, may I interrogate the gentleman from Delaware and ask him what dictionary he is reading from?

The CHAIRMAN. I presume the gentleman from Delaware will answer the question.

Mr. TURNER. Mr. Chairman, does the gentleman mean whose dictionary or the author of it?

Mr. HERBERT B. COHEN. The publishers, Mr. Chairman.

Mr. TURNER. Mr. Chairman, the publishers are C. C. Merriam Company, and the dictionary is Webster's Collegiate Dictionary. I think this is the 1939 edition.

Mr. HERBERT B. COHEN. Mr. Chairman, apparently the gentleman from Delaware must feel that the "persistent insubordination" clause should be limited. He has indicated that by making an offer or some suggestion that the words "persistent insubordination" should be limited in their scope. I thought that the gentleman had in mind the thought that the word "insubordination" should be insubordination relative to matters that pertained to the instruction in the school district and the conduct of the classes, and so forth. I might call the attention of the membership of this Committee to the fact that the gentleman from Delaware admits that the utilization of these words "persistent insubordination," to extend them beyond the scope of the actual activities of the teacher in the class room would be incorrect, and if they are incorrect there is no necessity that "persistent insubordination" should be included in the act, because if a teacher does not conduct her class in the proper manner, you come right smack to the word "negligence"; if she is negligent in the manner in which she is doing her work. "Negligence," as the gentleman well knows, is a word with a termendously wide scope of interpretation, but negligence in this case would be applied to the work of the school teacher as a teacher, and not as the words "persistent insubordination" are applied in this act to whatever whim the supervisors might have in enforcing their authority upon the school district. I can only say to the members of this committee that the tacit admission of the gentleman from Delaware clearly indicates the point I have made previously to you, that to allow these words to remain in the act would nullify the act.

Mr. TROUT. Mr. Chairman, we have certainly gone far astray from the question that is before us, and I think we have failed to realize the seriousness of the bill. If I am not mistaken, the gentleman from York is a member of the Committee on Education, and this particular phrase in the bill has been argued by the gentleman from York before the Committee on Education. I have been a member of this House for the third term, and I have never been a member of a committee—I have not sat with any committee that has been as deliberate, as careful, as conscientious in its deliberations as the Committee on Education is in this House at this time. This committee has been working for several weeks on this particular bill. To my recollection the gentleman from York attended but one meeting. When this particular clause came up which was argued pro and con. This is not a political matter, it should not be—it is not a party matter. The minority Republicans are just as much interested in the public schools as the majority Democrats.

Yesterday morning the minority had an experience the like of which I also had not previously had during my membership in this House. The Chairman of the Committee on Education called a meeting for 9:30, and we were there, members of the majority and members of the minority. A little before ten o'clock the Chairman announced that there would be a caucus of the Democratic members of the Committee on Education. Just what it meant we didn't know, but I want to say for the committee here that the Republican members of the Committee on Education sat there for two hours and forty minutes waiting for the majority to come back. If we had had no interest in this bill, if we were not concerned about it, there would not have been any reason, and we would not have stood there for two hours and forty minutes waiting for their return. Now, evidently this clause was in this bill when it was passed on by the majority members of the Committee on Education, and I want to say to you men that if the anger of the supervising principal is such as was described by the gentleman from York, then I want to say to you that this tenure bill should be defeated or it should be amended so that the supervising principal is not covered by it. The idea of attempting to waste time on the floor of this body, an intelligent body, on the fact that a supervising principal would stoop to the point of saying that the heels of a lady's shoes are too high or too low! Is that the character of the men who have charge of education in Pennsylvania? Do you mean to tell me that the supervising principal will say that the lady's skirt is an inch too high or an inch too low? If that is true, then I want to say to you men that the educational system of this country is one hundred years back of the time and not only fifty as the gentleman from York says. I want to say to the members of this House and to the membrs of this Committee on Education, that the Committee on Education has weighed this carefully for hours and hours. This was put in not as a party measure, it was put in as a non-political law, believing that it will cover the situation as we know it, and I want to say to

you men that you have no right to take it out as a political matter.

Mr. STEWART. Mr. Chairman, I mentioned the names of two persons in the Committee which I should not have done, and I ask their pardon, and I wish that you would take that out and say, "A member of the Committee" and leave the names out.

The CHAIRMAN. If there are no objections the record will be corrected as the gentleman has suggested.

Mr. STEWART. I thank you, Mr. Chairman. I must say, further that the Committee knows that I have not opposed this bill, and it would leave the impression that I put this in here because I wanted to weaken the bill or oppose the bill. I can prove in this House that a certain person sat beside me on the other side of the House, and when the amendments that came from the department over here were read over, I had them all marked, and I did in one-half hour just exactly the same that the Democratic committee worked out in over two hours. And I haven't opposed the bill; I want that understood.

Mr. YOURISHIN. Mr. Chairman, I think we have gone far afield in this word "insubordination." I might tell a little experience I had when I was a boy working in a breaker. At that time we had slate pickers, and in order to save my finger tips from getting red tops, I conceived the idea of getting little leather cases put on the ends of my fingers, and of course I was fired for insubordination because I wouldn't take those leather fingertips off of my fingers while picking slate.

I believe that the School Code provides certain things that the school authorities are compelled to do. School authorities of each district prescribe rules and regulations and so forth as to what a teacher's duty is, and if that teacher fails to carry out the orders of her superiors she is neglecting her duty, and under this bill she can be fired for neglect of duty, and I cannot see the sence of putting in the word "insubordination" which covers almost anything and everything you can mention. It is only put in there to defeat the real purpose of this bill. If some principal or supervising principal doesn't like the color of the hair, doesn't like the way she dresses, he can find plenty of things to say that she was insubordinate and to defeat the real purpose of this bill. Under this bill the words negligence of duty are sufficient to cover any educational matters pertaining to teachers in the school districts.

Mr. WESTRICK. Mr. Chairman and fellow members of the House, I am indeed deeply surprised at my friend, Mr. Cohen, that he would stand before this honorable group and say to us all that a teacher might be removed because of her attire and things of that sort. Let us not forget when we are talking about persistent insubordination and wilfull insubordination that the case is to be proven before the court, and as an attorney, and one for whom we have all respect, I am surprised that Mr. Cohen would bring that before us, because he ought to have more respect for the courts than that. It seems to me he impugns the integrity of the court when he brings that thought. I would like also to have Mr. Cohen bring to us just when a teacher is incompetent and when a teacher is intemperate; if they imbibe in a glass of beer he cannot prove that they have been intemperate, neither can they prove as easily as he says before the court that a teacher has been insubordinate. The supervising principal and superintendent have authority and something to do with the operation of their school system. If your supervising principal has certain regulations to meet, it seems to me they should be respected, and it seems to me that surely those teachers have a method of going before the board in the event that the supervising principal becomes drastic in his demands.

I would like further to know whether we are following out a matter of principle when we spend hours in the committee to draft and prepare that which we have. Friends, it seems to me, if for no other reason, this amendment should be stricken out or defeated, that it is a matter of principle and that we ought to stand by the things that have been done in committee, that have been done honestly and openly and above board. That is just what has been done in this case. When a teacher is going about her duty, I am wondering if we can bring in such causes for insubordination as Mr. Cohen has spoken about? She is only there to attend to matters as a teacher. This matter of dress and shoes are not matters affecting her work as a teacher, and therefore could not be brought up under insubordination even on complaint of the supervising principal. Let us not forget after all that the court is the last resort, and as long as they have the courts they will not dare to haul a teacher before that court unless they have some just, bona fide reason for doing so. If Mr. Cohen will tell me that any of the other terms that we have included in this bill are plain, simple language, I am willing to admit then that this is vague. If any one can show me that incompetency, intemperance are easily defined, then I don't know anything about the English language. I submit as a teacher of long experience, that it seems to me that we are going beyond all bounds when we come in here at such a time like this, at such a late hour, and ask that such an amendment be inserted. I am asking you to be fair about this amendment and as a matter of principle let us vote this down with a tremendous majority.

On the question recurring.

Will the Committee agree to the amendment?

The yeas and nays were required by Mr. TURNER and Mr. WESTRICK.

Mr. TURNER. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—95

Aukerman,	Dubbs,	McGee,	Schor,
Baine,	Dyson,	McShane,	Schrope,
Baker, J. J.,	Elpern,	Melchiorre,	Shaw,
Bierly,	Finnerty,	Mihm,	Shea,
Blank,	Fitch,	Mooney,	Skale,
Bohn,	Flannery,	Moran,	Smith, John A.,
Bradley,	Flinchbaugh,	Munley,	Smith, James A.,
Brancato,	Haberlen,	Murrin,	Spengler,
Brigerman,	Hamilton, F. P.,	O'Brien,	Stank,
Broad,	Hays,	O'Keefe,	Thomas,
Brown,	Hindman,	Ominsky,	Thompson,
Caesar,	Hirsch,	O'Neill,	Tronzo,
Caputo,	Holland,	Ostroff,	Valibus,
Coakley,	Holmes,	Patterson, C. S.,	Wagner,
Cohen, H. B.,	Holstrom,	Patterson, J. W.,	Weiss, S. A.,
Cohen, R. E.,	Hontz,	Pearson,	Welliver,
Coleman,	Horting,	Pershing,	Whalen,
Coolahan,	Keenan,	Piole,	Whitenight,
Corrigan,	Lewis,	Powers,	Wright,
Costanzo,	Marino,	Preston,	Yanoshat,
Decker,	Matthews, H. T.,	Reese,	Yourishin,
Dickinson,	McCullough,	Reising,	Zappala,

Donohoe,	McDermott,	Robinson,	Furman,
Dougherty,	McElroy,	Sarraf,	

NAYS—71

Achterman,	Hess,	O'Connor,	Stockham,
Alexander,	Huntley,	Perry,	Strode,
Balthaser,	Imbrie,	Readinger,	Trout,
Boltz,	Jirolanio,	Richter,	Tumelty,
Boose,	Kane,	Rothenberger,	Turner,
Boyer,	Kelso,	Royer,	VanAllsburg,
Cadwalader,	Kline,	Scanlon,	VanSickle,
Chervenak,	LaRue,	Schrock,	Watkins,
Davies,	Leisey,	Schumacher,	Webster,
DeNote,	Longaker,	Shoemaker,	Weidemann,
Eckels,	Lopresti,	Siegel,	Weiss, D. H.,
Falkenstein,	Lovett,	Simon,	Welsh,
Ganser,	Lyons,	Simpson,	Westrick,
Gorski,	Matthews, J. F.,	Sloan,	Wilson,
Habbyshaw,	McKinney,	Snyder,	Wood,
Hagerty,	Moomaw,	Sollenberger,	Woodside,
Hall,	Moul,	Sproul,	Yeakel,
Harkins,	Muir,	Stewart,	

So the question was determined in the affirmative and the amendment was agreed to.

Mr. BROWNFIELD. Mr. Chairman, I am very much in favor of taking this vicious word from the bill as I have indicated, but since the committee's action put it there I ask not to be recorded.

(During the cerification of the negative roll)

Mr. JOHN A. SMITH. Mr. Speaker, I desire to be recorded as voting "aye."

The SPEAKER. The gentleman is not recorded as having voted, and the affirmative roll has been verified.

Mr. HERBERT B. COHEN. Mr. Chairman, I ask unanimous consent of the House so that the gentleman from Cumberland may record his vote.

Mr. TURNER. Mr. Chairman, before objecting to that I would like to have some information, if I may get it by interrogation.

The CHAIRMAN. Will the gentleman from Cumberland, Mr. Smith, permit himself to be interrogated?

Mr. JOHN A. SMITH. I will, Mr. Chairman.

Mr. TURNER. Was the gentleman from Cumberland in the Hall of the House when the roll was called?

Mr. SMITH. Yes, and voted Mr. Chairman.

Mr. TURNER. Mr. Chairman, much as I dislike it, sir, I am going to object to the recording of the vote of the gentleman from Cumberland, because I was watching the roll very carefully. I heard his name called and I didn't hear his vote.

Mr. HERBERT B. COHEN. Mr. Chairman, I feel sure that the gentleman from Delaware will withdraw his objections when he learns that the gentleman from Cumberland, like myself, is suffering from a very bad cold and his inability to make himself heard was due to his ailment. I ask unanimous consent, Mr. Chairman, that the gentleman from Cumberland be permitted to record his vote on the affirmative roll.

The CHAIRMAN. Does the gentleman from Delaware insist upon his objection?

Mr. TURNER. If the gentleman from Cumberland, Mr. Chairman, will state that his condition is such owing to a cold that he could not be heard I will withdraw my objection.

Mr. SMITH. I so say.

The CHAIRMAN. The objections are withdrawn and the gentleman will be recorded as voting aye.

On the question recurring,

Will the House agree to the section as amended?

It was agreed to.

The third section was read and agreed to as follows:

Section 3 That section one thousand two hundred five A of said act as last amended by section two of the act approved the seventh day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1576) is hereby further amended to read as follows

Section 1205-A The salary of any [teacher principal supervisor] district superintendent [or] assistant district superintendent or other professional employee as defined in this act in any of the school districts of the Commonwealth may be increased at any time during the term for which such person is employed whenever the board of school directors (or board of public education) of the district deems it necessary or advisable to do so but there shall be no demotion of any professional employee either in salary or in type of position without the consent of the said employee or if such consent is not received then such demotion shall be subject to the right to a hearing before the board of school directors (or board of public education) and an appeal in the same manner as hereinbefore provided in the case of the dismissal of a professional employee

The fourth section was read as follows:

Section 4 That section one thousand two hundred eight of said act is hereby amended to read as follows

Any hearing under the provisions of this section shall be conducted in accordance with the procedures specified in section one thousand two hundred and five of this act and shall be subject to the same privileges of appeal as therein set forth

On the question,

Will the Committee agree to the section?

Mr. HERBERT B. COHEN. Mr. Chairman, I desire to offer the following amendments.

The CHAIRMAN. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 4, page 11, by striking out all of lines 16 to 19 inclusive.

Amend sec. 4 (sec. 1206), page 11, by striking out all of lines 20 to 29 inclusive.

Amend sec. 4, (sec. 1208), page 12, by striking out all of lines 1 to 7 inclusive.

On the question,

Will the Committee agree to the amendments?

Mr. TURNER. Mr. Chairman, I would ask leave to interrogate the gentleman from York, Mr. Cohen.

The CHAIRMAN. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Chairman.

Mr. TURNER. May I ask the reason, Mr. Chairman, for striking out section 4, page 11?

Mr. HERBERT B. COHEN. Mr. Chairman, I yield to the gentleman from Fayette, the Chairman of the Committee on Education, who is an authority on these tenure bills.

The CHAIRMAN. Will the gentleman from Fayette, Mr. Brownfield, permit himself to be interrogated.

Mr. BROWNFIELD. I will, Mr. Chairman.

Mr. TURNER. Mr. Chairman, may I ask the gentleman from Fayette what is the purpose of striking out Section 4, page 11 and the lines on page 12, as proposed by this amendment?

Mr. BROWNFIELD. Mr. Chairman and Mr. Turner, section 1208, I believe, is aimed to enable the Board to dismiss the teacher for a specified reason at any time. Back on page 5 you will notice line 26, page 5, specifies

that, "sixty days before the close of the school term." Now, that section I think is unnecessary since we have amended on page 5, line 4, to dismiss a teacher at any time. The Board does not need to give the teachers sixty days notice. It may dismiss for cause at any time.

Mr. TURNER. Mr. Chairman, was not the sixty day notice stricken out according to the early amendment?

Mr. BROWNFIELD. In the early amendment, Mr Chairman.

Mr. TURNER. This afternoon or this evening that was stricken out, Mr. Chairman?

Mr. BROWNFIELD. Yes, Mr. Chairman.

Mr. TURNER. And the gentleman says, Mr. Chairman, that since that is stricken out, that there is no need for section 1208; is that it?

Mr. BROWNFIELD. That is right, Mr. Chairman.

Mr. TURNER. In other words, Mr. Chairman, there were two provisions in here as to the matter of dismissal, is that correct?

Mr. BROWNFIELD. Yes, Mr. Chairman, Doctor Ashley pointed that out to the committee, that we had neglected to take into consideration that this phrase was back further in the bill.

Mr. TURNER. Mr. Chairman and Mr. Brownfield, it looks to me and some of those around me here that if you take this provision out you cannot dismiss for any reason at all.

Mr. BROWNFIELD. Mr. Chairman, I think the gentleman is wrong there.

Mr. TURNER. We cannot guess about that, Mr. Chairman.

Mr. BROWNFIELD. When there is no specified period there, certainly there would be no guess about it, Mr. Turner.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TROUT. Mr. Chairman, I rise to a question of parliamentary inquiry.

The CHAIRMAN. The gentleman will state his question of parliamentary inquiry.

Mr. TROUT. Will it be in order to make a motion at this time?

The CHAIRMAN. What is the nature of the motion?

Mr. TROUT. Mr. Chairman, I would like to make a motion, if I may, that this bill be re-referred to the Committee on Education for further study.

The CHAIRMAN. A motion to recommit is not in order at this time.

MOTION FOR COMMITTEE OF THE WHOLE TO RISE

Mr. TURNER. Mr. Chairman, the gentleman from Fayette may be perfectly correct in his contention, but it seems to me that this is the whole meat of the whole bill, and as we have no definite out, and as we are asked here on the spur of the moment to determine whether this section should be in or out, with only a brief understanding on the part of the gentleman from Fayette, I therefore move that we rise from the Committee of the Whole.

On the question,

Will the Committee agree to the motion?

POINT OF ORDER

Mr. HERBERT B. COHEN. I rise to a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from York will state his point of order.

Mr. HERBERT B. COHEN. The motion of the gentleman from Delaware is out of order as it does not carry with it the report to the House on the bill under consideration by the Committee of the Whole as amended.

The CHAIRMAN. The Chair rules that if the motion of the gentleman from Delaware were to prevail the bill would be reported back to the House as amended, and therefore the motion is in order and it is for the Committee to decide whether they wish to report the bill back as amended.

On the question recurring,

Will the Committee agree to the motion?

The Chairman declared the noes appeared to have it,

Whereupon, a division was called for, thirty-eight members having voted in the affirmative and one hundred and thirty-five in the negative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the Committee agree to the amendments?

Mr. TURNER. May I ask, Mr. Chairman, whether there is any one in the House who can explain it.

Mr. BOHN. Mr. Chairman and members of the committee, section 1208, the reason that we want this stricken out of the bill is because we have amended section 1205, therefore it makes section 1208 obsolete. Now, we placed an amendment on page 5, line 26. We struck out of the bill, "sixty days before the close of the school term," and this amendment takes care of everything that section 1208 was originally intended to do. Therefore we feel that the section is not in accord with the bill and it should be taken out. It is obsolete because of the fact that we have taken care of all that in section 1205.

Mr. HERBERT B. COHEN. Mr. Speaker. I think the explanation that can be given on this bill is very clear. It only goes to cure a technical defect. We have passed an amendment on the dismissal of the employes of the school system by a previous section of the act. The section now under consideration, which we seek to strike from the act, section 4 was section 1208 of the Edmonds Act which prescribes the manner in which teachers would be relieved of their employment under the old Edmonds Act. Now, it is not necessary as has been done up to this point, to prescribe a means whereby the Edmonds Act could be amended. We are by this act prescribing another method for relieving teachers of their employment. If we strike out the entire section we would have section 1208 of the Edmonds Act still in essence, and we would also have the other provisions relative to teachers' tenure which we hope will be enacted into law on Monday. As for me, I do not think it requires even a careful reading of the bill to ascertain that 1208 of the Edmonds Act of the School Code and the other sections that we have passed are somewhat in conflict, even though there was an attempt to amend section 1208 to conform with other sections of this act. All this amendment does is to strike out of the bill the provision that have been in existence in section 1208 of the School Code, and the method of dismissing school teachers will be determined by sections 1, 2 and 3 of the present act.

Mr. TURNER. Mr. Chairman, with the exception that the gentleman from York is a bit mixed as to the Edmonds

Act and the School Code, I am inclined to think that he is right.

On the question recurring,

Will the Commitee agree to the amendments?

They were agreed to.

On the question,

Will the Committee agree to the section as amended?

Mr. LONGAKER. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 12, section 4, line 7, by adding after the word "forth" the following: "No professional employe who is not the holder of a proper teacher's certificate in full force and effect at the date of approval of this act and no professional employe whose teacher's certificate shall hereafter fail to come within any requirement of standard set by the State Council of Education shall have or receive the benefits or protection of this act."

On the question,

Will the Committee agree to the amendment?

Mr. LONGAKER. Mr. Chairman and members of the committee, at about 4:50 post meridian, to use the words of the gentleman from Allegheny, Mr. Baine, we opened this debate on the Teachers' Tenure Bill. It was my privilege at that time to offer amendments which for causes which are shown in the roll-call, were not accepted. I, however, wish to thank the members for their very considerate and courteous attention at that time. Now, I am not going to hold you very long, but I wish to call your attention to this amendment which is now before you for consideration. Let me again refer to the wording of the amendment, which I feel should be incorporated in this act, and ask your support for the amendment: "No professional employe who is not the holder of a proper teacher's certificate in full force and effect at the date of approval of this act and no prefessional employe whose teacher's certificate shall hereafter fail to come within any requirement of standard set by the State Council of Education shall have or receive the benefits or protection of this act."

During the course of the debate this afternoon or evening, a great deal has been said about efficiency and the high standard that should be maintained in the public schools of our great Commonwealth, and all that has been said both pro and con on the measures before this body dealing with this subject has been proven acceptable in the minds of us all. We are working for the best interests of the children in the schools, the teachers, the folks back home.

Members of the Committee, one or two points concerning this amendment. In the first place we should, if we are intending to refuse a probationary period, we should then provide, specifically and directly, and not by innuendo or indirectly, that teachers who are signed to a contract will be properly qualified by the rules and regulations of the Department of Education.

To carry the point a bit further, as time goes on, as these teachers have the benefit of the tenure act placed at their disposal it is possible, because we are human and they are human, that they will feel that they are qualified by their certificates and do not have to progress and go ahead for the benefit of our school system. Therefore, referring to the latter part of the amendment as offered, let me again call it to your attention: "And no professional employe who is not the holder of a proper teacher's certificate in full force and effect at the date of approval of this act and no professional employe whose teacher's certificates shall hereafter fail to come within any requirement of standard set by the State Council of Education shall have or receive the benefits or protection of this act." You will notice that the amendment provides that the question of competency rests with the State Council or the State Department of Public Education, and they therefore, members of the Committee, in order to insure those who are teaching in our public schools today and in the future will keep abreast of the times—provide for extra curricular work which the department might feel is necessary. I ask that this amendment become incorporated in this act so that there will be no misunderstanding and no need for a Webster's or Oxford dictionary, so that you can find the question for determination in the act in plain English.

Mr. HERBERT B. COHEN. Mr. Chairman, it is only because of the extreme regard in which I hold the gentleman from Montgomery that prevented me from interrupting the gentleman during the course of his debate. The gentleman has an amendment to section 4. This Committee has already acted on section 4 by striking the entire section out of the bill, so apparently the gentleman is amending a section to the bill which is not in the bill. I first wanted to call that to the attention of the Committee and to the attention of the Chair. However, I prefer, and I think the gentleman will prefer that we discuss his amendments upon the merits. That usually leaves one with a much better taste in the mouth. The gentleman's amendments as I understand it, having heard them for the first time, would seek to prevent the application of this act to the teachers who are now teaching under a temporary certificate.

May I interrogate the gentleman from Montgomery, Mr. Longaker?

The CHAIRMAN. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. LONGAKER. I will, Mr. Chairman.

Mr. HERBERT B. COHEN. Am I correct in that assumption as to the effect of your proposed amendments?

Mr. LONGAKER. Mr. Chairman and members of the Committee, in answer to the interrogation of the gentleman from York, Mr. Cohen. I would say that in the second line of the amendments the word "proper" is used, which would include either temporary or permanent. If the teacher is one who has not had the requisite three years which would qualify her under the permanent certificate, she would come under this amendment and be protected under this amendment, because the word "proper" is used and that would refer to her certificate being proper under the conditions as they are. Does that answer your question?

Mr. HERBERT B. COHEN. As I understand the amendments, Mr. Chairman, what the gentleman seeks to accomplish by this amendment is to prevent this tenure act from having any effect upon the individuals who do not have a proper certificate. Now, I don't just know what would be included in the term of improper certificate—I must confess that I am not an expert on the School Code. I was unfortunate enough never to repre-

sent a school district, but nevertheless I can see an apparent defect in the amendments which the gentleman from Montgomery seeks to insert. If the school teacher is teaching under a temporary certificate and if she is not proper, or rather if her work in the school is not of such a nature as will allow her to be permanently certified, undoubtedly this act will have no affect whatsoever in perpetuating her continued identity with the particular school district. The School Code specifically provides the qualifications that are necessary in order to be a school teacher, and if the school teacher cannot comply with those qualifications, then this particular act will have no effect whatsoever in continuing her identity with the school district. Now, undoubtedly there are a great number of school teachers who are teaching possibly on a temporary certificate. If their work is satisfactory, if they are competent, if they are doing the work in the proper manner, there is no reason why they should not be given the protection of this act. If their work is not competent, if they are unsatisfactory, if they are not attending to their scholastic duties in the proper manner, then there is no doubt that they will not be permanently certified by our own Department of Public Instruction, so the problem which the gentleman from Montgomery seeks to cure is one that should not give us a tremendous amount of concern.

The same condition exists in any school district employing a teacher on a temporary certificate. That teacher will continue her employment as long as she is able to be certified by the Department of Public Instruction. If after the term of three years under temporary certification, she is not satisfactory, this tenure act will not keep her in her position. This tenure act can only definitely secure to the individuals who are permanently certified a permanent position. I therefore say to the membership of this Committee that there is no necessity whatsoever for the adoption of these amendments.

Mr. LONGAKER. Mr. Chairman, the purpose of the amendment does not only take into consideration the change from temporary to permanent certificates for teachers, it also takes into consideration the condition that does exist and will exist in the future where a teacher desires to hold a position in the school in which he or she now teaches, and the requirements of that particular school. They are raising his or her certificate from temporary to permanent so it is necessary for him or her to completely fill the position. In that case I offer an amendment to make it imperative on him or her to qualify properly under the Department of Public Instruction or Education so that he or she can keep abreast of the times and teach satisfactorily in that particular school district. In conclusion, there are instances where teachers will wish to better their position, and perhaps go from one school to a school of higher classification. In that case, Mr. Chairman and members of the Committee, that teacher should of necessity be forced to obtain the proper certificate by passing proper examinations or whatever test is required by the Department of Public Instruction in order to continue his or her education to the proper degree, so that his or her teaching thereafter will redound to his or her benefit and to the credit of your children and without any trouble.

Mr. HERBERT B. COHEN, Mr. Chairman, in further answer to the gentleman from Montgomery, Mr. Longaker I wish to state this. We seem to have lost the purpose of this bill. This bill is not to establish the qualifications for certificates or whether a school board in a certain supervisory position should or should not hire a person with a certain type of certificate. This is a tenure bill. As to the qualifications of teachers, as I understand, that is directly set forth in our present School Code. I also understand that in our present code there is a provision that will amend the School Code in a manner that will possibly take care of the point raised by the gentleman from Montgomery.

My point is that this is a purely a tenure measure. We don't have to go into the qualifications. We don't have to go into the question as to whether or not the teachers can properly qualify to do the work which they are employed to do. All those other matters are covered in the School Code. I would say to the members of this House, do not encumber this tenure act with any extraneous matter which rightfully and properly, I might say, belongs in the School Code.

Mr. LONGAKER. Mr. Chairman and members of the Committee, first I want to apologize for speaking at length so many times on this bill but I disagree entirely with the explanation of my proposed amendments which the gentleman from York placed on them. In my opinion, and I think in his too, if teachers are going to have tenure,—and I believe that practically every one in this room feels that they should have tenure, I submit that the teacher should come her halfway and see that she is properly qualified to continue teaching as time goes on and the years go on.

I submit, Mr. Chairman and members of the Committee, that had the Committee acted favorably on the probationary amendment which I offered a while ago, this amendment would not now be offered, but in order to give some assurance to the school districts and to the children in the school that their teachers will go forward with the new ideas, the new theories and the new facts found in education that this should certainly be incorporated in a tenure bill because tenure should apply to those teachers who properly deserve tenure.

Mr. Chairman and members of the Committee, let me finally thank you for your patience in listening to me.

Mr. BROWNFIELD. Mr. Chairman and members of the Committee, I see why Mr. Longaker might be fearful of certification being taken away in this bill, but for the life of me I cannot see how he feels that the enactment of this bill would in any way jeopardize the requirements of certification that the Department of Public Instruction has set up to this time or will set up in the future. The fears are absolutely groundless, because how we can get certification mixed up here with tenure is something I cannot understand.

Mr. YOURISHIN. Mr. Chairman, the gentleman from York is entirely right, and we are here legislating tenure for teachers and not amending the School Code. The gentleman from Montgomery, Mr. Longaker, of course states that his amendments provide for a proper certificate. We are not interested in whether it is a proper certificate for some specific department of education, but merely the matter of tenure. In the bill, on page three, it provides for certificates. It says in the printer's copy, Printer's No. 162, page three, the term "provisional em-

ployee as used in this act shall include teachers, supervisors supervising principals, directors, directors of vocational education, dental hygienists, visiting teachers, school secretaries, the selection of whom is on the basis of merit as determined by eligibility lists school nurses who are certified as teachers and regular full-time employe of a school district who is duly certified as a teacher." I think that takes care of the entire matter.

On the question recurring,

Will the Committee agree to the amendment?

It was not agreed to.

On the question recurring,

Will the Committee agree to the section as amended?

It was agreed to.

The fifth section was read as follows:

Section 5 That section one thousand two hundred fourteen of said act as amended by section thirty of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1214 The board of school directors of any school district of the third or four class which has no district superintendent may employ [for a term not exceeding three years] a supervising principal of a part or all of the public schools of the said school district under and subject to the provisions of section one thousand two hundred five of this act Every supervising principal shall be properly certified by the Department of Public Instruction in accordance with such standards as the State Council of Education may establish

On the question,

Will the Committee agree to the section?

Mr. HERBERT B. COHEN. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 5, page 12, line 8, by striking out the figure "5" and insert in lieu thereof "4".

On the question,

Will the Committee agree to the amendment?

It was agreed to.

On the question,

Will the Committee agree to the section as amended?

It was agreed to.

The sixth section was read as follows:

Section 6 That section one thousand two hundred fifteen of said act is hereby amended to read as follows

Section 1215 Two or more school districts may upon the nomination or joint nomination of the county superintendent or the district superintendent under whose supervision such districts may be join in the employment of a supervising principal or of a supervisor or teacher of drawing music or other special subject for part or all of the schools of such districts such supervising principal supervisor or special teacher to be employed his compensation paid and his duties prescribed by the several districts employing him under and subject to the provisions of section one thousand two hundred five of this act

On the question,

Will the Committee agree to the section?

Mr. HERBERT B. COHEN. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The amendment will be read by the Clerk.

The Clerk read the amendment as follows:

Amend sec. 6, page 12, line 24, by striking out the figure "6" and insert in lieu thereof "5".

On the question,

Will the Committee agree to the amendment?

It was agreed to.

On the question,

Will the Committee agree to the section as amended?

It was agreed to.

The seventh section was read as follows:

Section 7 No contract in effect at the enactment of this act shall be terminated except in accordance with the provisions of this act

On the question,

Will the Committee agree to the section?

It was agreed to.

Mr. HERBERT B. COHEN. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 7, page 13, line 9, by striking out the figure "7" and insert in lieu thereof "6".

On the question,

Will the Committee agree to the amendment?

It was agreed to.

On the question,

Will the Committee agree to the section as amended?

It was agreed to.

The eighth section was read as follows:

Section 8 If any part or parts of this act shall be declared unconstitutional it shall not affect any other part or parts of this act

On the question,

Will the Committee agree to the section?

Mr. HERBERT B. COHEN. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 8, page 13, line 12, by striking out the figure "8" and insert in lieu thereof "7".

On the question,

Will the Committee agree to the amendment?

It was agreed to.

On the question,

Will the Committee agree to the section as amended?

It was agreed to.

The ninth section was read as follows:

Section 9 That section one thousand two hundred four of said act is hereby repealed All other acts and parts of acts inconsistent herewith are hereby repealed

On the question,

Will the Committee agree to the section?

Mr. HERBERT B. COHEN. Mr. Chairman, I desire to offer the following amendments.

The CHAIRMAN. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 9, page 13, line 16, by striking out the figure "9" and insert in lieu thereof "8".

Amend sec. 9, page 13, line 16, by inserting after the word "four" the following: "and section one thousand two hundred and eight".

Amend sec. 9, page 13, line 16, by striking out the word "is" and insert in lieu thereof "are".

On the question,

Will the Committee agree to the amendments?

They were agreed to,

On the question.

Will the Committee agree to the section as amended?

It was agreed to.

The tenth section was read as follows:

Section 10 This act shall become effective immediately upon its passage by the General Assembly and its approval by the Governor.

On the question,

Will the Committee agree to the section?

Mr. HERBERT B. COHEN. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 10, page 13, line 18, by striking out the figure "10" and insert in lieu thereof "9".

On the question,

Will the Committee agree to the amendment?

It was agreed to.

On the question,

Will the Committee agree to the section as amended?

It was agreed to.

COMMITTEE OF THE WHOLE HOUSE RISES

Mr. HERBERT B. COHEN. Mr. Chairman, I move that the Committee of the Whole House rise and report House Bill No. 1420, Senate Bill No. 369 to the House as amended.

The motion was agreed to.

The SPEAKER (Roy E. Furman) in the Chair.

Mr. ACHTERMAN. Mr. Speaker, I desire to report House Bill No. 1420, Senate Bill No. 369, Printer's No. 162 from the Committe of the Whole House as amended, the bill having been read at length in Committee.

On the question,

Will the House agree to the report of the Committee of the Whole?

It was agreed to.

The title was read and agreed to as follows:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith" by defining professional employes and providing for and regulating the employment dismissal suspension and demotion of such employes and providing for appeal to the court of common pleas

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

THANKING CHAIRMAN OF COMMITTEE OF THE WHOLE HOUSE

Mr. HERBERT B. COHEN. Mr. Speaker, before proceeding too far from the deliberations in the Committee of the Whole House I wish to extend our thanks to the gentleman from Monroe, Mr. Achterman, who acted as Chairman of the Committee of the Whole House for the competent and able manner in which he conducted the deliberations.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1571.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 31, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1571, Printer's No. 383, entitled, "An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties."

GEORGE H. EARLE.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 850.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 31, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 850, Printer's No. 446, entitled "An Act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania."

GEORGE H. EARLE.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos 440, 616, 617 and 1154

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 31, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 440, Printer's No. 366, entitled "An Act to amend the act, approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws 493)

entitled 'An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof' as amended extending the provisions of said act to certain boroughs incorporated towns and townships of the first class extending the same to include building drainage imposing certain powers and duties on the Department of Health making further provisions for the administration of said act extending the specifications increasing certain fees and payments and providing increased penalties including imprisonment and repealing section fifty-four fifty-five fifty-seven and fifty-eight of said act."

House Bill No. 616, Printer's No. 122, entitled "An Act to amend sections one and six of the act, approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 437) entitled 'An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties' including dining cars under the provisions of this act and making it unlawful to sleep or to permit persons to sleep in a room where food is prepared or served."

House Bill No. 617, Printer's No. 216, entitled "An Act to amend section nine of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1108) entitled 'An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the the powers and duties of civil service commissions for such purposes and fixing penalties' regulating physical examination of applicants."

House Bill No. 1145, Printer's No. 330, entitled "An Act making an appropriation to the General State Authority."

GEORGE H. EARLE.

PROCEEDINGS OF THE COMMITTEE OF THE WHOLE HOUSE TO BE PRINTED IN LEGISLATIVE JOURNAL

Mr. HERBSRT B. COHEN. Mr. Speaker, I move that the proceedings of the Committee of the Whole House be printed in full in the Legislative Journal.

The motion was agreed to.

BILLS INTRODUCED AND REFERRED

By Mr. OMINSKY. HOUSE BILL No. 2136.

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" requiring medical inspectors to make eye and ear tests annually; providing for the use of scientific apparatus furnished by school districts, and providing for certain instruction in State teachers' colleges, for the appointment of certain experts in the Department of Public Instruction; and making an appropriation.

Referred to the Committee on Appropriations.

RESOLUTIONS

FELICITATION EXTENDED

Messrs. PIOLE and McARDLE offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, March 31, 1937.

Whereas, The State Federation of Labor in annual convention in Harrisburg this week, tendered a dinner to the Honorable Thomas Kennedy, Lieutenant Governor of Pennsylvania and as such President of the State Senate, and

Whereas, This honor was given to Lieutenant Governor Kennedy as a mark of appreciation for his great and untiring efforts for labor, humanitarianism, and the welfare of the people of his native State, and

Whereas, This dinner was attended by notables in the labor world and prominent citizens in all walks of life, among them the Honorable John L. Lewis, President of the United Mine Workers of America, Philip Murray, Vice-President of the United Mine Workers of America, and his Excellency, Honorable George H. Earle, Governor of Pennsylvania, and

Whereas, This dinner proved a great success and a worthy and deserving honor to a great citizen, therefore be it

Resolved, That this House takes this occasion to felicitate the Honorable Thomas Kennedy and wish him many more years of endeavor in his chosen field— a field dedicated to the good of humanity and the welfare of his fellow men, and be it further

Resolved, That a copy of this resolution be sent to Lieutenant Governor Thomas Kennedy by the Chief Clerk of the House.

Messrs. WELSH and HARRY L. MATTHEWS offered a resolution which was filed with the Clerk under the Rules.

RECONSIDERATION OF VOTE

Mr. HARKINS. Mr. Speaker, I move that the vote by which House Bill No. 1043, Printer's No. 470, entitled:

An Act to re-enact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended by imposing annual taxes for State purposes for two additional years making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon modifying and further defining certain exemptions from said taxes.

on page 7 of today's calendar, bill on final passage, passed on third reading be reconsidered.

Mr. OMINSKY. Mr. Speaker, I second the motion.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Harkins.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated.

Mr. HARKINS. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman what is the purpose for reconsidering the vote.

Mr. HARKINS. The purpose, Mr. Speaker, is to permit the bill to be recommitted to the Committee on Ways and Means for the purpose of amendment.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. HARKINS. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of further study and possible amendment.

The motion was agreed to.

RESOLUTION REFERRED

By Messrs. WELSH and HARRY L. MATTHEWS.

RESOLUTION No. 61.

In the House of Representatives, March 30, 1937.

Whereas, there has recently been sold as the property of the Piedmont Coal Company a tract of 1,300 acres of timber located in Lick Hollow, Fayette County, at the foot of Summit Mountain; and

Whereas, said tract of land borders the National Highway, a distance of about two and one-half miles; and

Whereas, the growth on said tract averages at least fifty years and is one of the finest remaining in the south western part of Pennsylvania, and is a tract with gorgeous scenic beauty; and

Whereas, the purchasers of this tract are contemplating cutting the timber thereon which will destroy the scenic beauty now enjoyed by the citizens of Fayette County, and the hundreds of thousands who travel the National Highway; therefore be it

Resolved, that the Department of Forests and Waters shall as soon as may be, make an investigation of the tract of land referred to in the preamble hereof with a view of ascertaining the advisability of acquiring in the name of the Commonwealth said tract as a State park or for addition to the State forest lands of the Commonwealth together with an estimate of the amount of money required to purchase the same, and make report thereof to the House of Representatives at this session of the General Assembly.

Resolved, that a copy of this resolution be transmitted to the Department of Forests and Waters by the Chief Clerk of this House.

Referred to the Committee on Forestry.

ANNOUNCEMENTS

A public hearing on House Bill No. 1629, Tuesday evening, April 6, at 6:45 in the House Caucus Room before the Committee on Forestry.

A public hearing on House Bill No. 1155 on Tuesday, April 6, at 11:00 a. m. in the House Caucus Room before the Committee on Banking.

A public hearing on House Bill No. 1020, Tuesday, April 6, at 12:00 noon in the House Caucus Room before the Committee on Judiciary General.

A public hearing on House Bills 538, 1029, 1178 and 1341, Tuesday, April 6, at 8:00 p. m. in the House Caucus Room before the Committee on Judiciary General.

A meeting of the Committee on Ways and Means on Monday evening, April 5, at 8:30.

ADJOURNMENT

Mr. WELIVER. Mr. Speaker, I move that this House do now adjourn until Monday, April 5, 1937, at 9:00 p. m.

The motion was agreed to, and (at 9:22 p. m.) the House adjourned until Monday, April 5, 1937, at 9:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., MONDAY, APRIL 5, 1937. No. 38.

SENATE

MONDAY, April 5, 1937.

The Senate met at 9 o'clock p. m.
The President (Mr Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, LL.D. offered the following prayer.

Our God and our Father, we would approach Thee tonight in unity of adoration. For our beloved country we thank Thee. Truly, Thou hast not dealt so with any nation.

We thank Thee for our Commonwealth, for her worthy place in the sisterhood of states, for her traditions and institutions, for this Senate, and these Senators; for that spirit here which rises above mere party spirit, and manifests itself in courtesy, forbearance and honest defference and with mutual respect. Bless this honorable body, as it pursues its path of duty.

Bless our Governor, a man whom riches could not spoil, nor high place tempt to vanity. Bless him who presides over this body, a man whom toil and hardship could not embitter.

Lead us in these testing days, and may we seek Thy glory and the good of our fellow man. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. DANDO, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Mundy asked and obtained leave of absence for the Senator from Luzerne, Mr. SORDONI.

PETITIONS AND REMONSTRANCES

URGING A BILL REQUIRING THAT IN THE CITY OF PHILADELPHIA, MAGISTRATES BE LAWYERS.

The Chair cleared its table and laid before the Senate the following communications:

Communication from Benjamin Horrow, Attorney-at-law, in Philadelphia, and Chairman of the Committee on Magistrates, Junior Bar Association of Philadelphia, urging the adoption of the Bill of a proposal requiring that magistrates be lawyers.

PETITIONING FAVORABLE CONSIDERATION TO THE ESTABLISHMENT OF A STATE PARK BETWEEN LACKAWANNA COUNTY AND LUZERNE COUNTY.

Resolution from Anthony B. Giordano, Chief Clerk of the Lackawanna County Commissioners, Scranton, Pennsylvania, petitioning the favorable consideration to the establishment of a State Park to extend from Campbell's Ledge, Luzerne County to and beyond Bald Mount, in Lackawanna County.

PETITIONS OPPOSING THE PASSAGE OF THE CHAIN STORE TAX BILL.

Petition from John O. Wilson of Camden, New Jersey, opposing the passage of the Chain Store Tax Bill.

Also, communication from I. Tepper, protesting against the Passage of the Chain Store Tax Bill.

Also, communication from Mrs. Ray Sampey, of Perryopolis, Pa., protesting against the passage of the Chain Store Tax Bill.

ENDORSING HOUSE BILL No. 99.

Petition from James Conlon, President of Western Penn's Firemen's Association endorsing the passage of House Bill No. 99.

URGING PASSAGE OF THE CHAIN STORE TAX BILL

The Chair cleared his table and laid before the Senate communication from Joseph F Lewis, Secretary of The United Business Men's Association of Philadelphia, Inc., approving the passage of the Chain Store Tax Bill—House Bill No. 228.

OPPOSING THE PASSAGE OF SENATE BILLS NOS. 57, 58, and 78 AND HOUSE BILLS NOS. 108 AND 1358.

Resolution from Christian H. Shirk, Secretary of the Methodist Ministers' Meeting in Philadelphia, opposing the passage of Senate Bills 57, 58 and 78, and House Bill 108 and 1358. Resolving that the ripper legislation directed at the Municipal Court of Philadelphia, now being pressed for passage in the legislature at Harrisburg, is an unwise and unjustifiable attack upon the institution of our Courts.

REQUESTING PASSAGE OF THE CHAIN STORE TAX BILL.

Mr. REED presented petition of Retail Grocers of Washington County requesting passage of the Chain Store Tax Bill.

REPORTS FROM COMMITTEES

Mr. MUNDY, from the Committee on Education, reported as committed, Senate Bill No. 450, (House Bill No. 537), entitled:

An Act to amend section four hundred and eleven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as added, providing for the attendance of pupils at certain exhibitions and places of interest at the expense of school districts.

Also from the Committee on Education, reported as committed, Senate Bill No. 638, entitled:

An Act to further amend section four of the act, approved the eighteenth day of June, one thousand nine hundred nineteen (P. L. 498), entitled "An act defining consolidation of schools; providing for the establishment and regulation of consolidated schools; and providing for the transportation of pupils to and from consolidated schools," by making certain changes in the provisions for reimbursements by the Commonwealth.

Also from the Committee on Education, reported as amended, Senate Bill No. 637), entitled:

An Act to further amend Article twenty of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by designating the type of contract which shall be used for certain employes in the Teachers Colleges and in the Cheyney Training School for Teachers in this Commonwealth and specifying the means whereby they may be dismissed.

TIME OF NEXT MEETING

Mr. JASPAN. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JASPAN offered the following resolution which was twice read considered and agreed to:

In the Senate, April 5, 1937.

RESOLVED (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 12th, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 12th, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION RELATIVE TO POLICIES ENCOURAGING AND FOSTERING INDUSTRIES OF PENNSYLVANIA

Mr. DENT. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT offered the following resolution which was twice read:

In the Senate, April 5, 1937.

Whereas, We have in Pennsylvania many diversified industries engaged in the business of manufacturing, producing and selling various products and commodities; and

Whereas, The State Government through its various agencies is a large consumer and distributor of many of these products and commodities; and

Whereas, In certain instances discriminatory practices have been set up by certain administrative agencies, which tend to handicap Pennsylvania industries which are in competition with certain foreign state industries of like nature; and

Whereas, This practice results in a lessened employment in the State; and

Whereas, It is the duty of the General Assembly to deal with the problem of unemployment and relief, and particularly when such problems are directly traceable to the question of unemployment; therefore be it

Resolved, (if the House of Representatives concur), That any economic advantage granted to foreign industries works to the disadvantage of Pennsylvania industry and tends to increase unemployment in this Commonwealth, and where such advantage results from policies adopted by an administrative agency, it is hereby declared that such policies are deemed contrary to the spirit of the discretionary powers vested in such agency.

Resolved, That the General Assembly believes that the policies of all administrative agencies should at all times be formulated to encourage and foster Pennsylvania industry and should not be such as will penalize Pennsylvania industry by requiring it, in order to gain a market, to sell certain products and commodities below a price charged by and paid to industries outside Pennsylvania for products and commodities of the same grade or character.

Mr. DENT. Mr. President, I ask unanimous consent that Rule 39, which requires concurrent resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I do not know what is in the resolution, therefore, I object to its immediate consideration.

The PRESIDENT. Objection having been made to immediate consideration, the resolution is referred to the Committee on Labor and Industry.

BILLS INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 818, entitled:

An Act providing for suits against, service of process upon, and executions against, unincorporated associations.

Which was committed to the Committee on State Government.

Also read in his place and presented to the Chair Senate Bill No. 819, entitled:

An Act to amend section seventeen of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and in cities co-extensive with counties for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and colection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith, and modifying existing legislation which provided for raising revenue

for State purposes," as amended, by relieving municipalities of the State tax on their obligations.

Which was committed to the Committee on Finance.

Mr. REED read in his place and presented to the Chair Senate Bill No. 820, entitled:

An Act to further amend section one of the act, approved the seventh day of April, one thousand nine hundred thirty-three (Pamphlet Laws, twenty-seven), entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases, and to acquire by purchase or condemnation the necessary land therefor," by changing certain provisions as to transfer of structures and facilities of public service companies, providing for assertainment and payment of cost procedure before Pennsylvania Public Utilities Commission and appeal.

Which was committed to the Committee on Public Utilities.

Mr. SCARLETT read in his place and presented to the Chair Senate Bill No. 821, entitled:

An Act to establish as a State highway a certain section of public road in the County of Chester, and providing for its construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 822, entitled:

An Act regulating the admission of persons to the practice of law in this Commonwealth; establishing a commission and certain boards to investigate the character and fitness and to examine the general and legal educational qualifications of such persons; abolishing certain other boards heretofore established; authorizing the collection of fees for services to be rendered hereunder; prohibiting certain acts or omissions; providing a remedy and imposing penalties; limiting the construction and interpretation hereof, and repealing all acts and parts of acts inconsistent herewith.

Which was committed to the Committee on State Boards.

Mr. DiSILVESTRO read in his place and presented to the Chair Senate Bill No. 823, entitled:

An Act making it a misdemeanor to strike, beat or assault a news photographer or news reporter while engaged in the pursuit of their occupation and providing penalties.

Which was committed to the Committee on Law and Order.

Mr. RUPP read in his place and presented to the Chair Senate Bill No. 824, entitled:

An Act to repeal so much of section one of the act, approved the second day of July, one thousand nine hundred and thirty-nine (P. L. 559), entitled "An act to provide for the election of Prothonotaries, Clerks, Recorders, and Registers," as relates to the election of county officers in the county of Bucks.

Which was committed to the Committee on County Government.

Also read in his place and presented to the Chair Senate Bill No. 825, entitled:

An Act to amend section two hundred and twenty-one of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended, providing the method for joining county offices when the provisions of said section are accepted or a local law repealed.

Which was committed to the Committee on County Government.

Mr. EROE read in his place and presented to the Chair Senate Bill No. 826, entitled:

An Act to further amend sections one thousand five hundred one and one thousand five hundred five of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith;" by requiring school districts of the first, second and third class to provide medical inspection of all pupils of elementary and secondary private schools.

Which was committed to the Committee on Education.

Also read in his place and presented to the Chair Senate Bill No. 827, entitled:

An Act to further amend section five of the act, approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (P. L. 944), entitled "An act relating to salaries, compensation, bonds, offices, and supplies of certain county officers, their deputies and clerks, in counties of the sixth class," by fixing the time for annual meetings and requiring other meetings of the salary board.

Which was committed to the Committee on County Government.

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 828, entitled:

An Act making an appropriation to the Philadelphia Orthopaedic Hospital and Infirmary for Nervous Diseases of Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. THOMPSON read in his place and presented to the Chair Senate Bill No. 829, entitled:

An Act making it unlawful to solicit the employment of attorneys-at-law, adjusters or investigators for the collection, settlement, or institution of an action for damages, and making it unlawful for any attorney-at-law to promise or give any consideration to such solicitors, and imposing penalties for violations.

Which was committed to the Committee on Judiciary General.

Mr. RANKIN read in his place and presented to the Chair Senate Bill No. 830, entitled:

An Act authorizing political subdivisions to provide for the issue and sale during any fiscal year of revenue bills which shall be negotiable and useable for the payment of taxes due for said year.

Which was committed to the Committee on State Government.

Messrs. STIEFEL and DiSILVESTRO read in place and presented to the Chair Senate Bill No. 831, entitled:

An Act authorizing the Secretary of the Commonwealth to publish a proposed amendment to Article fourteen of the Constitution to abolish the County of Philadelphia as a municipal corporation separate and distinct from the City of Philadelphia.

Which was committed to the Committee on City Government.

Mr. KUNKEL read in his place and presented to the Chair Senate Bill No. 832, entitled:

An Act providing the method by which an owner may secure the issue of new or duplicate certificates of stock by corporations to replace stolen certificates of stock.

Which was committed to the Committee on Corporations.

Mr. LAW read in his place and presented to the Chair Senate Bill No. 833, entitled:

An Act to abolish the elected directors of the poor of the County of Bucks; making the county commissioners of said county ex-officio directors of the poor for said county; and terminating the terms of the directors of the poor now in office.

Which was committed to the Committee on County Government.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1, as follows:

An Act to amend section three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred twenty) entitled "An act providing for the relocation and change of width grades and lines of State highways in boroughs by the Secretary of Highways with the approval of the Governor and commissioners of the proper county and for the payment of damages occasioned thereby by the county and repealing certain acts" as amended by providing for payment by the Commonwealth out of the Motor License Fund of damages for land or property taken injured or destroyed by the change of width lines and locations of State highways in boroughs and incorporated towns and the cost of removal of structures where the county does not agree to such changes or removals requiring approval of the court of quarter sessions to certain agreements made by the county commissioners with property owners and fixing the time when the Secretary of Highways may begin work

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred twenty) entitled "An act providing, for the relocation and change of width grades and lines of State highways in boroughs by the Secretary of Highways with the approval of the Governor and commissioners of the proper county and for the payment of damages occasioned thereby by the county and repealing certain acts" as amended by the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred twelve) is hereby further amended to read as follows

Section 3 Before the Secretary of Highways shall undertake the construction reconstruction or improvement of any State highway in a borough or incorporated town wherein a change of width or existing lines and location is necessary and damages are likely to result to abutting property he shall notify the county commissioners of the proper county in writing of the contemplated change in such existing width lines and location [whereupon the county commissioners when possible shall enter into an agreement with the owner or owners of said property as to the amount of damages to be paid to the said owner or owners which damages if agreed upon shall be paid by the county

In case no agreement satisfactory to the county commissioners and the said owner or owners can be made the Secretary of Highways may not proceed with the work of construction and improvement unless the county commissioners agree that the said secretary may proceed and in such cases the owner or owners of said property damaged thereby or the county commissioners may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damages The proceedings upon said petition and by viewers shall be governed by existing laws relating to the ascertainment and assessment of damages for opening public highways and such damages when ascertained shall be paid by the county in which the State highway is located and the county shall also provide for the removal of all structures within the lines of the highway] After the county commissioners have agreed to such changes or refused to agree thereto as hereinafter provided the Secretary of Highways may proceed with the work of construction reconstruction and improvement After the receipt of the notice as above provided the county commissioners if they approve such change of width or of existing lines and location and agree thereto in writing shall when possible enter into an agreement with the owner or owners of said property as to amount of damage to be paid to the said owner or owners Whenever the amount so agreed upon shall exceed the sum of three hundred dollars ($300) the same shall not be paid by the county until the proposed agreement shall have been filed by the county commissioners in the office of the prothonotary of the county in which the property damaged is situated If no exceptions are filed thereto within ten days after notice given by publication as hereinafter provided the county commissioners may pay the amount so agreed upon If exceptions thereto are filed within ten days after such notice the proceedings shall be presented to the court of quarter sessions for its approval The court shall fix a time for hearing the matter at which time the parties to such agreement and any taxpayer interested therein and their witnesses shall be heard and the court shall either approve or disapprove the agreement as it deems proper If the court disapproves the agreement it shall indicate a sum which it would approve for such case if the county commissioners and the property owner could agree thereon In such cases if the property owner and the county commissioners should agree on the amount of damages indicated by the court as acceptable to it such agreement may be entered into and shall be final and binding on the said parties without any further approval by the court Notice of the filing of such agreement in the office of the prothonotary and of the time and place of hearing in all such cases shall be given by one publication in one or more newspapers of general circulation throughout the county which shall state that any taxpayer may file exceptions to the agreement or may appear at such hearing and be heard together with his witnesses as the case may be Only such payments as to which no exceptions have been filed or as have been approved by the court as above provided shall be paid by the county or in case an agreement satisfactory to the county commissioners and said owner or owners cannot be made and the approval of the court thereto secured the owner or owners of said property damaged thereby or the commissioners of the proper county may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damages The proceedings upon said petition and by viewers shall be governed by existing laws relating to the ascertainment and assessment of damages for opening public highways The county commissioners or any other party to such proceedings may

appeal from the award of the viewers to the court of common pleas and shall be entitled to a trial by jury From the judgment of the court of common pleas an appeal may be had to the Supreme or Superior Court as in other cases Such damages when ascertained shall be paid by the county in which the State highways is located

Whenever the county commissioners do not consent to or approve any such change of width or of existing lines and location and the Secretary of Highways determines such change to be necessary he shall when possible enter into an agreement with the owner or owners of said property as to the amount of damages to be paid therefor and if agreed upon such damages shall be paid by the Commonwealth out of moneys in the Motor License Fund or if such agreement cannot be made the owner or owners of said property damaged thereby or the Commonwealth may present their or its petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damage as well as any benefits in the same manner and with the same right of appeal to the owner or owners and to the Commonwealth as is hereinbefore provided in cases where the county agreed to such change but the damages when ascertained shall be paid by the Commonwealth out of moneys in the Motor License Fund.

The county shall also be liable for any damages sustained by abutting property owners for a change of the width or lines of roads intersecting State highways where such damages are made necessary as a result of the changing with their consent and approval of the width lines or location for the construction of a State highway such damages to be ascertained in the same manner as herein provided for damages occasioned as a result of the change with their consent and approval of width or of existing lines and location of State highways and in case the commissioners shall not have consented to and approved such change of width or of existing lines or location then such damage shall be paid by the Commonwealth and shall be ascertained in the same manner as herein provided for damages for land taken as a result of the change of width or of existing lines and location of State highways without the consent and approval of the county commissioners and such damages shall also be paid from the Motor License Fund The county shall also provide for the removal of all structures within the lines of the highway as thus established unless otherwise provided by agreement between said county and the Secretary of Highways and in case the same is to be done by the Commonwealth the cost thereof shall also be paid out of the Motor License Fund Any moneys in the Motor License Fund necessary to make the payments required by this section are hereby specifically appropriated to the Department of Highways

If the county refuses to assume all damages in connection with the relocation or widening of any highway as hereinbefore provided the county commissioners and the Secretary of Highways may thereafter agree that the county shall pay a portion thereof to either the owners or to the Department of Highways or shall perform specified work for the benefit of the owner in lieu thereof or shall participate in the total damage expense in such other manner as may be agreed upon

Nothing contained in this act shall be construed as placing on the Commonwealth the payment of any damages or costs incident to the change of width lines or location of any State highway in a borough or incorporated town where such highway was widened or the lines or location changed prior to the date this act takes effect but all such damages and costs shall be paid by the county in the manner provided by this act as if the county had agreed thereto as herein provided
as heretofore provided by law prior to the date this act takes effect

Section 2 This act shall become effective immediately upon its final enactment

Agreeably to order,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bean,	Gilson,	Lanius,	Roberts,
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Salus,
Deitrick,	Howell,	Mundy,	Scarlett,
Dent,	Huffman,	Owlett,	Shapiro,
DiSilvestro,	Jacobs,	Pierson,	Sipe,
Ealy,	Jaspan,	Pytko,	Sones,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 476 entitled:

An Act abating certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the non-payment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years and all penalties imposed on such taxes for the tax years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six assessed and levied against any parcel or parcels of real estate and on delinquent poll occupation and per capita taxes levied for any of such years are hereby abated without the necessity of further action by the authority levying the tax if said delinquent taxes are paid as hereinafter provided This section shall not be construed to abate the interest accrued on the taxes for the years of one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six but no further interest shall be imposed on such taxes after the payment of the first installment as hereafter provided so long as the taxpayer complies with the provisions of this act

In order to receive the benefits of the installment system of payment provided by this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-six and for all previous years and of the accrued interest due on the one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six taxes shall be paid on or before the first day of November one thousand nine hundred and thirty-seven twenty per centum on or before the first day of November one thousand nine hundred and thirty-eight twenty per centum on or before the first day of November one thousand nine hundred and thirty-nine twenty per centum on or before the first day of November one thousand nine hundred and forty and the final twenty per centum on or before the first day of November one thousand nine hundred and forty-one And provided That the respective current taxes on such parcel or parcels of real estate for the years subsequent to the year one thousand nine hundred and thirty-seven during such installment periods assessed and levied by such taxing authority shall be paid before they

become delinquent for the purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event there shall become due and payable for such year a sum equal to one-fifth of the total amount of the abated penalties and interest in addition to the other payments required to be paid under this act during that year which said additional sum shall be payable and must be paid at the time the next succeeding installment payment becomes due under this act If such additional sum is not so paid then the total amount of the abated penalties and interest less the aggregate of any such additional sums theretofore paid shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act

Section 2 Any taxpayer may anticipate the payment of such delinquent taxes for the tax year one thousand nine hundred and thirty-six and previous years at any time on or before November first one thousand nine hundred and thirty-seven by paying the entire amount of such delinquent taxes and interest due on the one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six taxes and receive the benefit of this act and in such cases payment of the taxes assessed and levied for the year one thousand nine hundred and thirty-seven shall not be required at the time of such payment

Section 3 This act shall be construed to apply to all such taxes whether or not liens for such taxes had been returned for non-payment or have been filed in the office of the prothonotary of the county or proceeding for the collection of such taxes have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a tax sale or on a tax lien and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at a tax sale or on a tax lien and where the period of redemption has not expired The taxpayer shall be liable for the payment of all costs incurred except the solicitor's fees where liens for such taxes have been returned for nonpayment or have been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court

Section 4 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grantee transferee mortgagee or other party in interest in the parcel or parcels of real estate against which the above mentioned taxes have been assessed and levied

Section 5 Any taxpayer shall have the right to pay the delinquent taxes assessed and levied against any parcel or parcels of real estate without being required to pay the delinquent taxes assessed and levied against any other parcel or parcels of real estate in the same ward district or other municipal subdivision

Upon application either in person or in wrting by any taxpayer the tax levying authorities the tax collector the receiver or receivers of taxes or the person or persons charged with the collection of such delinquent taxes or the person or persons in whose custody the records of such delinquent taxes are kept shall furnish to such delinquent taxpayer a statement of the delinquent taxes owed by him to such municipal subdivision showing the face amount the penalty if any the interest if any and any costs or other charges in detail against such real property as shown by the records in his custody

Every collector of taxes whose duty it is to send to the respective taxpayers any notice or statement of their annual taxes shall include in each such notice or statement an additional notice or the date when the next installment payment is due under the provisions of this act

Section 6 In order to enable the taxpayer to receive the full benefits of this act no real property shall be sold for non-payment of taxes before November first one thousand nine hundred and thirty-seven and any tax sale shall be adjourned or re-adjourned as often as may be necessary for this purpose If any tax sale is adjourned or re-adjourned after advertisement no additional advertisement or notice shall be necessary for the adjourned or re-adjourned sale No such adjournment or re-adjournment failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act Provided however That in every case where a taxpayer avails himself of the privileges or benefits of this act the period during which payment of the said delinquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the said tax levying and assessing authorities to file preserve or maintain the lien of the said taxes

Section 7 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 8 The act approved the first day of May one thousand nine hundred and thirty-five (P. L. 129) as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-five (P. L. 444) and the act approved the fourth day of June one thousand nine hundred and thirty-six (P. L. 10) shall continue in full force and effect as to any and all taxpayers who have taken advantage of and are not in default in the provisions thereof All other acts and parts of acts general local and special inconsistent herewith be and the same are hereby suspended during the time this act shall be in effect

Section 9 Nothing in this act shall be so construed as to prevent any taxpayer who has heretofore taken advantage and accepted the benefits of any of the acts referred to in section eight and who at the time this act becomes effective has lost all future rights benefits privileges and opportunities under such act from taking advantage and receiving the benefits of this act in the same manner as if such person had never attempted to comply with the provisions of such previous abatement act

Section 10 This act shall become effective immediately upon final enactment.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Howell,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Roberts,	Woodward,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk peresent said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 522, (House Bill No. 743), as follows:

An Act to provide for the leasing of land within the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land is owned by the Commonwealth conferring powers and imposing duties upon the Water and Power Resources Board requiring lessees to establish an amortization fund for improvements placed or erected upon such land granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" means a partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Board" means the Water and Power Resources Board of this Commonwealth

"Municipality" means a city borough town township or county of this Commonwealth

"Person" means a natural person association corporation or municipality Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 2 On and after the effective date of this act it shall be unlawful for any one to encroach upon or use any land or to continue to occupy any land previously encroached upon which is part of the bed of any stream lake or other body of water wholly or partly within or forming part of the boundary of the Commonwealth title to which is in the Commonwealth without first obtaining from the Board a lease for the use and occupancy of such land

Section 3 Any person desiring to use and occupy any such land shall file an application for a lease with the Board The application shall be made under oath or affirmation on a form prescribed prepared and furnished by the Board and shall set forth the name of the applicant his business address an accurate description of the land desired to be leased the physical condition of the land the purpose for which the land is to be used and occupied and such additional information as the Board may require either by general rules and regulations or by specific request If the Board is satisfied that the granting of the lease will not be against the public interest it may grant a lease to the applicant upon the terms and conditions contained in this act In granting leases under this act the Board shall give preference to applications therefor by municipalities

Section 4 Leases granted by the Board under this act shall be granted for a period not exceeding fifty years except that municipalities may be granted leases for the term of their use and occupancy of the land Each lease shall require the payment by every lessee other than a municipality of a rental payable in advance and reasonably commensurate with the value of the land for leasing purposes which shall be fixed by the Board In the event the applicant desires to develop or place or erect improvements upon any land leased under this act the Board shall fix a time within which the development or placement or erection of improvements necessary for the use and occupancy of the land shall be completed to an effective point and in every such case the lease shall contain a provision that it shall become void unless the lessee effects such development or improvements within the time fixed by the Board Every lease may contain such other conditions as the Board may deem necessary for the protection of the public interest Any lease granted under this act may be revoked by the Board for nonpayment of rentals and for noncompliance with any of the terms of the lease or any of the provisions of this act

Section 5 After the twentieth year of any lease if it shall so long continue in force every lessee except a municipality shall set aside an amortization fund based upon the actual legitimate cost of permanent improvements placed or erected upon the land by the lessee at a rate to be approved by the Board For such purposes the Board is hereby authorized and directed to determine for each lease the actual legitimate original cost of all permanent improvements placed or erected on lands leased under the provisions of this act and of all additions to and betterments thereof

Section 6 Upon the expiration of the term of a lease whether fifty years or less the Board may grant a lease for the same land to the same lessee or any other applicant In every such case the Board shall give preference to applications by municipalities If the lease of such land is not granted to the same lessee the new lessee shall pay to the former lessee an amount equal to the actual legitimate investment in the development of or the improvements placed or erected on such leased land less an amount for depreciation and less the amount of the amortization reserve as of the date of the termination of the lease Whether the lease shall be granted anew to the former lessee or to some other applicant th annual rental fixed by the Board shall be based on the same kind of value as for the original lease plus the amount of such amortization reserve and the setting aside of the amortization reserve shall be continued until it together with proper depreciation reserves shall absorb the entire cost of the development of or the improvements placed or erected on the leased land

Section 7 No voluntary transfer of any lease or of the rights granted thereunder shall be made by any lessee without the written approval of the Board and any successor or assignee of the rights of any lessee shall be subject to all the conditions of the lease

Section 8 The Board is hereby empowered to hold hearings subpoena witnesses perform any and all acts make and enforce such rules and regulations and issue such orders not inconsistent with this act as it may deem necessary and proper for carrying out the purposes of this act The Board is also empowered to require all lessees under this act to make such reports keep such accounts and give such information at any time as the Board may deem proper for carrying out the provisions and purposes of this act

Section 9 Nothing in this act shall be construed to abrogate in any way whatsoever any title right or interest the Commonwealth may have in any part of the bed of any stream lake or other body of water wholly or partly within or forming part of the boundary of this Commonwealth which was encroached upon by any person prior to the effective date of this act and which is now used and occupied by such person Nothing in this act contained shall be construed to vest in the said Board any power or authority heretofore vested by law in the Department of Wharves Docks and Ferries of cities of the first class or in the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries except in so far as they relate to the leasing and occupancy of State-owned land as provided in this act

Section 10 All rentals and other moneys collected or received by the Board under the provisions of this act shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund

Section 11 Any person who shall hereafter encroach upon or occupy or continue to occupy any land previously encroached upon which forms part of the bed of any stream lake or other body of water wholly or partly within or forming part of the boundary of this Commonwealth and which is owned by the Commonwealth without obtaining a lease for the use and occupancy of such land as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced

to pay a fine of not less than Five Hundred Dollars ($500) or not more than One Thousand Dollars ($1,000) or to undergo imprisonment for a term of one year or both in the discretion of the court

Section 12 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Howell,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Erce,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Roberts,	Woodward,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 49 on third reading, entitled:

An Act to amend clause one of section one of the act, approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising and consolidating the law relating thereto," defining the Family Court of Philadelphia as a court having jurisdiction with respect to the care, guidance, control, placement and commitment of delinquent, neglected and dependent children under sixteen years of age; and eliminating the Municipal Court in the County of Philadelphia as a court having such jurisdiction.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 58 on third reading, entitled:

An Act to amend section eleven, as amended and to repeal section ten of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 711), entitled "An act establishing a court for the county of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein, and appeals therefrom; and providing for the expenses thereof," taking from said court jurisdiction in civil and criminal actions and in equity.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 78 on third reading, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred and thirty-seven) entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending, revising and consolidating the law relating thereto" as amended, conferring jurisdiction on the Family Court of Philadelphia in proceedings for divorce and the annulment of marriages.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN. Mr. President, at the request of the Sponsor I move that Senate Bill No 235 on third reading, entitled:

An Act to amend Article twenty-four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN. Mr. President, at the request of the Sponsor I move that Senate Bill No. 236 on third reading, entitled:

An Act to amend Article thirty-two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FINAL PASSAGE

Mr. RANKIN. Mr. President, I move that Senate Bill No. 304, on final passage postponed for the present, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto," by adding thereto new sections, providing for the issuance of certificates of indebtedness or special revenue bills in counties, and providing that they shall not be subject to taxation.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

BILL DROPPED FROM CALENDAR

Mr. RANKIN. Mr. President, I move that Senate Bill 304 be dropped from the Calendar.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 373, as follows:

An Act to amend the title and sections three four six seven eight nine ten eleven fourteen and eighteen of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred sixty-three) entitled "An act providing for a limited period of time for the incorporation as bodies corporate and politic of 'Authorities' for municipalities defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into the contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" by removing the date by which projects must be commenced removing certain restrictions against construction of projects extending the life of Authorities providing for the creation of Authorities by joint action of municipalities and townships regulating the number and terms of members of the governing boards of Authorities authorizing the Commonwealth and the political subdivision thereof to transfer certain contracts to the Authorities authorizing Authorities to accept and acquire certain contracts and limiting the powers of receivers appointed therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and sections three four six seven eight nine ten eleven fourteen and eighteen of the act approved the twenty-eight day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred sixty-three) entitled "An act providing for a limited period of time for the incorporation as bodies corporate and politic of 'Authorities' for municipalities defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" are hereby amended to read as follows

An Act providing for a limited period of time for the incorporation as bodies corporate and politic of "Authorities" for municipalities and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes

Section 3 Method of Incorporation Whenever the municipal authorities of any municipality singly or of one or more municipalities jointly shall desire to organize an Authority under this act they shall adopt a resolution or ordinance signifying their intention to do so and setting forth in full the proposed articles of incorporation thereof Thereafter the municipal authorities of such municipality or municipalities shall cause a notice of such resolution or ordinance to be published at least one time in the legal periodical of the county in which such Authority is to be organized and at least one time in a newspaper published and of general circulation in such county or counties Said notice shall contain a brief statement of the substance of said resolution or ordinance including the substance of such articles making reference to this act and shall state that on a day certain not less than three days after publication of said notice articles of incorporation of the proposed Authority will be filed with the Secretary of the Commonwealth of Pennsylvania

On or before the day specified in said notice the municipal authorities shall file with the Secretary of the Commonwealth articles of incorporation together with proof of publication of the notice as aforesaid Said articles of incorporation shall set forth

(a) The name of the "Authority"

(b) A statement that such Authority is formed under this act

(c) A statement that no other Authority organized under this act or under the act approved December twenty-seven one thousand nine hundred and thirty-three (Special Session one thousand nine hundred and thirty-three Pamphlet Laws one hundred fourteen) is in existence in or for the incorporating municipality or municipalities

(d) The name of the incorporating municipality or municipalities together with the names and addresses of its municipal authorities and

(e) The names addresses and terms of office of the first members of the board of said authority

All of which matter shall be determined in accordance with the provisions of this act Said articles of incorporation shall be executed by each incorporating municipality by its proper officers and under its municipal seal

If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the aforesaid notice endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles

Upon the issuance of such certificate of incorporation by the Secretary of the Commonwealth the corporate existence of said Authority shall begin Said certificate of incorporation shall be conclusive evidence of the fact that such Authority has been incorporated but proceedings may be instituted by the Commonwealth to dissolve any Authority which shall have been formed without substantial compliance with the provisions of this section

Any Authority heretofore created under the laws of the Commonwealth of Pennsylvania in addition to powers granted or conferred upon said authority shall possess all the powers provided in this act

Section 4 Purposes and Powers General Every Authority incorporated under this act shall be a body corporate and politic and shall be for the purpose of constructing improving maintaining and operating bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars [low cost housing] projects parks recreation grounds and facilities sewers sewer systems sewage treatment works water supply works swimming pools playgrounds lakes [low head] dams hospitals and subways (any and all the foregoing being herein called "projects") [Provided however That no authority shall be created and no project shall be begun after the expiration of two (2) years from the effective date of this act And provided further That the purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted by this act shall be exercised in the construction improvement maintenance extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes] Every Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have existence for a term of [thirty-two] fifty years as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and to sell lease as lessor transfer and dispose of any property or interest therein at any time acquired by it

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

Provided however [that] That the Authority shall have no power at any time or in any manner to pledge the credits or taxing power of the Commonwealth of Pennsylvania or any political subdivisions nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions nor shall the Commonwealth of Pennsylvania or any political subdivisions thereof be liable for the payment of principal of or interest on such obligations

Section 6 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the Authority shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the Authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to acquire the Authority to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the Authority and to require the Authority to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) bring suit upon the bonds

(c) by action or suit in equity require the Authority to account as if it were the trustee of an express trust for the bondholders

(d) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) by notice in writing to the Authority declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county shall have jurisdiction of any suit action or proceedings by the trustee on behalf of the bondholders Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the facilities of the Authority or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the Authority or the board might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the facilities of the Authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights Provided however That nothing in this section or any other section of this act shall authorize any receiver appointed pursuant to this act for the purpose of operating and maintaining any facilities of the Authority to sell assign mortgage or otherwise dispose of any of the assets of whatever kind and character belonging to the Authority It is the intention of this act to limit the powers of such receiver to the operation and maintenance of the facilities of the Authority as the court shall direct and no holder of bonds of the Authority nor any trustee shall ever have the right in any suit action or proceedings at law or in equity to compel a receiver nor shall any receiver ever be authorized or any court be empowered to direct the receiver to sell assign mortgage or otherwise dispose of any assets of whatever kind or character belonging to the Authority

Section 7 Governing Body The powers of each Authority shall be exercised by a governing body (herein called the "Board") composed as follows

If the Authority is incorporated by one municipality

the board shall consist of five members each of whom shall be a citizen of [the] such municipality [for which the Authority is created] The [municipal authorities] governing body of such [municipalities] municipality shall appoint the members of the board one of whom shall serve for a year one for two years one for three years one for four years and one for five years from the January first next succeeding the date of incorporation Thereafter the [municipal authorities] said governing body shall at a meeting held [at least a] not later than one month [prior to] after January first [in each] following the year in which a vacancy occurs appoint as a member of the board a citizen of the municipality for which the Authority is created for a term of five years to succeed the member whose term expires on the January first next succeeding

If the Authority is incorporated by two or more municipalities the Board shall consist of a number of members equal to the number of municipalities incorporating the Authority but in no event less than five

The members of the board shall be appointed their terms staggered and vacancies filled in such manner as the articles of incorporation shall provide No member shall be appointed for a term longer than five years

Members may succeed themselves and shall receive such salaries as may be determined by the [municipal authorities] governing body or bodies of the municipality or municipalities but none of such salaries shall be increased or diminished during the term for which the member receiving the same shall have been appointed A member may be removed for cause by the court of quarter sessions of the county in which the Authority is located after having been provided with a copy of the charges against him for at least ten days and full hearing by the court [If a vacancy shall occur by reason of the death disqualification resignation or removal of a member the municipal authorities shall appoint a successor to fill his unexpired term]

[Three] A majority of the members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and for all other purposes and all action may be taken by vote of a majority of the members present unless in any case the by-laws shall require a larger number The board shall have full authority to manage the properties and business of the Authority and to prescribe amend and repeal by-laws rules and regulations governing the manner in which the business of the Authority may be conducted and the powers granted to it may be exercised and embodied The board shall fix and determine the number of officers agents and employes of the Authority and their respective compensation and duties and may delegate to one or more of their number or to one or more of said officers agents or employes such powers and duties as it may deem proper

Where any Authority has been created prior to the effective date of these amendments with a board composed of five members such board shall continue as the governing body of such Authority with all the powers conferred by this act The members of any such board shall hold the terms of office for which they were originally appointed and in case of a vacancy for any reason in the office of any member a successor shall be appointed for a full term of five years by the governing body of the municipality for which the Authority was created

Section 8 Moneys of the Authority All moneys of any Authority from whatever source derived shall be paid to the treasurer of the Authority Said moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies in one or more special accounts and each of such special accounts to the extent the same is not insured shall be continuously secured by a pledge of direct obligations of the United States of America of the Commonwealth or of the municipality or municipalities creating the Authority having an aggregate market value exclusive of accrued interest at all times at least equal to the balance on deposit in such account Such securities shall either be deposited with the treasurer or be held by a trustee or agent satisfactory to the Authority All banks and trust companies are authorized to give such security for such deposits The moneys in said accounts shall be paid out on the warrant or other order of the chairman of the Authority or of such other person or persons as the Authority may authorize to execute such warrants or orders The Department of Revenue of the Commonwealth and its legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of the Authority including its receipts disbursements contracts leases sinking funds investments and any other matters relating to its finances operation and affairs

Section 9 Transfer of Existing Facilities to Authority The Commonwealth the county or any city borough or township in the county may and they are hereby authorized to lease lend grant or convey to the Authority upon such terms and conditions as are mutually satisfactory to the Authority and the corporate authorities of the Commonwealth the county or any such city borough or township any existing bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars parks recreation grounds and facilities swimming pools sewers sewer systems sewage treatment works lakes or any part or parts thereof or any interest in real or personal property which may be used by the Authority in the construction improvement maintenance or operation of any project The Commonwealth the county or any city borough or township are also authorized to transfer assign and set over to the Authority any contracts which may have been awarded by said Commonwealth county city borough or township for the construction of projects not begun or if begun not completed

Section 10 Competition in Award of Contracts If any project or any portion thereof or any improvement thereof shall be constructed pursuant to a contract and the estimated cost thereof exceeds five hundred dollars such contract shall be awarded to the lowest responsible bidder after advertisement for bids The board may make rules and regulations for the submission of bids and the construction or improvement of any project or portion thereof No contract shall be entered into for construction or improvement of any project or portion thereof or for the purchase of materials unless the contractor shall give an undertaking with a sufficient surety or sureties approved by the Authority and in an amount fixed by the Authority for the faithful performance of the contract All construction contracts shall provide among other things that the person or corporation entering into such contract with the Authority will pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obliger in the undertaking as though such person or corporation was named therein provided the action is brought within one year after the time the cause of action accrued Nothing in this section shall be construed to limit the power of the Authority to construct any project or portion thereof or any addition betterment or extension thereto directly by the officers agents and employes of the Authority or otherwise than by contract

Subject to the aforesaid any Authority may (but without intending by this provision to limit any powers of such Authority) enter into and carry out such contracts or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof as the Authority may deem desirable or as may be requested by any Federal agency that may assist in the financing of such project or any part thereof Provided however That the provisions of this section shall not apply to any case in which the Authority has taken over by transfer or assignment any contract authorized to be assigned to it under the provisions of section nine of this act nor to any contract in connection with the construction of any project which the Authority may have had transferred to it by any person or private corporation

Section 11 Acquisition of Lands The Authority shall have the power to acquire by purchase or eminent domain proceedings either the fee or such right title interest or easement in such lands as the Authority may deem necessary for any of the purposes mentioned in this act Pro-

vided however That no property devoted to a public use nor any property of a public service company property used for burial purposes places of public worship or (except in the case of a housing project) a dwelling house and the reasonable curtilage not to be less than three hundred feet appurtenant thereto shall be taken under the right of eminent domain And provided further That in event of the exercise of eminent domain for the purpose of establishing housing projects the [authorities] Authorities shall first acquire by purchase or option more than sixty-five per centum of the real property or site involved The right of eminent domain shall be exercised by the Authority in the manner provided by law for the exercise of such right by municipalities of the same class as the municipality or one of the municipalities by which such Authority was organized

Section 14 Termination of Authority When any Authority shall have finally paid and discharged all bonds which together with the interest due thereon shall have been secured by a pledge of any of the revenues or receipts of a project it may (subject to any agreements concerning the operation or disposition of such project) convey such project to the municipality or municipalities creating the Authority When any Authority shall have finally paid and discharged all bonds issued and outstanding and the interest due thereon and settled all other claims which may be outstanding against it it may convey all its property to the municipality or municipalities and terminate its existence A certificate requesting the termination of the existence of the Authority shall be filed in the office of the Secretary of the Commonwealth who if he approve shall note the termination of existence on the record of incorporation and return the certificate with his approval shown thereon to the board which shall cause the same to be recorded in the office of the recorder of deeds of the county Thereupon the property of said Authority shall pass to the municipality or municipalities and the Authority shall cease to exist

Section 18 If a project shall have been established under this act by a board appointed by a municipality or municipalities which project is of a character which the municipality or municipalities [has] have power to [itself] establish maintain or operate and such municipality [desires] or municipalities desire to acquire the same it or they may by appropriate resolution or ordinance adopted by the proper Authorities signify its or their desire to do so and thereupon the Authorities shall convey by appropriate instrument said project to such municipality or municipalities upon the assumption by the latter of all the obligations incurred by the Authorities with respect to that project

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. THOMPSON. Mr. President, I ask unanimous consent to amend Sec. 1 (Sec. 6) page 9, line 26 by striking out the word S "acquire" and inserting in lieu thereof "require."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, The Governor of the Commonwealth, which were laid upon the table.

BILL OVER IN ORDER

Mr. THOMPSON. Mr. President, I ask unanimous consent that Senate Bill No. 384 on third reading, entitled:

An Act abating certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the non-payment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 398 (House Bill No. 801), entitled:

An Act to amend sections one, two and four, section five as amended, and section seven of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties," by bringing proprietors within the provisions of the act; requiring effective cleaning agents and proper toilet facilities.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Cavalcante,	Heyburn,	McCreesh,	Ruth,
Dando,	Howell,	Mundy,	Salus,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pytko,	Sipe,
DiSilvestro,	Jaspan,	Rankin,	Sones,
Ealy,	Kahle,	Reed,	Stiefel,
Eroe,	Kilgallen,	Roberts,	Thompson,
Frey,	Kunkel,	Rodgers,	Wolfenden,
Gilson,	Lanius,	Rupp,	Woodward,
Henney,	Law,		

NAYS—8

Bean,	Chapman,	Homsher,	Pierson,
Buckman,	Gelder,	Mallery,	Scarlett,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 405 on third reading, entitled:

An Act to amend sections three hundred forty-five, three hundred forty-six and three hundred sixty-one, as amended, of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eight classes; and revising, amending and consolidating the laws relating thereto," further regulating reports of controllers to the Department of Internal Affairs and the preparation of annual budgets.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS OVER IN ORDER

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 408 on third reading, entitled:

An Act fixing a uniform fiscal year for counties (other than counties of the first and second classes) cities of the third class, boroughs, towns, townships, school districts (other than school districts of the first class) and poor districts and providing such necessary tax, tax auditing, and financial report provisions as required for the fixing of such uniform year and as result from the change of the fiscal year.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JACOBS. Mr. President, I ask unanimous consent that Senate Bil No. 409 on third reading, entitled:

An Act to amend section one thousand and thirty-five as amended, and section one thousand and sixty-two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," further regulating reports of auditors and controllers.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 429, entitled:

An Act to amend sections two, three, four and six of the act, approved the fifth day of June, one thousand nine hundred thirteen (P. L. 443), entitled "An act for the prevention of blindness, by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians, midwives and others, and requiring the reporting of results of treatment of each case of said disease, and fixing a penalty for violation thereof", by imposing duties on public health nurses, social workers, county medical directors, and physicians, and increasing penalties for violation of said act.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Kenney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Howell,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Roberts,	Woodward,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL POSTPONED

Mr. STIEFEL, Mr President, I move that Senate Bill No. 444 on third reading, entitled:

An Act to amend section two hundred eight of the act, aproved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations;" providing for the designation of the Secretary of the Commonwealth as agent for the service of process on business corporations and regulating the manner of services be postponed for the present.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. KILGALLEN. Mr President, at the request of the Sponsors I ask unanimous consent that Senate Bill No. 462 (House Bill No. 32) on third reading, entitled:

An Act to amend clause (b) of section three thousand two hundred and forty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," as amended, providing for compensation for members of joint sewer boards.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 481, entitled:

An Act to amend a part of section three of the act, approved the twenty-ninth day of April, one thousand eight

hundred and seventy-four (P. L. 73), entitled "An act to provide for the incorporation and regulation of certain corporations," vesting discretion in the governor with respect to the approval of the charter of certain corporations.

And said bill having read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. EALY: Mr. President, under the present law, when an application or a charter is presented to the Department of the State, it is examined and then given to the Governor, whose duty under the present law, is to examine the same and if he finds it in proper form he shall endorse thereon his approval and direct Letters Patent to issue,

but this bill contains this proviso: "Provided, however, that the Governor may in his decretion refuse to approve the certificate for the incorporation of any corporation for the purpose of providing any public utility service if in his oponion the issuing of letters patent to such corporation would not be to the best interests of the Commonwealth or to the inhabitants thereof."

I do not know whether this is classed under the 'must' legislation which the Governor demands, but is sufficed that the power which is sought to be given to the Governor is more than a bad Governor should have and more than a good Governor should want.

And said bill having read at length the third time, and

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the Provisions of the Constitution, and were as follows, viz:

YEAS—33

Cavalcante,	Heyburn,	McCreesh,	Rodgers,
Dando,	Huffman,	McGinnis,	Rupp,
Dent,	Jaspan,	Mundy,	Ruth,
DiSilvestro,	Kahle,	Pytko,	Shapiro,
Eroe,	Kilgallen,	Rankin,	Sipe,
Frey,	Kunkel,	Reed,	Sones,
Gilson,	Lanius,	Rice,	Stiefel,
Haluska,	Law,	Roberts,	Thompson,
Henney,			

NAYS—16

Bean,	Ealy,	Jacobs,	Salus,
Buckman,	Gelder,	Mallery,	Scarlett,
Chapman,	Homsher,	Owlett,	Wolfenden,
Deitrick,	Howell,	Pierson,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 505 (House Bill No. 925), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to accept and place in the corridor of the Capitol a plaque commemorating the services of Doctor Joseph Kalbfuss

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Howell,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Roberts,	Woodward,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 515, entitled:

An Act authorizing county commissioners in counties of the seventh and eighth classes to transfer surplus county moneys to the poor district; and providing for the expenditures of the moneys so transferred for poor district purposes.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Howell,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Roberts,	Woodward,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. HENNEY. Mr. President, at the request of the sponsor, I ask unanimous consent that Senate Bill No. 526 (House Bill No. 1027), on third reading, entitled:

An Act regulating the recordation of assignments of mortgages in counties of the second class fixing fees therefor and imposing certain powers and duties on the recorders of deeds of such counties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 568, entitled:

An Act to amend sections one, two, three and section nine as amended, of the act, approved the twenty-eighth day of June, one thousand nine hundred and twenty-three (P. L. 888), entitled "An act to safeguard human life and health throughout the Commonwealth by providing for the reporting quarantining, and control of diseases declared communicable by this act or by regulation of the Department of Health; providing for the prevention of infection therefrom; and prescribing penalties," by eliminating list of communicable diseases and giving authority to the Department of Health to declare by regulation what diseases are communicable or communicable and quarantinable; shortening reports required of physicians in such cases; clarifying the duration of placarding; and empowering the Department of Health to obtain additional information from local health authorities.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Howell,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Roberts,	Woodward,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 595 (House Bill No. 921), entitled:

An Act to enable cities of the first, second and second class A, incorporated towns, boroughs, and townships of the second class to govern and regulate by ordinance the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and land appurtenant thereto; providing for the enforcement of such ordinances; and repealing existing laws.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Cavalcante,	Jacobs,	Mundy,	Salus,
Dando,	Jaspan,	Pytko,	Shapiro,
Deitrick,	Kahle,	Rankin,	Sipe,
DiSilvestro,	Kilgallen,	Reed,	Sones,
Eroe,	Kunkel,	Rice,	Stiefel,
Frey,	Lanius,	Roberts,	Thompson,
Gilson,	Law,	Rodgers,	Wolfenden,
Haluska,	McCreesh,	Rupp,	Woodward,
Henney,	McGinnis,	Ruth,	

NAYS—13

Bean,	Gelder,	Howell,	Owlett,
Buckman,	Heyburn,	Huffman,	Pierson,
Chapman,	Homsher,	Mallery,	Scarlett,
Ealy,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 607, as follows:

An Act providing for the fixing of the salaries and compensation of officers clerks stenographers and employes appointed by judges of the courts of this Commonwealth in counties of the second class where salary boards exist by law

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in any of the counties of the second class of this Commonwealth where a salary board exists by law the salaries and compensation of all officers clerks stenographers and employes appointed by the judges of any courts of such counties and who are paid from the county treasury shall be fixed by the salary board of such counties as in the case of all other county employes

Section 2 All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Howell,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
DiSilvestro,	Jacobs,	Pierson,	Sipe,
Ealy,	Jaspan,	Pytko,	Sones,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,
Gelder,	Kunkel,	Rice,	Wolfenden,
Gilson,	Lanius,	Roberts,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 615 (House Bill No. 1235), entitled:

An Act to amend section four hundred seven of the act, approved the second day of May, one thousand nine hun-

dred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by providing the method of designating, and the qualifications of the depositories selected for the deposit of funds of counties of the second class.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Henney,	Mallery,	Rodgers,
Buckman,	Heyburn,	McCreesh,	Rupp,
Chapman,	Homsher,	McGinnis,	Ruth,
Dando,	Howell,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
DiSilvestro,	Jacobs,	Pierson,	Sipe,
Ealy,	Jaspan,	Pytko,	Sones,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,
Gelder,	Kunkel,	Rice,	Wolfenden,
Gilson,	Lanius,	Roberts,	Woodward,
Haluska,	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 617 (House Bill No. 653), entitled:

An Act to amend section 530, as amended and section 532 of the act aproved the twenty fourth day of June nineteen hundred and thirty one (P. L. 1206) entitled "An act concerning townships of the first class" amending, revising consolidating and changing the law relating thereto, fixing the length of term of certain officers appointed to fill vacancies.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Salus,
Deitrick,	Howell,	Mundy,	Scarlett,
Dent,	Huffman,	Owlett,	Shapiro,
DiSilvestro,	Jacobs,	Pierson,	Sipe,
Ealy,	Jaspan,	Pytko,	Sones,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,
Gelder,	Kunkel,	Rice,	Wolfenden,
Gilson,	Lanius,	Roberts,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. JASPAN. Mr. President, I ask unanimous consent that Senate Bill No. 625 on third reading, entitled:

An Act to add section four hundred and ninety-six to the act, approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," requiring counties to place in good condition and to care for neglected cemeteries.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 626 on third reading, entitled:

An Act to amend section one of the act, approved the fourteenth day of April, one thousand nine hundred and thirty-one (P. L. 38), entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A, and the removal of policemen in cities of the second class," further regulating the suspension and dismissal of policemen and firemen in cities of the second class A.

go over in its order,

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 651, entitled:

An Act to amend sections one, two and three of Article seventeen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," advancing the dates for the submission of budget estimates, the adoption of financial program and the fixing of the tax rate, and providing for the ascertainment of the tax rate where the same is not fixed within the time specified.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Salus,
Deitrick,	Howell,	Mundy,	Scarlett,
Dent,	Huffman,	Owlett,	Shapiro,
DiSilvestro,	Jacobs,	Pierson,	Sipe,
Ealy,	Jaspan,	Pytko,	Sones,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gelder,	Lanius,	Rice,	Wolfenden,
Gilson,	Kilgallen,	Roberts,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 700 (House Bill No. 1309), entitled:

A Supplement to the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class;" creating the position of solicitor for the department of city controller.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Howell,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Roberts,	Woodward,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 701 (House Bill No. 1311) on third reading, entitled:

An Act to authorize cities of the second class to sue out writs of scire facias on certain tax liens, to revive writs of scire facias on such liens, or to revive judgments on such liens, where more than five years have elapsed since said liens were filed or such judgments were entered or revived, and to reduce such liens to judgment, or to revive such judgments, and providing for the revival and collection of such judgments.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 702 (House Bill No. 1335), entitled:

An Act regulating the employment and hours of employment of the Officers and members of the uniformed Fire protection forces of the Cities of the first class and repealing existing laws.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Howell,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Roberts,	Woodward,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. JASPAN. Mr. President, I move that Senate Bill No. 703, on third reading entitled:

An Act to prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in the Commonwealth of Pennsylvania for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes.

be recommitted to the Committee on Public Health for the purpose of a hearing.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 714 (House Bill No. 999), entitled:

An Act providing for the appointment of a Commission to draft a report on a plan for the future government of the City of Philadelphia, in accordance with a proposed amendment to the Constitution, consolidating the City and County governments of the said City; providing for the employment of certain persons by the Commission; giving the Commission the power to subpoena witnesses, books, papers and records; to hold hearings:; and making an appropriation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Howell,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Roberts,	Woodward,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. CAVALCANTE. Mr. President, I move that the Senate do now proceed to the third reading and consideration of Senate Bill No. 626, on third reading.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 626, entitled:

An Act to amend section one of the act approved the fourteenth day of April, one thousand nine hundred and thirty-one (P. L. 38), entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A, and the removal of policemen in cities of the second class," further regulating the suspension and dismissal of policemen and firemen in cities of the second class A.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to amend page 3, line 16, by striking out after the word "convicted" the following: "from SC"

Amend page 3, line 16, by striking out after the word "officer" the following: "duty"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

The PRESIDENT. These are strike out amendments and the Bill is now on final passage.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Howell,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Roberts,	Woodward,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 158, as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for health rooms changing the provisions for permitted and compulsory attendance providing for enumeration of minors in certain cases requiring enumeration of illiterate children and alien residents providing for home and school visitors in lieu of or in addition to other attendance officers and for their compensation providing for the education of physically and mentally handicapped children and for the care of uneducable children authorizing school districts to provide care and treatment of defective ears of pupils making uniform for all districts the required number of days schools shall be kept open and authorizing school districts of the fourth class to provide medical inspection at their own expense

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six hundred and eighteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 618 All school buildings hereafter built or rebuilt shall comply with the following conditions

In every school building the total light area must equal at least twenty per centum of the floor space and the light should not be admitted thereto from the front of seated pupils

Every school room shall have not less than fifteen square feet of floor space and not less than two hundred cubic feet of air space per pupil

Every school building shall contain a room to be known as the Health Room which shall be not less than twenty-one feet in length and which shall be furnished and equipped for use as quarters in which regular school medical inspections may be given and as a first aid room for pupils requiring medical attention while attending classes

Section 2 That section one thousand four hundred and three of said act as amended by the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1403 Unless otherwise directed by the board of school directors the admission of beginners to the public schools shall be confined to [two periods namely during] the first two weeks of the annual school term [and during the first two weeks of school following the first day of January in any school year] Provided That beginners becoming six years of age after the beginning of the school

term and before the first day of [January] February of any year shall be admitted during the first two weeks of the annual school term [the period at the beginning of the school term and beginners becoming six years of age between the first day of January and the close of the term shall be admitted during the period following the first day of January] Provided further That the board of school directors in any school district may fix such additional periods for the admission of such beginners as it may determine

The term beginners as used in this section shall mean any child that should enter the lowest grade of the primary school or the lowest primary class

Section 3 Section one thousand four hundred and thirteen of said act as amended by section eight of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1152) is hereby further amended to read as follows

Section 1413 It shall be the duty of the secretary of the school board teachers school enumerators and attendance officers in every school district in this Commonwealth in accordance with rules of procedure prescribed by the Superintendent of Public Instruction to secure information and report [to the medical inspector of the school district and] to the district or county superintendent of schools on or before the fifteenth day of October of each year and thereafter as cases arise every child of compulsory school age within said district [between the ages of eight (8) and sixteen (16) years] who is gravely retarded in his or her school work [or] and any child [between the ages of six (6) and sixteen (16)] of compulsory school age who because of apparent exceptional physical or mental condition is not being properly educated and trained and as soon thereafter as possible the child shall be examined by a mental clinic approved by the State Council of Education or by a person certified by the Department of Public Instruction as a public school psychologist or psychological examiner and a report shall be made concerning his fitness for special education [the medical inspector shall examine such child in accordance with rules of procedure prescribed by the Secretary of Health and report whether such child is a fit subject for special education and training] In school districts of the first second and third class having a district superintendent of schools said report shall be made to the superintendent of the district In all other districts the report shall be made to the Secretary of Health and by him reported to the] superintendent of school of the county

[Pupils may also be designated as candidates for special education by mental clinics approved by the Council of Education or by a psychologist or a psychological examiner who has been certified by the Superintendent of Public Instruction and is employed by any school district]

The county or district superintendent of schools shall submit to the board or boards of school directors plans for establishing and maintaining special classes in the public schools or special public schools for the proper education and training of all such children reported to him as fit subjects for special education and training and except as herein otherwise provided it shall be the duty of the board of directors of any district having such children to provide and maintain or to jointly provide and maintain with neighboring districts such special classes or schools Provided however That if it is not feasible to form a special class with a minimum attendance of ten children in any district or if for any other reason it is not feasible to provide such education for any such child in the public schools of the district the board of school directors of that district shall except as herein otherwise provided unless approved provision for the education of such child is made by the parents or guardian secure such proper education and training outside the public schools of the district or in special institutions or by providing for teaching the child in his home in accordance with rules and regulations prescribed by the Department of Public Instruction on terms and conditions not inconsistent with the terms of this act or of any other act then in force applicable to such children

[If in any district in which ten or less feebleminded children between the ages of eight and sixteen have their legal residences the board of school directors shall be of the opinion that it is not feasible to establish a special class for such children such board shall report such feebleminded children to the Department of Welfare for enrollment in a school for feebleminded children] Any child who is reported by an approved mental clinic or by a person who is certified as a public school psychologist or psychological examiner as being uneducable in the public schools may be reported by the board of school directors to the Department of Welfare in accordance with regulations approved by the State Council of Education After any such board shall have thus reported any child [ren] it shall be relieved of the obligation of providing education for such child[ren]

The Department of Welfare shall thereupon [provide adequate facilities] arrange for the education and training of such children]

Any physically or mentally handicapped child who is regularly enrolled in a special class that is approved by the Department of Public Instruction may be furnished with free transportation by the school district The Commonwealth shall reimburse any school district furnishing such transportation in the same manner and amounts as provided for in this act for the transportation of pupils from closed schools

When it is not feasible to provide such transportation the board of school directors may in lieu thereof pay for suitable board and lodging for any such child Provided that in no case shall the State's share of the cost exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is in attendance at school not exceeding five days in any one week

School districts maintaining special classes in the public schools or special public schools or providing special education as hereinafter specified in this section shall receive reimbursement as provided by law so long as such classes such schools and such special education are approved by the State Council of Education as to location constitution and size of classes conditions of admission and discharge of pupils equipment courses of study methods of intruction and qualifications of teachers

The State Superintendent of Public Instruction shall superintend the organization of such special classes and such other arrangements for special education and shall enforce the provisions of this act

On or before the first day of October of each year the secretary of the board of school directors in each district in which special education for physically or mentally handicapped children is provided shall make such reports in regard to such special education maintained during the previous school year and that for which the approval of the State Council of Education for the current year is desired as may be required by the Department of Public Instruction When any child between the ages of six (6) and twenty-one (21) years of age resident in this Commonwealth who is blind or deaf is enrolled with the approval of the Department of Public Instruction as a pupil in any of the schools or institutions for the blind or deaf under the supervision of and approved by the Department of Public Instruction the school district in which such child is resident shall pay twenty-five per centum (25%) of the cost of tuition and maintenance of such child in such school or institution as determined by the Department of Public Instruction and for the tuition and maintenance of such children the Commonwealth shall pay out of funds appropriated to the department for special education seventy-five per centum (75%) of the cost of their tuition and maintenance as determined by the department When any person less than six (6) or more than twenty-one (21) years of age resident in this Commonwealth who is blind or deaf is enrolled with the approval of the Department of Public Instruction as a pupil in any of the schools or institutions for the blind or deaf under the supervision of and approved by the Department of Public Instruction the Commonwealth shall pay to such school or institution out of moneys appropriated to the department for special education the cost of tuition and maintenance of such person as determined by the Department of Public Instruction To facilitate payments by the sev-

eral school districts to the schools or institutions in which deaf or blind children are enrolled of amounts due by such districts for their proportion of the cost of tuition and maintenance of such children the Superintendent of Public Instruction shall withhold from any moneys due to such districts out of any State appropriation for the assistance as reimbursement of school districts the amounts due by such districts to such schools or institutions for the blind or the deaf and amounts so withheld shall be paid to such schools or institutions by warrant of the Auditor General upon the State Treasurer after requisition of the Superintendent of Public Instruction for which purpose all amounts so withheld are hereby specifically appropriated to the Department of Public Instruction Payments of the Commonwealth's proportion of the cost of tuition and maintenance of blind or deaf pupils enrolled in schools or institutions for the blind or for the deaf as hereinbefore provided shall be made quarterly out of moneys appropriated to the Department of Public Instruction for special education by warrant of the Auditor General upon the State Treasurer after requisition by the Superintendent of Public Instruction For the purpose of enabling the Department of Public Instruction to determine from time to time what amounts are due to schools for the blind or for the deaf hereunder such schools shall forward to the department at such times and in such form as the department shall prescribe sworn statements setting forth the names ages and residences of all pupils enrolled hereunder specifying the school districts liable for a part of the cost of tuition and maintenance of any such pupils the per capita cost of and maintenance of pupils and such other information as the Department shall require

Section 4 Section one thousand four hundred and fourteen of said act as last amended by section thirty-five of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1414 The term "compulsory school age" as hereinafter used shall mean the period of a child's life from the time the child's parents elect to have the said child enter school which shall be not later than at the age of eight years until the age of seventeen years during the school year one thousand nine hundred thirty-eight-one thousand nine hundred thirty-nine (1938-1939) and thereafter until the age of eighteen years Provided that any child past sixteen years of age who holds a certificate of graduation from a regularly accredited senior high school or any child who prior to the effective date of this act has left school and is legally employed shall not be subject to the provisions of this section

Every child of compulsory school age having a legal residence in this Commonwealth as herein provided [between the ages of eight and sixteen years] and every migratory child [between such ages] of compulsory school age is required to attend a day school in which the [common English branches provided for in this act] subjects and activities prescribed by the State Council of Education are taught in the English language and every parent guardian or other person in this Commonwealth having control or charge of any child or children [between the ages of eight and sixteen years] of compulsory school age is required to send such child or children to a day school in which the common English branches are taught in the English language and such child or children shall attend such school continuously through the entire term during which the public elementary schools in their respective districts shall be in session or in cases of migratory children during the time the schools are in session in the districts in which such children are temporarily domiciled Provided that the certificate of any principal or teacher of a private school or of any institution for the education of children in which the common English branches are taught in the English language setting forth that the work of said school is in compliance with the provisions of this act shall be sufficient and satisfactory evidence thereof And provided further That the term "Migratory child" wherever used in this act shall include any child domiciled temporarily in any school district for the purpose of seasonal employment but not acquiring residence therein and any child accompanying his parent or guardian who is so domiciled Regular daily instruction in the English language for the time herein required by a property qualified private tutor shall be considered as compyling with the provisions of this section if such instruction is satisfactory to the proper county or district superintendent of schools

Every parent guardian or other person in this Commonwealth having control or charge of any child between the ages of six and [sixteen] seventeen years during the school year one thousand nine hundred and thirty-eight-one thousand nine hundred and thirty-nine (1938-1939) and thereafter eighteen years who is deaf or blind or is so crippled or whose hearing or vision is so defective as to make it impracticable to have such child educated in the public schools of the district in which he is a resident shall allow such child to be sent to some school where proper provision is made for the education of the deaf or of the blind or of crippled children or shall provide for the tuition of such child by a legally certified private tutor

Section 5 Section one thousand four hundred and sixteen of said act as amended by section one of the act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 1034) is hereby further amended to read as ofllows

Section 1416 The provisions of this act requiring regular attendance shall not apply to any child between the ages of [fourteen and] sixteen and eighteen years who [has completed a course of study equivalent to six yearly grades of the public school and] is regularly engaged in any useful and lawful employment or service during the time the public schools are in session and who holds an employment certificate issued according to law or who has been examined by an approved mental clinic or by a person certified as a public school psychologist or psychological examiner and has been found to be unable to profit from further school attendance and who has been reported to the board of school directors and excused in accordance with regulations prescribed by the State Council of Education nor shall the said provisions apply to any child between the ages of [fourteen] fifteen and [sixteen] eighteen years engaged in farm work or domestic service in a private home on a permit issued by the school board or the designated school official of the school district of the child's residence in accordance with regulations which the Superintendent of Public Instruction is hereby authorized to prescribe

Section 6 Section one thousand four hundred and seventeen of said act is hereby amended to read as follows

Section 1417 Every principal or teacher in [every] any public school and every principal teacher or tutor in any school other than a public school and in every institution for children and every private teacher in every school district in this Commonwealth shall immediately after their admission to such school or institution or at the beginning of such private teaching furnish to the district superintendents supervising principals attendance officers home and school visitors or secretaries of the boards of school directors of the districts wherein the parents or guardians of such children reside lists of the names and residences of all children between [eight] six and [sixteen] eighteen years of age enrolled in such school or institution or taught by such private teacher and shall further report at once to such district superintendent supervising principal or secretary of the board of school directors the name and date of withdrawal of any such pupil withdrawing from any such school or institution or from such private instruction if such withdrawal occurs during the period of compulsory attendance in said district And every principal or teacher in a school other than a public school and every private teacher shall also report at once to the superintendent supervising principal attendance officer home and school visitors or secretary of the board of school directors of the district any such child who has been absent three days or their equivalent during the term of compulsory attendance without lawful excuse

Section 7 Section one thousand four hundred and eighteen of said act as last amended by section one of the act approved the twenty-ninth day of March one thou-

sand nine hundred and twenty-seven (Pamphlet Laws 75) is hereby further amended to read as follows

Section 1418 In case there is no public school in session within two miles by the nearest public highway of the residence of any child in a township which is a district of the third class or in a school district of the fourth class such child shall [be exempt from the provisions of this act relating to compulsory attendance unless proper free transportation] be furnished [to such child] free transportation to and from school [Provided] from and to a point on a public highway not more than two miles distant from the residence of such child All vehicles used for the transportation of pupils whether owned or hired by the school district shall conform to standards prescribed by the State Council of Education [If] For such proper free transportation [is] furnished to any child [under sixteen years of age] to and from school the Commonwealth shall reimburse any school district of the fourth class or any township which is a school district of the third class furnishing such transportation in the same manner and amounts as provided for in this act for transportation of pupils from closed schools When it is not feasible to provide such transportation for any child who is regularly enrolled in a school the board of school directors may in lieu thereof pay for suitable board and lodging for any such child Provided That in no case shall the State's share exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is in attendance at school not exceeding five days in any one week

Section 8 Sections one thousand four hundred and nineteen and one thousand four hundred and twenty of said act are hereby amended to read as follows

Section 1419 Every person firm association or corporation in this Commonwealth accepting service from or employing a child or children [between the ages of fourteen and sixteen years] of compulsory school age during the hours when the public schools are in session [and during the period of] shall on or before the first day of September in each year and quarterly thereafter during the period of compulsory attendance furnish to the superintendent of schools supervising principal or secretary of the board of school directors of the district in which such child or children reside the name age place of residence and name of parent or guardian of every such child in his or its employ or service Such report shall be made upon blanks to be furnished by the Superintendent of Public Instruction at the expense of the Commonwealth

Section 1420 Every person firm association or corporation in this Commonwealth accepting service from or employing a child or children [between the ages of fourteen and sixteen years] of compulsory school age during the hours when the public schools are in session and during the period of compulsory attendance in any school district shall make a true and correct list of all such children giving their names ages places of residence names of parents or guardians the dates of and names of the persons issuing the employment certificates and the time of beginning and ending of service with him or it which list shall be clearly written or printed and kept publicly posted at the place of employment of such child where the same may be inspected by any member of the board of school directors or the secretary thereof by the district superintendent the supervising principal or the attendance officer of any school district at any time during the business hours

Section 9 Section one thousand four hundred and twenty-one of said act as amended by section one of the act approved the twenty-third day of April one thousand nine hundred and fifteen (Pamphlet Laws 174) is hereby further amended to read as follows

Section 1421 No person in this Commonwealth either for himself or for any firm association or corporation shall during the term of compulsory attendance as fixed by the board of school directors in any school district and during the hours the public schools are in session accept service from engage or employ any child [or children between eight and fourteen] under eighteen years of age [nor shall he accept service from engage or employ any child or children between the ages of fourteen and sixteen years] unless [such child shall first furnish and deliver to] such employer shall have on file an employment certificate or farm or domestic service permit issued according to law

If the child leaves such employment or is absent from such employment five days the employer shall immediately in writing notify accordingly the school official who issued the certificate

Section 10 Section one thousand four hundred and twenty-two of said act as last amended by section thirty-six of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1422 Any person or persons accepting service from or engaging or employing any child [between eight and fourteen years of age during the term of compulsory attendance and] of compulsory school age while the public schools are in session or accepting service from engaging or employing any such child during the same period of time [between the ages of fourteen and sixteen years] without [being first furnished by] having on file for such child [with] an employment certificate or farm or domestic service permit or failing to furnish to the district superintendent of schools supervising principal attendance officer or secretary of the board of school directors the information required by this act concerning the children employed by him or them or shall fail to post for inspection at the place of employment of such children the list of children engaged by him or them as required by the provisions of this act who shall fail to notify the proper school offiicial as required by the last preceding section of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished for first offense by a fine of not less than ten dollars ($10.00) or more than twenty-five dollars ($25.00) or ten days' imprisonment in the county jail or either or both at the discretion of the court and for a subsequent offense shall be punished by a fine of not less than twenty dollars ($20.00) or more than fifty dollars ($50.00) or ninety days' imprisonment in the county jail or either or both at the discretion of the court

Section 11 The first paragraph of section one thousand four hundred and twenty-three of said act is hereby amended to read as follows

Section 1423 Every parent guardian or person in parental relation in this Commonwealth having control or charge of any child or children [between the ages of eight and sixteen years] of compulsory school age who shall fail to comply with the provisions of this act regarding compulsory attendance shall be guilty of a misdemeanor and on conviction thereof before any alderman magistrate or justice of the peace shall be sentenced to pay a fine for the benefit of the school district in which such offending person resides not exceeding two dollars ($2.00) for the first offense and not exceeding five dollars ($5.00) for each succeeding offense together with costs and in default of the payment of such fine and costs by the person so offending shall be sentenced to the county jail for a period not exceeding five days Provided That any person sentenced to pay any such fine may at any time within five days thereafter appeal to the court of quarter sessions of the proper county upon entering into a recognizance with one or more proper sureties in double the amount of penalty and costs And provided That before any proceedings are instituted against any parent guardian or person in parental relation for failure to comply with the provisions of this act such offending person shall have three days' written notice given him by the superintendent of public schools supervising principal attendance officer or secretary of the board of school directors of such violation and if after such notice has been given the provisions of this act regarding compulsory attendance are again violated by the persons so notied at any time during the term of compulsory attendance such person so again offending shall be liable under the provisions of this act without further notice

Section 12 Section one thousand four hundred and twenty-four of said act is hereby amended to read as follows

Section 1424 Whenever the board of school directors

or the attendance officer superintendent supervising principal or secretary of any board of school directors in this Commonwealth ascertains that any child [between eight and sixteen years] of compulsory school age who is by the provisions of this act required to attend the public schools in the district over which such board of school directors has control is unable to do so on account of lack of necessary clothing or food such case shall be promptly reported to any suitable relief agency operating in the school district or if there be no such suitable relief agency to which the case can be referred it shall be reported to the proper directors or overseers of the poor for investigation and relief

Section 13 Section one thousand four hundred and twenty-five of said act as amended by section one of the act approved the third day of May one thousand nine hundred and fifteen (Pamphlet Laws 238) is hereby further amended to read as follows

Section 1425 The board of school directors in every school district in this Commonwealth shall between [April] March first and September first of each year cause to be made by the attendance officers teachers or other persons employed for this purpose a careful correct and accurate enumeration on census cards or in a substantial book or books provided by the Superintendent of Public Instruction at the expense of the State for that purpose of all the children between the age of six [sixteen] eighteen years within their district giving the full name date of birth age sex nationality place of residence in such school district name and address of parent or persons in parental relation the name and location of the school where the child is enrolled or belongs and the name and address of the employer of any child under [sixteen] and eighteen years of age who is engaged in any regular employment or service Such enumeration shall be made by careful inquiry at the residence of each family in the district and the person making the same upon completion thereof shall make a proper oath or affirmation as to its correctness Such enumeration shall also include the names and addresses of all persons firms or corporations employing or accepting service from children under [sixteen (16)] eighteen years of age The board of school directors in any school district in the Commonwealth shall have authority to cause to be made an enumeration of all minors residing within the district and the Superintendent of Public Instruction may at his discretion require such enumeration

Beginning in the year one thousand nine hundred and thirty-eight and thereafter in the year one thousand nine hundred forty the year one thousand nine hundred forty-five and each fifth year following said board of school directors shall and at more frequent intervals may also cause to be recorded in the same or separate books or on the same or separate census cards in like manner to and in conjunction with said enumeration of children an enumeration of all persons ten years of age or over resident within their district who are unable to write the English language according to standards hereinafter provided giving the full name age sex race nationality place of residence in such school district whether able to write English whether able to read English and whether able to speak English and of all persons twenty-one or more years of age resident within their district who are not citizens of the United States of America giving their full name age sex nationality place of residence in school district whether declarants and whether petitioners for naturalization

The standards used in determining whether residents are able to speak English able to read English and able to write English shall be formulated by the State Council of Education for the purpose of recording the facts of said enumeration

Such enumeration shall be made by careful inquiry at the residence of each family in the district and the persons making the same upon completion thereof shall make a proper oath or affirmation as to its correctness If any person shall hinder or prevent or attempt to hinder or prevent any attendance officer or teacher or other person from performing any duty provided for in this section he shall on conviction thereof before any alderman or justice of the peace of the county be sentenced to pay a fine not exceeding five dollars or to undergo an imprisonment not exceeding five days

Section 14 Section one thousand four hundred and twenty-six of said act is hereby amended to read as follows

Section 1426 The secretary of each board of school directors or such other person as is directed by the board shall at or before the opening of the school term furnish to the principal or teacher of each school a correct list of the names and residences of all aliens of all residents over ten years of age unable to read or write the English language and of children assigned to such school who are subject to the provisions of this act The said secretary or other person shall also forward on or before the first day of October of each year to the county or district superintendent to be by him forwarded on or before the first day of November of each year to the Superintendent of Public Instruction a summary of such statistics regarding the children in each district as is required by the Superintendent of Public Instruction on blanks provided by him for that purpose

Section 15 Section one thousand four hundred and twenty-seven of said act is hereby amended to read as follows

Section 1427 The cost and expense of making a proper enumeration of the children and of aliens and of persons unable to write English of each school district as herein provided shall be paid per diem or by the name or in such other manner as the board of school directors may see proper out of the funds of the district Provided That the attendance officer the superintendent of schools supervising principal or the secretary of the board of school directors shall have the power to add to this enumeration the names of any children and of any aliens and of persons unable to write English whose names do not appear thereon together with other information required by this act

Section 16 Section one thousand four hundred and twenty-eight of the said act is hereby amended to read as follows

Section 1428 It shall be the duty of every principal or teacher of a public school to report immediately to the attendance officer superintendent of schools supervising principal or secretary of the board of school directors the names of all children in the list furnished to him who have not appeared for enrollment and he shall also properly report from time to time to the attendance officer superintendent of schools supervising principal or secretary of the board of school directors the names of all children who having enrolled have subsequently withdrawn from school or who have been absent three days or their equivalent during the term of compulsory attendance without lawful excuse Such person shall thereupon serve upon the parent guardian or other person in parental relation to such children unlawfully from school the written notice hereinbefore provided and if it shall appear that within three days thereafter any child parent guardian or other person in parental relation shall have failed to comply with the provisions of this act the superintendent supervising principal attendance officer or secretary of the board of school directors in the name of the school district shall proceed against the person so offending in accordance with the provisions of this act

Section 17 Section one thousand four hundred and thirty-two of said act as amended by section six of the act approved the eleventh day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 497) is hereby further amended to read as follows

Section 1432 The board of school directors of every school district in this Commonwealth of the first second or third class shall and in any school district of the fourth class may employ one or more persons to be known as attendance officers or home and school visitors whose duties shall be to enforce the provisions of this act regarding compulsory attendance Such attendance officers or home and school visitors shall in addition to the duties imposed upon them by the provisions of this act have full police power without warrant and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act or who is incorrigible insubordinate or disorderly during attendance at school or on his way to

or from school Provided That all home and school visitors shall be legally certified as such by the Department of Public Instruction upon meeting such requirements as shall be prescribed by the State Council of Education and when so certified any district employing such home and school visitors shall be reimbursed for their salaries on the same basis as they are now reimbursed for elementary school teachers

Section 18 Section one thousand four hundred and thirty-five of said act is hereby amended to read as follows

Section 1435 Any officer director superintendent manager employe or other person at any place where any child between fourteen and [sixteen] eighteen years of age is engaged who refuses to permit or in any way interferes with the entrance therein of the attendance officer any member of the board of school directors the secretary thereof the district superintendent or supervising principal of any school district as provided for in this act shall be guilty of a misdemeanor and on conviction thereof before any magistrate alderman or justice of the peace shall be sentenced to pay a fine of not less than five dollars ($5.00) or more than twenty-five dollars ($25.00) in default of which he may be sentenced to imprisonment not exceeding thirty days Provided That any person sentenced to pay any such fine may upon giving proper surety in double the amount of penalty and costs at any time within five days thereafter appeal to the court of quarter sessions of the proper county

Section 19 Section one thousand four hundred and thirty-six of said act as last amended by section one of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 1087) is hereby further amended to read as follows

Section 1436 Such attendance officers or home and school visitors may be employed for the full calendar year and shall be paid such amounts and in such manner as the board of school directors appointing them may decide and they shall at all times perform the duties of their appointment under the direction of the board of school directors appointing them Provided That in districts of the first class the compensation shall not be less than twelve hundred dollars ($1,200) per annum Every school district shall report to the Superintendent of Public Instruction upon the enforcement of the provisions for compulsory attendance and the cost thereof in such details as said Superintendent of Public Instruction shall request

Section 20 Section one thousand five hundred and three of said act as amended by section two of the act approved the twenty-third day of June one thousand nine hundred and nineteen (Pamphlet Laws 572) and section three of the act approved the seventeenth day of July one thousand nine hundred and nineteen (Pamphlet Laws 997) is hereby further amended to read as follows

Section 1503 In every school district of the fourth class in this Commonwealth the State Department of Health shall provide in such manner as it may determine medical inspection for all the pupils in the public schools by proper medical inspectors to be appointed by the State Commissioner of Health at the expense of said department In the event that such department because of lack of funds is unable to provide adequate medical inspection at its expense the school district may at its own expense provide such medical inspection or additional medical inspection All such medical inspectors shall be legally qualified physicians who have had not less than two years' experience in the practice of their profession Such medical inspection shall be made in the presence of the parent or guardian of the pupil when so requested by parent or guardian

Section 21 Section one thousand five hundred and eleven of said act as added by section one of the act approved the seventeenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1032) is hereby amended to read as follows

Section 1511 Any school district may provide for the care and treatment of defective eyes ears and teeth of all pupils of its public schools

Section 22 Section one thousand six hundred and one of said act as amended by section one of the act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 983) is hereby further amended to read as follows

Section 1601 During the school year beginning the first Monday of July one thousand nine hundred and thirty-seven and each school year thereafter each public elementary and high school in all of the school districts of this Commonwealth shall be kept open at least one hundred and eighty (180) days each year Unless otherwise provided by this act the board of school directors in any district may keep such other schools or departments as it may establish open during such time as it may direct

Section 23 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 24 Except as hereinbefore otherwise specifically provided the provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. THOMPSON. Mr. President, I move that Senate Bill No. 158, the bill just read, be recommitted to the Committee on Education for the purpose of further study.

Mr. PYTKO. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 239, (House Bill No. 60), as follows:

An Act to amend the title and sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand two hundred eighty-six) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" extending the provisions thereof to cities of the first class providing for the charging and collection of annual rentals for the use of sewers sewage systems and sewage treatment works constructed or acquired jointly with other municipalities or furnished under contract by any authority

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand two hundred eighty-six) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" are hereby amended to read as follows An act empowering cities [(except cities of the first class)] boroughs incorporated towns and townships to charge and collect annual

rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection, maintenance repair depreciation and the amortization of indebtedness and interest thereon

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any city (other than a city of the first class) borough incorporated town or township either singly or jointly with other municipalities or townships or both has wholly or partially constructed or shall hereafter wholly or partially construct or complete any sewer or sewage system or sewage treatment works either wholly or partially at public expense or shall have acquired or shall hereafter acquire the same either wholly or partially at public expense or whenever any city borough incorporated town or township shall singly or jointly with other municipalities or townships or both enter into any contract with any authority established in accordance with law for the furnishing of sewer or sewage treatment services or both for its or their benefit and the benefit of the inhabitants thereof such city borough incorporated town or townships may provide by ordinance or resolution enacted either before or after the acquisition or construction thereof or the entry into such contract for the importation and collection of an annual rental or charge for the use of such sewer sewage system or sewage treatment works from the owners of the property served or to be served by it whether such property is located within or without the corporate limits of such city borough town or township

The annual rental or charge so imposed shall be a lien on the properties served and such liens may be filed in the office of the prothonotary and collected in the manner provided by law for the filing and collection of municipal claims

Section 2 Any such annual rental or charge may be such sum as may be sufficient to meet any or all of the following classes of expense (a) the amount expended annually by the city borough incorporated town or township in the operation maintenance repair alteration inspection depreciation or other expenses in relation to such sewer sewage system or sewage treatment works (b) such annual amount as may be necessary to provide for the amortization of the indebtedness incurred or the non-debt revenue bonds issued by the city borough incorporated town or township in the construction or acquisition of such sewer sewage system or sewage treatment works and interest thereon in order that said improvements may become self-liquidating or as may be sufficient to pay the amount agreed to be paid annually under the terms of any contract with any authority furnishing sewer or sewage treatment services to such city borough town or township and (c) sufficient to establish a margin of safety or ten per centum Any unused surplus from any preceding year shall be paid into the fund accuring from said rentals or charges and whenever the amount in said fund exceeds the said margin of safety of ten per centum the excess shall be paid into the sinking fund The amount required for sinking fund and interest shall be paid into the sinking fund and the amount so paid including any excess as above provided shall not be used for any other purpose The said annual rental or whatever charge shall be decided upon by the city borough incorporated town or township shall be apportioned equitably among the properties served by the said sewer sewage system or sewage treatment works

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HALUSKA. Mr. President, I move that Senate Bill No. 365, entitled

An Act to further amend the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws seven hundred fifty-six) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" and repealing inconsistent acts

be recommitted to the Committee on Mines and Mining for the purpose of further study.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. FREY. Mr. President, I ask unanimous consent that Senate Bill No. 372 on second reading, entitled:

An Act to amend section two hundred fourteen section two hundred sixteen as amended and section two hundred seventeen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS RECOMMITTED

Mr. HALUSKA. Mr. President, I move that Senate Bill No. 413, on second reading, entitled:

An Act to amend section six as amended in part and section ten of the act approved the thirty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws four hundred eighty-one) entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses in the bituminous coal mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations and to designate the boards before whom applicants in the various inspection districts shall appear providing for the issuance of certificates of qualification to successful applicants fixing the fees to be paid by applicants and providing for their disposition forbidding the employment of unqualified persons as mine foremen assistant mine foremen and fire bosses providing a penalty for forging or making false statements regarding certificates" further regulating the qualifications and examination or applicants for said certificates of qualification and the employment of foremen and assistant foremen in such mines

be recommitted to the Committee on Mines and Mining for the purpose of amendment.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

Mr. HALUSKA. Mr. President, I move that Senate Bill No. 414, on second reading entitled:

An Act placing certain restrictions and regulations on the building and installation of dry coal cleaning plants tiples and screening plants at or near bituminous coal mines providing for the safe periodic removal of dust accumulations from dry coal cleaning plants tipples and screening plants at or near bituminous coal mines and providing penalties

be recommitted to the Committee on Mines and Mining for the purpose of further study.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

Mr. HALUSKA. Mr. President: I move that Senate Bill No. 415, on second reading, entitled:

An Act providing for the examination and certification of and regulating the employment of shot-firers and mining machine runners employed in gaseous bituminous coal mines imposing duties upon the Secretary of Mines and providing penalties

be recommitted to the Committee on Mines and Mining for the purpose of further study.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

Mr. HALUSKA. Mr. President, I move that Senate Bill No. 416, on second reading, entitled:

An Act providing for the examination and certification of and regulating the employment of mine electricians in bituminous coal mines imposing duties upon the mine foremen's examining board and the Secretary of Mines and providing penalties

be recommitted to the Committee on Mines and Mining for the purpose of further study.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bill to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 465, (House Bill No. 679), as follows

An Act authorizing the abatement of certain interest charges expenses and fees added to county city borough town township school district or poor district claims imposed or assessed for improvements or for the abatement of nuisances prohibiting the sale of real property for the non-payment of such claims for a certain period preserving the liens of such claims and providing for the extension thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all interest charges expenses and fees added to any and all delinquent county city borough town township school district or poor district claims imposed or assessed on any parcel or parcel of real estate in the year one thousand nine hundred and thirty-five and all previous years arising out of or resulting from a service supplied work done or improvement authorized and undertaken by any such political subdivision or filed to recover for the grading guttering macadamizing or otherwise improving the cartways of any public highway for grading curbing re-curbing paving re-paving constructing or repairing the footways thereof for laying water pipes gas pipes culverts sewers branch sewers or sewer connections therein for assessments for benefits in the opening widening or vacation thereof or in the changing of watercourses or the construction of sewers through private lands or in highways of townships of the first class or in the acquisition of sewers and drains constructed and owned by individuals or corporations and of rights in and to use the same for the removal of nuisances or for water rates lighting rates or sewer rates may be abated by the political subdivision in behalf of which the claim was filed if said delinquent claims are paid as hereinafter provided

In order to receive the benefits of this act twenty per centum of the delinquent municipal claims imposed or assessed on any parcel or parcels of real estate in the year one thousand nine hundred and thirty-five and in all previous years shall be paid on or before the thirty-first of December one thousand nine hundred and thirty-seven twenty per centum on or before the thirty-first day of December one thousand nine hundred and thirty-eight twenty per centum on or before the thirty-first day of December one thousand nine hundred and thirty-nine twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty and twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty-one

If and whenever any of the said installments are not paid when due and payable as herein provided then and in that event there shall become due and payable for such year a sum equal to one-fifth of the total amount of the abated interest charges expenses and fees in addition to the other payments required to be paid under this act during that year which said additional sum shall be payable and must be paid at the time next succeeding installment payment becomes due under this act If such additional sum is not so paid then the total amount of the abated interest charges expenses and fees less the aggregate of any such additional sums theretofore paid shall be revived and added to the unpaid claims with the same force and effect as if such abated interest charges expenses and fees or portion thereof had never been abated and the person liable for the payment thereof shall not thereafter be entitled to any further benefits or privileges under this act

Section 2 Any person may anticipate the payment of such delinquent municipal claims for the year one thousand nine hundred and thirty-five and previous years and receive the benefits of this act by paying the entire amount or the balance due on such delinquent claims at any time on or before the thirty-first day of December one thousand nine hundred and thirty-seven

Section 3 This act shall be construed to apply to all such claims whether or not liens for such claims have been filed in the office of the prothonotary of the county or proceedings for the collection of such claims have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a judicial sale for the nonpayment of such claim and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at any such sale and where the period of redemption has not expired and the person liable for the payment of such claim shall be liable for the payment of all costs incurred in such proceedings except the solicitor's fees

Section 4 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grantee transferee mortgagee or other party in interest in the parcel or parcels of real estate against which the above mentioned claims have been imposed or assessed and levied

Section 5 Any taxpayer shall have the right to pay the delinquent claims imposed or assessed and levied against any parcel or parcels of real estate without being required to pay the delinquent claims imposed or assessed and levied against any other parcel or parcels of real estate in the same ward district or other political subdivision

Upon application either in person or in writing by any person liable for the payment of any such delinquent claims the authorities imposing or assessing and levying such claims or the person or persons charged with the collection of such delinquent claims or the person or persons in whose custody the records of such delinquent claims are kept shall furnish to the person liable for the payment of such claims a statement of the delinquent claims owed by him to such political subdivision showing the face amount the interest charges expenses and fees and any costs or other charges in detail against such real property as shown by the records in his custody

Within thirty days after the effective date of this Act and once again during the last week of October one thousand nine hundred and thirty-seven the county commissioners of each county shall have published in each daily

newspaper published within such county a notice in display type relative to the provisions of this act which shall read as follows

Notice to Delinquent Taxpayers

Under the provisions of Act No approved 1937 all persons owing any county city borough town township school district or poor district delinquent municipal claims for the year one thousand nine hundred and thirty-five and all previous years may have certain of the interest charges expenses and fees thereon abated by paying the amount or amounts due on such delinquent claims in five equal annual installments if the first twenty per centum installment is paid on or before the thirty-first day of December one thousand nine hundred and thirty-seven or the entire amount or the balance due of such delinquent claims may be paid at face at any time prior to December thirty-first one thousand nine hundred and thirty-seven Further information may be obtained from any tax collector

Section 6 In order to enable the taxpayer to receive the full benefits of this act no real property shall be sold for nonpayment of such municipal claims before December thirty-first one thousand nine hundred and thirty-seven and any such sale shall be adjourned or re-adjourned as often as may be necessary for this purpose If any sale is adjourned or readjourned after advertisement no additional advertisement or notice shall be necessary for the adjourned or re-adjourned sale No such adjournment or re-adjournment failure to advertise or hold any such sale shall invalidate the lien of any municipal claim due and unpaid but the lien of all such claims shall be fully preserved during the entire installment period herein provided for if the persons liable for the payment of such claims avail themselves of the privileges or benefits of this act Provided however That in every case where a person avails himself of the privileges or benefits of this act the period during which payment of the said delinquent claim is postponed or continued under this act shall not be included in computing and determining whether or not any right of the authority which imposed or assessed such claim has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the said authority to file preserve or maintain the lien of the said claim

Section 7 The provisions of this act shall not apply to or in any manner affect any assessments which are the sole basis of improvement bonds issued by any political subdivision and which are the security for the payment thereof or to any assessments which have heretofore been assigned by any political subdivision to any contractor in payment of the amount due him under terms of the contract for the improvement for which the assessment was levied

Section 8 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 9 All acts and parts of acts general local and special inconsistent with the provisions of this act are hereby suspended during the time this act shall be in effect

Section 10 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 539, as follows:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by further regulating the affairs of such counties with respect to roads and providing that in certain cases county roads shall become and be maintained as city and borough streets and township roads

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight hundred seventy-three and nine hundred thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" are hereby amended to read as follows

Section 873 To Be County Road as Soon as so Decreed All roads highways and parts thereof heretofore and hereafter decreed by the court under this or any former acts of Assembly to be a county road shall be subject to the control and supervision of the county commissioners Upon the decree or order making an existing township road or part thereof a county road the same shall immediately be kept in repair made constructed and maintained by the county and the township relieved of any duty thereto as a township road Provided That when any part or parts of a township through which runs a road which has been decreed or ordered by the court to be a county road shall by proper proceedings be annexed to and become a part of a borough or city upon the signing of a decree or order annexing such part or parts of a township to a city or borough any portion or portions of county roads within the territory so annexed shall thereupon cease to be county roads and shall thenceforth be borough or city streets It shall be the duty of the city or borough as the case may be to repair improve and maintain the said streets and the county shall be relieved of any duty thereto as a county road And provided further That all roads highways and parts thereof heretofore decreed by the court to be county roads and which run through any part or parts of townships which part or parts have been by proper proceedings annexed to a city or borough are hereby declared to be city or borough streets as the case may be without any action on the part of the city or borough or the representatives thereof to either accept dedicate or open them as city or borough streets It shall be the duty of the proper city or borough to repair improve and maintain the said streets and the county is hereby relieved of any duty thereto as county roads

Section 931 Vacation as County Roads The county commissioners of any county by a resolution duly adopted by a majority of the board of commissioners may vacate as a county road any part of any abandoned or condemned turnpike road or any turnpike road purchased by the county or of any road the permanent location or improvement whereof has been ordered or made under this or former acts relating to county roads which does not exceed one mile in length All portions of such roads so vacated shall thereafter be township roads or city or borough streets as the case may be Where the portion to be vacated exceeds one mile in length upon [Upon] petition of the county commissioners the court of quarter sessions may vacate as a county road any portion or portions of any abandoned or condemned turnpike road or any portion or portions of any turnpike road purchased by the county or of any road the permanent location or improvement whereof has been ordered or made under this or former acts relating to county roads All portions of such roads so vacated shall become and be township roads or city or borough streets as the case may be Written notice of the contents of said petition and the time when the same will be presented to the court shall be given by the county commissioners to the supervisors or commissioners of the township or townships through which said road passes at least ten days before the date of presenting the same At the time said petition is presented the court may fix a time for hearing in open court

or refer the matter to an examiner to take testimony and report his findings to the court at such time as the court shall direct At any hearing in open court or before an examiner appointed by the court all parties in interest may appear and be heard After such hearing the court if it shall find that the conditions prescribed by this act has been complied with may grant the prayer of the petitioners and make a decree according or make such order in the premises as to right and justice shall appertain

Section 2 Effective date This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 540, as follows:

An Act establishing certain public roads and streets as a State highway and providing for their construction reconstruction and maintenance by the Department of Highways subject to certain terms and conditions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following various sections of public roads shall respectively be adopted by the Commonwealth as a State highway to be constructed reconstructed and maintained at the expense of the Commonwealth under the provisions of present or future laws governing State highways except as hereinafter provided

Beginning at a point in lower Burrell Township Westmoreland County at the intersection of State highway route 737 and Logans Ferry Road thence by way of Logans Ferry Road to an interestcion with State highway route 677 Plum Township Allegheny County thence by way of State highway route 677 to its intersection with a county road known as the Hulton Road thence by way of Hulton Road to the dividing line between Plum Township and Oakmont Borough thence by way of Hulton Avenue in Oakmont Borough to the intersection of Hulton Road and Allegheny River Boulevard in Oakmont Borough thence by way of Allegheny River Boulevard in the boroughs of Oakmont and Verona to a point on the dividing line between Verona borough and Penn Township thence by way of Allegheny River Boulevard in Penn Township to a point on the dividing line between Penn Township and the City of Pittsburgh thence by way of Allengheny River Boulevard in the City of Pittsburgh to its intersection with Washington Boulevard thence by way of Washington Boulevard to its intersection with Frankstown Avenue in the City of Pittsburgh State highway route 228 a distance of approximately thirteen miles

Section 2 Any portion or portions of the highways as herein described which are located on or form a part of any city street shall be taken over for construction reconstruction and maintenance in accordance with the provisions of present or future laws relating to State highway routes in cities and any portion or portions of the highway as herein described which are located on or form a part of any borough street shall be taken over for construction reconstruction and maintenance in accordance with the provisions of present or future laws relating to main State highways in boroughs

Section 3 The highways established as a State highway under the provisions of this act shall be taken over for construction reconstruction and maintenance upon final approval of this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 558, as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the method of computing reimbursement to be made to school districts for the payment of high school tuition

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand seven hundred and eleven-A of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section thirty-eight of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1711-A The Commonwealth shall reimburse a school district with a true valuation of assessable property per teacher of less than one hundred thousand dollars for high school tuition when such district is required to pay tuition for pupils attending high school in another district Provided That the percentage of the minimum salaries of teachers paid by the Commonwealth is higher in the school district where the pupils reside than in the district where they attend high school The amount of State reimbursement for high school tuition shall be the percentage of such tuition as is equal to the excess in the percentage of teachers salaries paid by the Commonwealth in the district where the pupils reside over the percentage of teachers salaries paid by the Commonwealth in the district where the pupils attend Provided That the amount paid by the Commonwealth to a school district for the tuition of any high school pupil shall not exceed twenty dollars ($20.00) a year

After the first day of July one thousand nine hundred and thirty-nine the Commonwealth shall reimburse each school district which has a true valuation per teacher of assessable property of twenty-five thousand dollars ($25,000) or less sixty per centum (60%) of the expenditure for high school tuition each school district which has a true valuation per teacher of assessable property of more than twenty-five thousand dollars ($25,000) but not more than fifty thousand dollars ($50,000) fifty-five per centum (55%) of the expenditure for high school tuition each school district which has a true valuation per teacher of assessable property of more than fifty thousand dollars ($50,000) but not more than seventy-five thousand dollars ($75,000) fifty per centum (50%) of the expenditure for high school tuition each school district which has a true valuation per teacher of assessable property of more than seventy-five thousand dollars ($75,000) but not more than one hundred thousand dollars ($100,000) forty-five per centum (45%) of the expenditure for high school tuition each school district which has a true valuation per teacher of assessable property of more than one hundred thousand dollars ($100,000) but not more than one hundred fifty thousand dollars ($150,000) forty per centum (40%) of the expenditure for high school tuition each school district

which has a true valuation per teacher of assessable property of more than one hundred fifty thousand dollars ($150,000) but not more than two hundred thousand dollars ($200,000) thirty-five per centum (35%) of the expenditure for high school tuition and each school district which has a true valuation per teacher of assessable property of more than two hundred thousand dollars ($200,000) but not more than two hundred fifty thousand dollars ($250,000) thirty per centum (30%) of the expenditure for high school tuition

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 559, as follows:

An Act to amend Article ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring the Superintendent of Public Instruction to withhold appropriations from school districts until all reports required by law are filed and making permissive the withholding of appropriations from school districts failing to comply with health and safety regulations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Article ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding thereto a new section to read as follows

Section 1021 It shall be the duty of the Superintendent of Public Instruction to withhold the payment of all money due any schol district out of any appropriation made by the Commonwealth for any purpose until all reports required by law and due at such time have been filed whether or not such reports have any bearing on the right to such payment At his discretion he may in like manner withhold any or all appropriations from any district failing or refusing to comply with the laws and regulations of any department of the government of this Commonwealth for preserving the health or safety or pupils enrolled in the public schools

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 571, as follows:

An Act to amend section sixteen of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commisioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as amended by empowering viewers appointed to ascertain and assess damages upon petition of the county commissioners or property owners to also assess any benefits

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section sixteen of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing

for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as last amended by section three of the act approved the twelfth day of July one thousand nine hundred thirty-five (Pamphlet Laws 946) is hereby further amended to read as follows

Section 16 Before the Secretary of Highways shall undertake the construction reconstruction or improvement of any State highway on the plan of the State highways wherein a change of width or of existing lines and location is necessary and damage is likely to result to abutting property he shall notify the county commissioners of the proper county in writing of the contemplated change in such existing width lines and location After the county commissioners have agreed to such changes or refused to agree thereto as hereinafter provided the Secretary of Highways may proceed with the work of construction reconstruction and improvement After the receipt of the notice as above provided the county commissioners if they approve such change of width or of existing lines and location and agree thereto in writing shall when possible enter into an agreement with the owner or owners of said property as to amount of damage to be paid to the said owner or owners Whenever the amount so agreed upon shall exceed the sum of three hundred dollars ($300.00) the same shall not be paid by the county until the proposed agreement shall have been filed by the county commissioners in the office of the prothonotary of the county in which the property damaged is situated If no exceptions are filed thereto within ten days after notice given by publication as hereinafter provided the county commissioners may pay the amount so agreed upon If exceptions thereto are filed within ten days after such notice the proceedings shall be presented to the court of quarter sessions for its approval The court shall fix a time for hearing the matter at which time the parties to such agreement and any taxpayer interested therein and their witnesses shall be heard and the court shall either approve or disapprove the agreement as it deems proper If the court disapproves the agreement it shall indicate a sum which it would approve for such case if the county commissioners and the property owner could agree thereon In such cases if the property owner and the county commissioners should agree on the amount of damages indicated by the court as acceptable to it Such agreement may be entered into and shall be final and binding on the said parties without any further approval by the court Notice of the filing of such agreement in the office of the prothonotary and of the time and place of hearing in all such cases shall be given by one publication in one or more newspapers of general circulation throughout the county which shall state any taxpayer may file exceptions to the agreement or may appear at such hearing and be heard together with his witnesses as the case may be Only such payments as to which no exceptions have been filed or as have been approved by the court as above provided shall be paid by the county or in case an agreement satisfactory to the county commissioners and said owner or owners cannot be made and the approval of the court thereto secured the owner or owners of said property damaged thereby or the commissioners of the proper county may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damages as well as any benefits The proceedings upon said petition and by the viewers shall be governed by existing laws relating to the ascertainment and assessment of damages as well as any benefits for opening public highways The county commissioners or any other party to such proceedings may appeal from the award of the viewers to the court of common pleas and shall be entitled to a trial by jury From the judgment of the court of common pleas an appeal may be had to the Supreme or Superior Court as in other cases Such damages when ascertained shall be paid by the county in which the State highway is located Whenever the county commissioners do not consent to or approve any such change of width or of existing lines and location and the Secretary of Highways determines such change to be necessary he shall when possible enter into an agreement with the owner or owners of said property as to the amount of damages to be paid therefor and if agreed upon such damages shall be paid by the Commonwealth out of moneys in the Motor License Fund or if such agreement cannot be made the owner or owners of said property damaged thereby or the Commonwealth may present their or its petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damage as well as any benefit in the same manner and with the same right of appeal to the owner or owners and to the Commonwealth as is hereinbefore provided in cases where the county agreed to such change but the damages when ascertained shall be paid by the Commonwealth out of moneys in the Motor License Fund The county shall also be liable for any damages sustained by abutting property owners for a change of the width or lines of roads intersecting State highways where such damages are made necessary as a result of the changing with their consent and approval of the width lines or location for the construction of a State highway such damages to be ascertained in the same manner as herein provided for damages occasioned as a result of the change with their consent and approval or width or of existing lines and location of State highways and in case the commissioners shall not have consented to and approved such change of width or of existing lines or location then such damage shall be paid by the Commonwealth and shall be ascertained in the same manner as herein provided for damages for land taken as a result of the change of width or of existing lines and location of State highways without the consent and approval of the county commissioners and such damages shall also be paid from the Motor License Fund The county shall also provide for the removal of all structures within the lines of the highway as thus established unless otherwise provided by agreement between said county and the Secretary of Highways and in case the same is to be done by the Commonwealth the cost thereof shall also be paid out of the Motor License Fund Any moneys in the Motor License Fund necessary to make the payments required by this section are hereby specifically appropriated to the Department of Highways

If the county refuses to assume all damages in connection with the relocation or widening of any highway

as hereinbefore provided the county commissioners and the Secretary of Highways may thereafter agree that the county shall pay a portion thereof to either the owners or to the Department of Highways or shall perform specified work for the benefit of the owner in lieu thereof or shall participate in the total damage expense in such other manner as may be agreed upon

Nothing contained in this act shall be construed as placing on the Commonwealth the payment of any damages or cost incident to the change of width lines or location of any State highway where such highway was widened or the lines or location changed prior to the date this act takes effect but all such damages and costs shall be paid by the county in the manner provided by this act as if the county had agreed thereto as herein provided

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 574 (House Bill No. 1183), as follows:

An Act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase or city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following streets or sections thereof in cities of the first class are hereby adopted by the Commonwealth as State highways to be taken over upon the terms and conditions and subject to the limitations hereinafter contained and thereafter to be maintained constructed reconstructed and resurfaced at the expense of the Commonwealth upon the terms and conditions and subject to the limitations hereinafter provided

Section 2 The city streets to be taken over under the provisions of this act in the cities hereinafter named shall be designated by numbers to be hereafter assigned by the Secretary of Highways and are situate and described as follows

In the City of Philadelphia

Beginning at a point on the Philadelphia City-Yeadon Borough Line on Baltimore Avenue thence over Baltimore Avenue to an intersection with Forty-second Street thence northerly over Forty-second Street to an intersection with Spring Garden Street thence easterly over Spring Garden Street to an intersection with Thirty-first Street thence northerly over Thirty-first Street to an intersection with Haverford Avenue thence westerly over Haverford Avenue to an intersection with Forty-second Street thence southerly over Forty-second Street to the intersection of Forty-second Street and Spring Garden Street beginning again at the intersection of Thirty-first Street and Spring Garden Street thence easterly over Spring Garden Street to an intersection with the Parkway thence southeasterly over the Parkway to City Hall beginning again at the intersection of the Parkway and Race Street thence easterly over Race Street to the Delaware River Bridge approach beginning again at the intersection of the Delaware River Bridge approach and Vine Street thence westerly over Vine Street to an intersection with the Parkway a distance of about 8.25 miles

Beginning at a point on the Philadelphia City-Millbourne Borough Line thence over Market Street to an intersection with Cobbs Creek Parkway thence southerly over Cobbs Creek Parkway to an intersection with Chestnut Street thence easterly over Chestnut Street to an intersection with Fifth Street thence northerly over Fifth Street to an intersection with Spring Garden Street beginning again at the intersection of Spring Garden Street and Sixth Street thence southerly over Sixth Street to an intersection with Walnut Street thence westerly over Walnut Street to an intersection with Cobbs Creek Parkway thence northerly over Cobbs Creek Parkway to an intersection with Chestnut Street beginning again at the intersection of Cobbs Creek Parkway and Walnut Street thence southerly over Cobb's Creek Parkway to an intersection with Sixty-third Street thence southerly over Sixty-first Street to an intersection with Baltimore Avenue a distance of about 14.00 miles

Beginning at a point on the Philadelphia City-Yeadon Borough Line on Sixty-fifth Street thence easterly over Sixty-fifth Street Chester Avenue and Sixty-fifth Street to an intersection with Kingsessing Avenue thence northeasterly over Kingsessing Avenue to an intersection with Fifty-second Street thence northwesterly over Fifty-second Street to an intersection with Chester Avenue thence northeasterly over Chester Avenue to an intersection of Chester Avenue and Forty-second Street thence northerly over Forty-second Street to an intersection with Baltimore Avenue thence northeasterly over Baltimore Avenue to an intersection with Woodland Avenue thence northeasterly over Woodland Avenue to an intersection with Chestnut Street near Thirty-third Street a distance of about 4.00 miles

Beginning at a point on the Philadelphia City-Bucks County Line on Roosevelt Boulevard thence over the Roosevelt Boulevard to an intersection with Hunting Park Avenue thence over Hunting Park Avenue to an intersection with Allegheny Avenue thence westerly over Allegheny Avenue to an intersection with Ridge Avenue thence over Ridge Avenue and Park Drive to an intersection with City Avenue thence southwesterly over City Avenue to the Philadelphia City-Delaware County Line at Cobb's Creek a distance of about 20.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Lancaster Avenue thence southeasterly over Lancaster Avenue to an intersection with Spring Garden Street near Thirty-ninth Street a distance of about 3.50 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Conshohocken Avenue thence south-easterly on Conshohocken Avenue to an intersection with Belmont Avenue thence southerly on Belmont Avenue to the intersection of Belmont Avenue and Lancaster Avenue beginning again at the intersection of Thirty-ninth Street and Lancaster Avenue thence southerly over Thirty-ninth Street Filbert Street and Thirty-ninth Street to the intersection of Thirty-ninth Street and Baltimore Avenue thence southeasterly over University Avenue to an intersection with Thirty-fourth Street thence southerly over Thirty-fourth Street to an intersection with Maiden Lane thence southeasterly over Maiden Lane to an intersection with Snyder Avenue thence easterly over Snyder Avenue to an intersection with South Twenty-fourth Street thence southerly over South Twenty-fourth Street to the intersection of South Twenty-fourth Street and Passyunk Avenue Beginning again at the intersection of Thirty-ninth and Filbert Streets thence northerly over Filbert Street Saunders Avenue and Lancaster Avenue to the intersection of Thirty-ninth Street and Lancaster Avenue a distance of about 6.70 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Old York Road thence southerly over Old York Road to an intersection with North Broad Street thence southerly over North Broad Street to City

Hall thence by West Penn Square to the intersection of South Broad Street and South Penn Square a distance of about 8.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Wadsworth Avenue thence southwesterly on Wadsworth Avenue to an intersection with Easton Road thence along Easton Road to an intersection with Mt. Airy Avenue thence along Mt. Airy Avenue to an intersection with Germantown Avenue beginning again at the intersection of Germantown Avenue and Mt. Pleasant Avenue thence southwesterly over Mt. Pleasant Avenue to an intersection with Lincoln Drive a distance of about 2.66 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Ogontz Avenue thence southerly on Ogontz Avenue to an intersection with Stenton Avenue thence southeasterly on Stenton Avenue to the intersection of Stenton Avenue and North Broad Street a distance of about 2.20 miles

Beginning at a point on the Philadelphia City-Bucks County Line on Bustleton Avenue thence southerly on Bustleton Avenue to an intersection with Welsh Road thence over Welsh Road to the intersection of Welsh Road and Roosevelt Boulevard a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Philmont Avenue thence northeasterly over Philmont Avenue to its intersection with Bustleton Avenue a distance of about .70 of a mile

Beginning at a point on the Philadelphia City-Bucks County Line on Frankford Avenue thence southwesterly on Frankford Avenue to an intersection with Levick Street thence northwesterly on Levick Street to the intersection of Levick Street and the Roosevelt Boulevard a distance of about 6.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Cottman Avenue thence southeasterly over Cottman Avenue to an intersection with Frankford Avenue beginning again at the intersection of Frankford Avenue and Levick Street thence southeasterly over Levick Street to the approach to the Tacony-Palmyra Bridge a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Eighty-fourth Street thence southeasterly over Eighty-fourth Street to an intersection with Tinicum Avenue thence northeasterly over Tinicum Avenue to an intersection with South 80th Street thence southeasterly over South 80th Street to an intersection with Penrose Ferry Road thence northeasterly over Penrose Ferry Road to an intersection with Penrose Avenue near Schuylkill Avenue thence northeasterly on Penrose Avenue to an intersection with Moyamensing Avenue thence over Moyamensing Avenue to an intersection with South Broad Street thence northerly on South Broad Street to City Hall thence by way of East Penn Square to the intersection of North Penn Square and North Broad Street a distance of about 7.40 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Tinicum Avenue thence northeasterly on Tinicum Avenue to the intersection of Tinicum Avenue and Eighty-fourth Street beginning again at the intersection of Moyamensing Avenue and Oregon Avenue thence easterly on Oregon Avenue to an intersection with Swanson Street thence northerly on Swanson Street to an intersection with Delaware Avenue thence northerly on Delaware Avenue to an intersection with Richmond Street thence northeasterly on Richmond Street to an intersection with Bridge Street thence northwesterly on Bridge Street to an intersection with Tacony Street thence northeasterly on Tacony Street and State Road to the approach to the Tacony-Palmyra Bridge a distance of about 12.70 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Germantown Avenue thence southeasterly over Germantown Avenue to an intersection with Mt. Pleasant Avenue thence northeasterly on Mt. Pleasant Avenue to Chew Street thence southeasterly on Chew Street to an intersection with Olney Avenue thence easterly over Olney Avenue to an intersection with Rising Sun Avenue beginning again at the intersection of Rising Sun Avenue and Adams Avenue thence over Adams Avenue to an intersection with the Roosevelt Boulevard a distance of about 8.76 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Bethlehem Pike thence southeasterly on the Bethlehem Pike to an intersection with the Germantown Avenue beginning again at an intersection of Germantown Avenue and Allen's Lane thence southerly over Allen's Lane to an intersection with Lincoln Drive thence southerly on Lincoln Drive to an intersection with Cliveden Street thence southerly on Cliveden Street to an intersection with Park Line thence over Park Line to an intersection with Walnut Lane thence over Walnut Lane to an intersection with Ridge Avenue thence southerly on Ridge Avenue to the intersection of Park Drive and Ridge Avenue beginning again at the intersection of Allegheny Avenue and Ridge Avenue thence southerly on Ridge Avenue to an intersection with Twenty-ninth Street thence southerly on Twenty-ninth Street to an intersection with Girard Avenue thence easterly on Girard Avenue to an intersection with West College Avenue thence southerly on West College Avenue to an intersection with Twenty-fifth Street thence southerly on Twenty-fifth Street to an intersection with Pennsylvania Avenue thence southeasterly on Pennsylvania Avenue to an intersection with Spring Garden Street thence over Spring Garden Street to the intersection of Spring Garden Street and Delaware Avenue beginning again at the intersection of Pennsylvania Avenue and Twenty-fifth Street thence northwesterly on Pennsylvania Avenue to the intersection of Twenty-sixth Street thence northerly over Twenty-sixth Street to the intersection of Twenty-sixth Street and Girard Avenue beginning again at the intersection of Girard Avenue and Twenty-ninth Street thence westerly on Girard Avenue to an intersection with a park drive near Thirty-first Street beginning again at the intersection of Spring Garden Street and Pennsylvania Avenue thence westerly over Spring Garden Street to an intersection with a park drive a distance of about 11.00 miles

Beginning at a point on the Philadelphit City-Rockledge Borough Line on Oxford Avenue thence southerly on Oxford Avenue to an intersection with Rising Sun Avenue thence southwesterly on Rising Sun Avenue to the intersection of Rising Sun Avenue and the Roosevelt Boulevard a distance of about 3.40 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Haverford Avenue thence southeasterly on Haverford Avenue to an intersection with Forty-second Street a distance of about 4.25 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Lansdowne Avenue thence northerly over Lansdowne Avenue to an intersection with Haverford Avenue beginning again at an intersection of Haverford Avenue and Girard Avenue thence easterly over Girard Avenue to an intersection with a park drive near Thirty-first Street thence southerly over the park drive to an intersection with the Parkway at Spring Garden Street a distance of about 4.80 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Seventy-first Street thence northerly over Seventy-first Street to an intersection with Lansdown Avenue a distance of about 0.50 of a mile

Beginning at a point on the Philadelphia City-Montgomery County Line on East Washington Lane thence southwesterly over East Washington Lane to an intersection with Stenton Avenue thence southeasterly on Stenton Avenue to an intersection with Washington Lane thence southwesterly on Washington Lane to an intersection with Wayne Avenue thence northwesterly on Wayne Avenue to the intersection of Wayne Avenue and Lincoln Drive a distance of about 3.20 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Ridge Avenue thence southeasterly on Ridge Avenue to an intersection with Walnut Lane beginning again at the intersection of Allegheny Avenue and Hunting Park Avenue thence easterly over Allegheny Avenue to an intersection with Sedgley Avenue thence northeasterly on Sedgley Avenue to an intersection with Ninth Street thence southeasterly on Ninth Street to an intersection with Allegheny Avenue thence easterly over Allegheny Avenue to an intersection with Richmond Street a distance of about 9.00 miles

Beginning at the Philadelphia City-Darby Borough Line

on Woodland Avenue thence northeasterly on Woodland Avenue to an intersection with Island Avenue thence southeasterly on Island Avenue to an intersection with Passyunk Avenue thence northeasterly on Passyunk Avenue to an intersection with Buist Avenue thence northeasterly on Buist Avenue to an intersection with South Sixty-third Street thence southeasterly on South Sixty-third Street to an intersection with Passyunk Avenue thence northeasterly on Passyunk Avenue to an intersection with South Broad Street beginning again at the intersection of Washington Avenue and South Broad Street thence easterly on Washington Avenue to the intersection of Washington Avenue and Delaware Avenue a distance of about 6.25 miles

Provided however that no part or portion of any street hereinbefore described shall be taken over as a State highway under the provisions of this act until after such part or portion shall have been legally opened by the city authorities in the same manner as other streets are now open which form a part of the same route as herein described

Section 3 The city streets or sections thereof hereinbefore described shall be taken over by the Commonwealth through the Department of Highways not later than the first day of September one thousand nine hundred thirty--seven subject however to the following exceptions

(a) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if an order or decree for the improvement thereof has been issued until there has been full compliance with the terms of such order or decree

(b) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if a contract for the improvement thereof has been entered into between a contractor and the Commonwealth or the city authorities or both until the contract has been completed

(c) No city street or part thereof described in section two of this act shall be taken over if an agreement has been entered into between the city authorities and the Commonwealth or any other party for the maintenance or construction of such street even though no formal contract has been executed pursuant to such agreement and no work has been done until the terms of the agreement have been fulfilled

Section 4 This act is not intended and shall not be construed

(a) To place upon the Commonwealth any duty to regulate traffic or police the streets herein taken over by the Commonwealth but such duty shall be and remain the obligation of the cities

(b) To place upon the Commonwealth any obligation for the maintenance construction reconstruction or resurfacing of said streets other than the base or surface courses

(c) To place upon the Commonwealth through the Department of Highways any obligation to maintain construct or reconstruct any structure of any kind or character whatsoever situate upon or forming part of any city street or section thereof described in section two of this act except that the Secretary of Highways may assume the obligation to maintain construct or reconstruct drainage structures with a total spanned length not exceeding ten feet measured along the center line of the street other than storm or sanitary sewers and which were the sole obligation of the city prior to the passage of this act Responsibility for the construction reconstruction and maintenance of any other structures shall remain with the city person association or corporation responsible therefor at the date of the approval of this act

(d) To authorize any assessment to be made against the Commonwealth by reason of or to assist in the elimination of any grade crossing or the alteration or reconstruction of an existing overhead or undergrade crossing on any street described and designated in section two of this act and no such assessment shall hereafter be made under any act of Assembly heretofore enacted

(e) To place upon the Commonwealth any obligation under any franchise or franchises heretofore or hereafter granted by the city to any public utility company nor to transfer to the Commonwealth from the city any rights under any such franchise or franchises heretofore granted

(f) To place upon the Department of Highways any authority to regulate traffic parking or the general use by the traveling public of the streets or sections thereof taken over by the Commonwealth for maintenance or improvement under the provisions of this act Provided however That the Department of Highways shall be and is hereby authorized to close to traffic all of the streets or sections thereof described in section two of this act during such time as improvements are being made thereon and in such case the city shall establish and maintain a suitable detour in accordance with the provisions of section ten of this act

Section 5 After the streets described in section two of this act shall have been taken over by the Commonwealth they shall be maintained constructed reconstructed and resurfaced by the Department of Highways at the expense of the Commonwealth and such construction reconstruction and resurfacing shall be of such type as shall be determined by the Secretary of Highways with the approval of the Governor and repairs and maintenance shall be of such type as shall be determined by the Secretary of Highways The obligation of the Commonwealth in the construction reconstruction resurfacing or maintenance as hereinbefore provided shall be limited to that part of the street or section thereof between curb lines as established at the time of passage of this act but shall not include the portions of such streets which are or may be used and occupied by the structures or surface facilities of any public utility company Provided That it shall nevertheless be lawful for the Department of Highways to enter into agreements in the discretion of the Secretary of Highways with the cities or with persons associations or corporations for the sharing with the Commonwealth of the cost of construction reconstruction or resurfacing of the streets or sections thereof taken over by the Commonwealth under this act

Section 6 The maintenance of said streets authorized under the provisions of this act shall not include snow removal or street cleaning and shall be limited to the portions of the street between existing curb lines available to vehicular traffic

Section 7 The Department of Highways shall not change the width lines or grades of the streets taken over under the provisions of this act or any section thereof but such changes as may be approved or recommended by the Secretary of Highways shall be made by the city as heretofore by an ordinance duly passed in accordance with laws applicable thereto and in the event of any change of width lines or grades in accordance with the provisions of this section the city shall be responsible for the payment of any damages which may be occasioned thereby in the manner provided by low such damages to be as certained and paid in accordance with the laws applicable thereto.

Section 8 Before the Department of Highways shall proceed with the construction reconstruction or resurfacing of any of the streets or sections thereof as described in section two of this act the city after being notified of the contemplated improvement shall take the necessary steps to compel all public utility companies to make any necessary replacements or renewals of any of their structures located within the lines of the improvement prior to the commencement of work and shall agree that the said street or sections thereof when completed shall not be torn up or opened for a period of five years except in emergency cases and subpect to the same conditions and restrictions as are now provided by law with reference to the opening of State highways in boroughs

Section 9 No opening shall be made in the surface of any improved street which is maintained by the Department of Highways under the authority of this act until and unless a permit has been obtained for such opening from the Department of Highways Any person firm or corporation opening the improved surface of any street or highway without having first obtained a permit as hereinbefore provided shall upon summary conviction before a magistrate be sentenced to pay a fine of not more than twenty-five ($25.00) dollars and in addition thereto the costs of prosecution and surface restoration charges and in default of the payment thereof shall undergo imprisonment for not more than five days

Section 10 Before the commencement of any work authorized under the provisions of this act the city shall upon notice from the Secretary of Highways so to do establish and thereafter maintain at its own expense an adequate detour for the accommodation of the traveling public for such length of time as may be necessary or until the improvement contemplated has been completed and accepted and the street or sections thereof opened and made available to public travel Such detour when established as herein provided shall be marked and posted by the Department of Highways at the expense of the Commonwealth

Section 11 Cities are hereby authorized to incur or to increase their indebtedness by the issue and sale of obligations of the city in the manner and subject to the limitations provided by law for the purpose of assistaing in the improving constructing reconstructing or resurfacing any of the streets or sections thereof the improvement of which is authorized in accordance with the provisions of this act

Section 12 All moneys received by the Commonwealth under any contract or agreement for sharing the cost of the maintenance construction reconstruction or resurfacing of any street or section thereof under the provisions of this act shall be deposited in the Motor License Fund and as much of the money in the Motor License Fund as may be necessary to carry out the provisions of this act is hereby specifically appropriated to the Department of Highways for the purposes of this act

Section 13 It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as though the part or parts held unconstitutional had not been included herein

Section 14 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

Section 15 This act shall become effective the first day of September one thousand nine hundred thirty-seven

Third reading bill (not read) postponed for the present.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Third reading bill (not read) postponed for the present.

BILL POSTPONED

Mr. JASPAN. Mr President, I move that further consideration of Senate Bill No. 606 on second reading, entitled:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same, and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for sabbatical leaves of absence for certain employes of school districts

be postponed for the present.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 696, (House Bill No. 1292), entitled:

An Act authorizing council in cities of the second class to make appropriations for the use of the Director of the Department of Supplies and his assistant providing for the deposit of such moneys from time to time in a special fund which may be drawn upon for certain purchases without prior approval

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and coneration of Senate Bill No. 697, (House Bill No. 1295), entitled:

An Act to amend sections one and two of the act, approved the seventh day of June, one thousand nine hundred and eleven (P. L. 667), entitled "A supplement to an act, entitled 'An act for the government of cities of the second class,' approved the seventh day of March, one thousand nine hundred and one; regulating the certification, recording, advertising, and proof of passage of legislative acts of councils; and prescribing the effect of the production thereof when required as evidence," by allowing council to shorten the publications provided for.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and coneration of Senate Bill No. 698, (House Bill No. 1296), as follows:

An Act to amend section one of Article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," as amended; further regulating the giving of contracts relating to city affairs.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING

Mr. EROE. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 266 on second reading, postponed for the present, entitled:

An Act creating in counties of the fourth, fifth, sixth, seventh and eighth classes a board for the assessment and revision of taxes, consisting of the county commissioners; defining the powers and duties of such board; regulating the assessment of persons, property, and occupations for county, city, borough, town, township, school, and poor purposes; authorizing the appointment of subordinate assessors, a solicitor, engineers, and clerks; providing for their compensation, payable by such counties; abolishing the office of city, ward, borough, and township assessors, so far as the making of assessments and valuations for taxation is concerned.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 266, as follows:

An Act creating in counties of the fourth fifth sixth seventh and eighth classes a board for the assessment and revision of taxes consisting of the county commissioners defining the powers and duties of such board regulating the assessment of persons property and occupations for county city borough town township school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of city ward borough and township assessors so far as the making of assessments and valuations for taxation is concerned

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all counties of the fourth fifth sixth seventh and eighth classes in this Commonwealth there is hereby created a board to be known as the Board for the Assessment and Revision of Taxes which shall be composed of the county commissioners

The terms of office of any persons now acting as members of any such board for the assessment and revision of taxes in any such counties shall cease and terminate and the duties and terms of the city borough ward and township assessors in such counties so far as assessments for taxation are concerned shall cease and terminate upon the passage and approval of this act by the Governor

Section 2 The county solicitor shall advise the board upon all legal matters pertaining to its duties

Section 3 It shall be the duty of said board in each county to which this act applies to make and have supervision of the making of all assessments of persons property and occupations now or hereafter made subject to assessment for taxation for county city borough town township school and poor purposes

Section 4 The said board shall divide the county into convenient districts which it may change as occasion may require and shall appoint subordinate assessors for said districts The subordinate assessors shall receive such compensation as the salary board or the county commissioners as the case may be shall fix which salaries shall be paid out of the county treasury The said board shall also have the right to appoint an engineer or engineers and such clerks at such salaries as the salary board or the county commissioners as the case may be of the county may allow for the proper discharge of the duties of said board which salaries shall be paid out of the county treasury

Section 5 The said board may prescribe rules and regulations for the conduct of said subordinate assessors determine when precepts shall be issued to them and when they shall make returns to said board both in triennial and intermediate years

Section 6 The field assessors shall make the triennial assessment of all property and persons taxable upon occupations subject to assessment for taxation for aforesaid purposes together with a list of all persons subject to a school percapita tax or a poll tax within their respective districts and in so doing shall view all properties in their district taxable for said purposes and shall make a personal house to house canvass for their district in order that the lists of persons taxable upon occupation or subject to a school per capita tax or poll tax maybe accurate and correct insofar as it is possible to make them They shall also have and possess except as modified by this act the same powers and perform the same duties and be subject to the same liabilities as are now or shall hereafter be conferred or imposed upon city borough ward town and township assessors with respect to making assessments and valuations for taxation purposes All such assessors who shall fail to make assessments and lists in the manner herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars and in default of the payment of such fine and costs to undergo an imprisonment not exceeding ninety days

Section 7 The said board shall examine and revise the said triennial assessments and valuations increasing or decreasing the same as in their judgment may seem proper and shall add thereto and assess such property or persons taxable upon occupations as may have been omitted and may also add thereto the names of any persons subject to a school per capita tax or poll tax as may have been omitted After such revision the board shall fix convenient times for the hearing of appeals on said assessments and valuations and after the hearing of said appeals and the making of whatever changes may be considered proper the valuations as so ascertained and revised unless changed in the manner hereinafter provided shall stand as the assessments for taxation for the aforesaid purposes until the next triennial assessment

Section 8 It shall be the duty of said board to give notice by advertising in one or more newspapers printed in such county at least three weeks before the day of appeal of the time and place fixed for such appeal It shall also be the duty of the said board to give written or printed notice as hereinafter provided at least five days before the day of appeal to every taxable inhabitant within such county of the amount or sum for which he stands rated and of the time and place of such appeal

Section 9 After action on such assessments by said board any dissatisfied taxable may within thirty days from the final fixing of his assessment and valuation appeal therefrom to the court of common pleas of the said county in the manner provided by law for appeals from assessment and it shall be the duty of the court at once to hear and determine said appeal and if necessary to make such changes therein as may be right and proper From the decision of the court an appeal may be taken to the Superior or Supreme Court as now provided by law

Section 10 The subordinate assessors shall between the triennial assessments revise any assessment or valuation according to right and equity by correcting errors and by adding thereto any property or subject of taxation which may have been omitted or any new property or subject of taxation which may have come into being since the last triennial assessment

They shall also add thereto the names of any persons who have moved in to such district and strike therefrom the names of any persons who have removed from such district since the last triennial assessment

The assessors shall also revise assessments and valuations between the triennial assessments by increasing or decreasing the same where the value of the property or subjects of taxation assessed or value thereof has changed by reason of any change of conditions thereon or adjacent thereto or in the vicinity thereof or for the reason that the property assessed or valued has been subdivided or laid out into a plan of lots or other subdivisions or for the reason that improvements have been placed thereon or added thereto or for the reason that any public or other improvement has been made adjacent thereto or in the vicinity thereof or where for any other reason what soever the value of the property has changed and it is equitable to make a change in the valuation thereof The assessors shall also between the triennial assessments in all cases where it is apparent that any assessment is not in accord with the generality or uniform standard of assessments revise and correct the same by increasing or decreasing the same where the value of property or subject of taxation assessed does not conform to the generality or uniform standard of assessments Provided however That whenever assessments of property are increased or new assessments of property are added between triennial assessments as aforesaid said board shall fix convenient times for the hearing of appeals therefrom and shall give to each taxable affected by such increase or new assessment written or printed notice thereof and of the time and place of appeal which notice shall be served in the manner hereinafter provided and at least five days before the day of appeal after final action by the board on appeal from such assessments any dissatisfied taxable may appeal to the court of common pleas within the same time and in the same manner as provided in section eight of this act and may also appeal from the decision of the court of common pleas to the Supreme or Superior Court as provided in that section

Section 11 All notices required by this act may be

served in the manner following anything herein contained to the contrary notwithstanding Upon the taxable personally or upon an adult person residing upon the property assessed or by posting upon the property assessed when it is vacant or unoccupied or by notice mailed to the last known address of the taxable

No defect in service of any such notice shall be sufficient ground for setting any assessment aside but upon proof thereof being made the taxable person shall have the right to a hearing before said board relative to said assessment with the same right of appeal from its decision as provided in section eight of this act

Section 12 After the hearing of any objections thereto and the making of any changes that may be deemed proper the valuations as so ascertained shall unless changed in the manner herein provided stand as the valuations for assessments for aforesaid purposes until the next triennial assessment

Section 13 No appeal taken from any such assessments made under the provisions of this act shall affect the validity of any taxes assessed but if such assessment shall thereafter be reduced an exoneration shall be granted or restitution ordered for the excess of taxes paid by reason of any improper increase in the assessment

Section 14 Upon request of any taxpayer he shall at any time receive from the board a statement of his taxable property and its valuation

Section 15 When the said valuations and assessments have been made all taxation for county city borough town township school purposes and poor purposes within the limits of such county shall be based upon such valuations

Section 16 The office of ward city borough town and township assessor as now existing in counties coming under the provisions of this act is hereby abolished insofar as respects the assessment and valuation of persons and property for taxable purposes

Section 17 The county commissioners of any such county shall have authority to prepare at the cost of the county such proper maps and plans and surveys as may be deemed necessary to secure a proper and equitable assessment

Section 18 The corporate authorities of any city borough town township school and poor district who may feel grieved by any assessment of property or subjects of taxation for its corporate purposes shall have the right to appeal therefrom to the court of common pleas or the Superior or Supreme Court in the same manner subject to the same procedure and with like effect as if such appeal were taken by a taxable with respect to his property

Section 19 The provisions of this act are severable and if any of its provisions are held unconstitutional the decision so holding shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 20 This act shall become effective immediately upon final enactment

Section 21 All acts and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

COMMUNICATIONS FROM THE GOVERNOR

The Chair cleared his table and laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVAL OF SENATE BILL No. 152

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 31, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 152, Printer's No. 66 entitled "An act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' as amended extending the retirement system of counties of the second class to additional employes declaring certain persons ineligible to receive retirement allowances and generally clarifying the provisions of the law governing such retirement systems."

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

The Chair cleared his table and laid before the Senate communications in writing from His Excellency, The Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

MEMBERS OF PUBLIC UTILITY COMMISSION

Commonwealth of Pennsylvania,
Governors Office, Harrisburg, April 5, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Pennsylvania Public Utility Commission, for the terms indicated below:

Guy K. Bard, of Lancaster, Lancaster County, for the term of four years to compute from April 1, 1937, and until his successor shall be duly appointed and shall be qualified.

Donald M. Livingston, of Media, Delaware County, for the term of two years to compute from April 1, 1937, and until his successor shall be duly appointed and shall be qualified.

GEORGE H. EARLE.

ASSOCIATE JUDGE OF FOREST COUNTY

Commonwealth of Pennsylvania,
Governors Office, Harrisburg, April 5, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert M. Herman, of Tionesta, Forest County, for appointment as Associate Judge of Forest County, vice W. A. Kribbs, deceased, to serve until the first Monday of January, 1938.

GEORGE H. EARLE.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governors Office, Harrisburg, April 5, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following appointments

Karl B. Barr, of Sheffield, Warren County, for appointment as Justice of the Peace in the Township of Sheffield, Warren County, vice John Peterson, deceased, until the first Monday of January, 1938.

Curvin Miller, of Pocono Pines, Monroe County, for appointment as Justice of the Peace in the Township of Tobyhanna, Monroe County, (to fill a vacancy), until the first Monday of January, 1938.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governors Office, Harrisburg, April 5, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Frances Drake, 5941 Baum Blvd., Pittsburgh.
H. K. MacFarlane, Wilmerding.

BLAIR COUNTY

Frank L. Stonebraker, Tyrone.

CAMBRIA COUNTY

John M. Carlisle, Nanty-Glo.

CAMBRIA COUNTY

Melvin Edwards, Ebensburg.

CHESTER COUNTY

Miss M. Rita Morgan, West Goshen Twp., Devon.

DAUPHIN COUNTY

Miss Hyacinth M. Stringer, Harrisburg.

DELAWARE COUNTY

Miss Kathryn M. Kelly, Chester .
Miss Kathryn G. Madonna, Upper Darby Twp., Upper Darby.

JUNIATA COUNTY

C. B. Zeiders, Mifflintown.

LACKAWANNA COUNTY

Miss Mary R. Lawless, Scranton.

LUZERNE COUNTY

Mrs. Martha J. Renshaw, Hazleton.

Miss Catharine Storz, Wilkes-Barre.

LYCOMING COUNTY

Miss Thelma L. Hulsizer, Clinton Twp., Montgomery.

McKEAN COUNTY

Lloyd Lemmler, Port Allegany.

MERCER COUNTY

John Salcau, Sharon.

MONTGOMERY COUNTY

Robert B. Brunner, Norristown.

PHILADELPHIA COUNTY

Walter Baron, 4811 N. 9th St., Philadelphia.
Jack J. Kauffman, 6608, N. 12th St., Philadelphia.
Mitchell J. Lichow, N. W. Cor. 5th and Parrish, Philadelphia.
William P. Mason, 902 N. 48th St., Philadelphia.
John S. Raum, 1335 Land Title Bldg., Philadelphia.
Alexander Steiner, 2014 W. Diamond St., Philadelphia.
George A. Stubler, 7028 N. 20th St., Philadelphia.
Miss Jean C. Warrington, 1700 Chestnut St., Philadelphia.
Howard A. Weaver, 2025 Fairmount Ave., Philadelphia.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 5, 1937.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names.

PHILADELPHIA COUNTY

Miss Catharine C. McKenna, 5153 Walnut St. Phila., April 11, 1937.

LACKAWANNA COUNTY

Miss Marion E. McLaughlin, Scranton, April 15, 1937.

CHESTER COUNTY

Harry M. Neuhauser, Phoenixville, April 20, 1937.

ALLEGHENY COUNTY

F. S. Brainard, 1203 1st, National Bank Bldg., Pittsburgh, April 26, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 5, 1937.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Miss Marie S. O'Donnell for appointment as a Notary Public in the City of Bethlehem, Northampton County, for the term of four years to compute from date of confirmation.

GEORGE H. EARLE.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on State Government will meet during the recess in Room 265.

The Committee on Executive Nominations will meet during the recess in the Office of the President Pro Tempore.

There will be a Caucus of the Republican Senators during the Recess in Room 300.

RECESS

Mr. ROBERTS. Mr. President, I move that the Senate do now take a recess for twenty minutes.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGE

SENATE BILL 369 RETURNED WITH AMENDMENTS.

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 369 entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; pro-

viding revenue to establish and maintain the same, and the method of collecting such revenues; and repealing all laws, general, special or local or any parts thereof, that are or may be inconsistent therewith," by defining professional employes and providing for and regulating the employment dismissal suspension and demotion of such employes and providing for appeal to the court of common pleas.

with the information that the House has passed the same with amendment, in which concurrence of the Senate is requested.

RECONSIDERATION OF SENATE BILL No. 626

Mr. BUCKMAN. Mr. President, I move to reconsider the vote by which Senate Bill No. 626, on today's calendar entitled:

An Act to amend section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws thirty-eight) entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A and the removal of policemen in cities of the second class" further regulating the suspension and dismissal of policemen and firemen in cities of the second class A

passed finally.

The PRESIDENT. How did the Senator vote?

Mr. BUCKMAN. Mr. President, I voted "aye."

Mr. HOWELL. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HOWELL. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring.

Shall the bill pass finally?

Mr. BUCKMAN. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. BUCKMAN. Mr. President, I voted "aye."

Mr. HOWELL. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HOWELL. I voted "aye."

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on third reading?

Mr. BUCKMAN. Mr. President, I ask unanimous consent to

Amend page 3, line 16, by striking out after the word "convicted" the following: "from SC;" Amend page 3, line 16, by striking out after the word "officer" the following: "duty."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 742.

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives

Resolved (if the Senate concur), That House Bill No. 742, Printer's No. 419, entitled:

A Supplement to the act, approved the twentieth day of July, one thousand nine hundred thirty-five (Appropriation Acts, page seventy-one), entitled An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five, providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-seven,"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. HEYBURN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HEYBURN from the Committee on Forests and Waters reported as amended, Senate Bill No. 506 (House Bill No. 1051) entitled:

An Act to amend section one, section two, and section five of an act approved the twenty-fifth day of June one thousand nine hundred and thirteen (P. L. 555) entitled "An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of this Commonwealth; vesting certain powers and duties in the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof, further defining water obstructions and enlarging the powers and duties of the Water and Power Resources Board by further providing for the regulation of any changes that in any manner diminish the course current or cross section of any stream or body of water.

Mr. McCREESH. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH from the Committee on City Government reported as committed, Senate Bill No. 808, entitled:

An Act to amend section one of the act approved the twenty-eighth day of April, one thousand nine hundred and fifteen (Pamphlet Laws one hundred ninety-seven) entitled, "An act regulating the manner and time of payment of employes of cities of the first class," by eliminating the provisions requiring the payment of employes on the first and fifteenth day of each month.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on City Government reported as committed, Senate Bill No. 831, entitled:

An Act authorizing the Secretary of the Commonwealth to publish a proposed amendment to Article fourteen of the Constitution to abolish the County of Philadelphia as a

municipal corporation separate and distinct from the City of Philadelphia.

Mr. FREY. Mr. President, I ask unanimous consent to make report from Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY, from the Committee on Executive Nominations, reported with a favorable recommendation, the following nominations made by his Excellency the Governor of the Commonwealth:

MEMBERS OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, March 31, 1937.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Pennsylvania Public Utility Commission, for the terms indicated below:

D. J. Driscoll, of St. Marys, Elk County (designated Chairman) for the term of ten years to compute from April 1, 1937, and until his successor shall be duly appointed and shall be qualified.

Thomas C. Buchanan, of Beaver, Beaver County, for the term of eight years to compute from April 1, 1937, and until his successor shall be duly appointed and shall be qualified.

Richard J. Beamish, of Harrisburg, Dauphin County, for the term of six years to compute from April 1, 1937, and until his successor shall be duly appointed and shall be qualified.

GEORGE H. EARLE.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 5, 1937.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Pennsylvania Public Utility Commission, for the terms indicated below:

Guy K. Bard, of Lancaster, Lancaster County, for the term of four years to compute from April 1, 1937, and until his successor shall be duly appointed and shall be qualified.

Donald M. Livingston, of Media, Delaware County, for the term of two years to compute from April 1, 1937, and until his successor shall be duly appointed and shall be qualified.

GEORGE H. EARLE.

ASSOCIATE JUDGE OF FOREST COUNTY.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 5, 1937

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert M. Herman, of Tionesta, Forest County, for appointment as Associate Judge of Forest County, vice W. A. Kribbs, deceased, to serve until the first Monday of January, 1938.

GEORGE H. EARLE.

MEMBER OF THE PENNSYLVANIA SECURITIES COMMISSION.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, March 31, 1937.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Anthony J. Barrett, of Drexel Hill, Delaware County, for appointment as a member of the Pennsylvania Securities Commission, vice Seymour M. Heilbron, of Media, resigned, until the 3rd Tuesday of January, 1939, to compute from April 1, 1937.

GEORGE H. EARLE.

MEMBER OF THE STATE BOARD OF EXAMINERS OF ARCHITECTS.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, March 3, 1937.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following appointments:

MEMBER OF THE STATE BOARD OF EXAMINERS OF ARCHITECTS.

Henry Hornbostel, of Pittsburgh, Allegheny County, vice Charles T. Ingham, of Pittsburgh, whose term expired, for the term of six years to compute from date of conformation.

GEORGE H. EARLE.

ALDERMAN

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, March 31, 1937.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James H. Kelly Jr., of Allentown, Lehigh County, for appointment as Alderman in the ninth ward of the City of Allentown, Lehigh County, (to fill a vacancy), until the first Monday of January, 1938.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 5, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Frances Drake, 5941 Baum Blvd., Pittsburgh.

H. K. MacFarlane, Wilmerding.

BLAIR COUNTY

Frank L. Stonebraker, Tyrone.

CAMBRIA COUNTY

John M. Carlisle, Nanty-Glo.
Melvin Edwards, Ebensburg.

CHESTER COUNTY

Miss M. Rita Morgan, West Goshen, Twp., Devon.

DAUPHIN COUNTY

Miss Hyacinth M. Stringer, Harrisburg.

DELAWARE COUNTY

Miss Kathryn M. Kelly, Chester.
Miss Kathryn G. Madonna, Upper Darby Twp., Upper Darby.

JUNIATA COUNTY

C. B. Zeiders, Mifflintown.

LACKAWANNA COUNTY

Miss Mary R. Lawless, Scranton.

LUZERNE COUNTY

Mrs. Martha J. Renshaw, Hazleton.
Miss Catharine Storz, Wilkes-Barre.

LYCOMING COUNTY

Miss Thelma L. Hulsizer, Clinton Twp., Montgomery.

McKEAN COUNTY

Lloyd Lemmler, Port Allegany.

MERCER COUNTY

John Salcau, Sharon.

MONTGOMERY COUNTY

Robert B. Brunner, Norristown.

PHILADELPHIA COUNTY

Walter Baron, 4811 N. 9th St. Philadelphia.
Jack J. Kauffman, 6608 N. 12th St., Philadelphia.
Mitchell J. Lichow, N. W. Cor. 5th and Parrish, Philadelphia.
William P. Mason, 902 N. 48th St., Philadelphia.
John S. Raum, 1335 Land Title Bldg., Philadelphia.
Alexander Steiner, 2014 W. Diamond St., Philadelphia.
George A. Stubler, 7028 N. 20th St., Philadelphia.
Miss Jean C. Warrington, 1700 Chestnut St., Philadelphia.
Howard A. Weaver, 2025 Fairmount Ave., Philadelphia.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 5, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

PHILADELPHIA COUNTY

Miss Catharine C. McKenna, 5153 Walnut St., Philadelphia, April 11, 1937.

LACKAWANNA COUNTY

Miss Marion E. McLaughlin, Sranton, April 15, 1937.

CHESTER COUNTY

Harry M. Neuhauser, Phoenixville, April 20, 1937.

ALLEGHENY COUNTY

F. S. Brainard, 1203 1st National Bank Bldg., Pittsburgh, April 26, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 5, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Miss Marie S. O'Donnell for appointment as a Notary Public in the City of Bethlehem, Northampton County, for the term of four years to compute from date of confirmation.

GEORGE H. EARLE.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg. March 31, 1937

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

CAMBRIA COUNTY

Miss Verna Williams, Ebensburg, April 4, 1937.

PHILADELPHIA COUNTY

J. Horace Adams, 932 W. Lehigh Ave., Philadelphia, April 7, 1937.

ARMSTRONG COUNTY

Raymond A. Zeigler, Kittanning, April 9, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 31, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation.

ALLEGHENY COUNTY

Miss Estelle M. Jones, 643 Liberty Avenue, Pittsburgh.

ERIE COUNTY

K. H. Beck, Erie.

JEFFERSON COUNTY

Glenn R. Dennison, Reynoldsville.

NORTHAMPTON COUNTY

P. H. Wright, Bethlehem.

PHILADELPHIA COUNTY

Mrs. Anna Z. Davis, 1500 Walnut St., Philadelphia.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at today's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. Request has been made of the Chair

that the vote be separated, and that the first vote be had on all five recommendations for the Public Utilities Commission.

Mr. PRESIDENT. Is there objection? The Chair hears none.

QUESTION OF LEGISLATIVE INQUIRY

Mr. SALUS. Mr. President, do I understand we are now voting on the confirmation of the Utilities Commission?

The PRESIDENT. That is right.

And the question recurring,

Will the Senate agree to the motion?

Mr. SALUS. Mr. President, on behalf of many of our Republican Senators, who are in the minority, at this time we find ourselves in the position where, representing as we do constituents from the various parts of Pennsylvania, we feel it is our bounden duty to try to lift our Democratic majority friends out of the depths of a hole which they have placed themselves in through their heedlessness and recklessness.

Only last week they ripped out of office the Public Service Commissioners of Pennsylvania; they ripped them out without regard or paying any attention to what should be their duty as of that particular date, and the State of Pennsylvania now stands without having a Utilities Commission to take care of its citizens, particularly as to the rate affairs of Pennsylvania. This was caused by the heedlessness, recklessness and desire of our Democratic majority to steam-roller whatever they undertake to do.

My Republican colleagues in this Senate have at all times, and still are, opposed to this system of ripper—ripping out offices for no other purposes than to get political control of the positions that come in these various departments. It is ripper here and ripper there, ripper down to the poorest and lowest class of people in the employ of the various counties of this Commonwealth. We hear now and then the great story that these acts are being done for reform, they are being done to save expenses, they are being done for the benefit of the Commonwealth of Pennsylvania. Those of us who are politically minded, and in politics, cannot be fooled, and I do not believe that the citizens of Pennsylvania can be fooled; and the time of reckoning must come; but in this particular instance we feel that it is our duty, our bounden duty, to protect the citizens of Pennsylvania from the ravishing of our departments by our Democratic friends in their zeal to control public office.

But we cannot and we will not be a party to a condition that will deprive the State of Pennsylvania from having this particular institution re-established. Pennsylvania must have a rate board; Pennsylvania cannot do without it; and we are not going to stand up and see the citizenship of this great Commonwealth without proper representation.

Only last week, when the bill for the ripper was passed, there was an effort made to include in that ripper bill that great reform that our friends talk so much about, which we wanted to include in it. An amendment was offered to have in it a Civil Service Commission, a commission whereby the men who are to be in charge, and the employes, should pass a civil service examination. Not only was our amendment not accepted, but debate on the question was cut off in this Senate, and the Republican members were not given the opportunity and the courtesy of even being heard on this particular question.

Our Democratic friends on the other side are having a great time now, and a great party, and they ask every now and then, "What did you Republicans do a few years ago?" That seems to be the stereotyped question that is asked on every motion we make. If they are so pure, and they are so interested in the welfare of the people of Pennsylvania, let them take warning, indeed, of the misconduct of the Republicans in the past, if there were such misconduct, and not go deeper and further down in this desire to uproot all the established institutions of Pennsylvania for no other purpose than political control of positions.

We were told, in an elaborate speech,—and I have had no prepared speech—last week that the Municipal Court of Philadelphia had hired men who were barbers, hired men that had no experience, were unfit for the jobs—notwthstanding the fact that some of them had been in this job for eighteen or twenty years; and of the great crimes the Republicans had committed. You have for confirmation here tonight, and I believe the majority of my colleagues are going to vote for their confirmation, five men whom nobody but the Democratic leaders who suggested their appointment know who they are, where they came from, and what their qualifications are for these positions. They are appointed here, and for the salvation of Pennsylvania we must vote for them at this time in order that this great Commonwealth shall not suffer.

You cannot play fast and loose, and you cannot fool the public; and there is no great reform in any of these rippers. It is rip! rip! rip! for the displacement of Republican jobholders by Democratic job-holders. This may be politics, and I am an old-time politician—been at it for many many years—and I find no great fault with idea of the Democratic party, while they are in power, taking control; but I do feel that in passing these various pieces of legislation, and trying to fool the public on the theory that it is done for the good and welfare of the people of Pennsylvania, the common welfare of Pennsylvania and its citizenship is never thought of for a single minute. They ought to come out openly and sportsmanship-like and say, "We have got control of Pennsylvania and we are going to grab all the political jobs there are, and put as few strings around them as possible." That would be a sportsmanship way of doing it. I am satisfied and convinced that the populace of Pennsylvania will not be deceived by these pseudo-reform tactics.

Mr. THOMPSON. Mr. President, I did not want to enter into debate on the confirmation of the gentlemen whose appointments are before us; but since the character of some of them has been impugned by the remarks of the previous speaker, I think it calls for some little explanation.

I think the Democratic party would be derelict in its duty if it did not do what it is attempting to do in the halls of this Legislature today. For ten years the public of Pennsylvania has been crying out for a re-organization of the Public Service Commission. It is still, in fact, within the memory of all of us when Public Service Commissioners went to Europe upon the payroll of the utility companies, and by money furnished by the utility companies. The headlines of the Morgan tip list are still fresh in the memory of all of us, and the Public Service Com-

mission as we have known it over the past ten years has not been the simon pure institution which has been indicated by the remarks of the former speaker.

Naturally enough, not all of the men upon this commisison have been tarred with the same stick as those whose personalities made the headlines, but we know, from the activities of this commission in water cases and light cases and power cases, that the sympathy of this commission, or, by far, the majority of its members, has not been with the interest of the public of Pennsylvania.

The gentlemen whose names are presented here this evening are all men of outstanding character. The struggle of the man nominated for chairman against the utility tie-up which attempted to browbeat the Congress of the United States in much the same fashion as an attempt is made currently upon the Senate of Pennsylvania, is well known; he is a man whose genius is probably unparalleled in this State.

The same thing may be applied to many of the other members nominated. One now occupies a distinguished position in the United States service, and all of them are men of character and responsibility; and I say to you, Mr. President, that we are not only fulfilling a platform pledge but we are also fulfilling a longfelt desire of the people of Pennsylvania when we confirm the nominations which are presented to us this evening by His Excellency the Governor of the Commonwealth.

Mr. OWLETT. Mr. President, I merely want to call the attention of the Senate to the fact that the Public Service Commission, or the Public Utilities Commission, is a judicial body; and I, for one, am happy to find the Governor of this great Commonwealth, in the men he has nominated, proving to the people at large that our Executive does not believe, with President Roosevelt, that a man loses his usefulness when he becomes seventy years of age.

At least two of the members of this commission will serve the greater part of their time, if confirmed by this Senate tonight, after the age of seventy years; and so I say again I think the people of Pennsylvania can be congratulated that the Governor of this Commonwealth has given the lie to the scheme of attacking the Supreme Court of the United States and using as the excuse the age of the men.

Mr. WOLFENDEN. Mr. President, some of us in this Senate are neither New Deal nor Old Deal, we are simply new. It seems to us that are new that there is a lot of undue haste, first of all in the ripping of this old commission, and, secondly, in the hurried appointment of the new members. Personally, I—and I feel my opinion is shared by other members of the Senate—know nothing for or against these gentlemen. I do know this, that last week in a daily newspaper it was stated a certain Pennsylvania United States Senator was too busy to come back and attend the dinner given in honor of our Lieutenant-Governor, and yet the next day the same daily paper said he hurried to Harrisburg to help the Governor in appointing this new Commission. I do know that the daily papers say that a certain contractor of Philadelphia, who is not a member of this Senate, has been consulted in the naming of this commission.

We hear a lot about "We, the people." If there is any classification in Pennsylvania composed of "We, the people" it is the rate-payers; and I am just wondering, Mr. President, if we are giving, in this hurried action, sufficient concern for the rate-payers of Pennsylvania: Is it fair to them to hurriedly pass on men who have not officially submitted to us their qualifications for this great office?

We have confirmed other appointments by His Excellancy, but those were limited in the time for which they would serve. The record will show that I personally voted for the new Common Pleas Court in the County of Philadelphia. I was also glad to vote for the appointments of the Executive in naming the judges; but those gentlemen will only serve for a limited time, those gentlemen can be put out of office, by the people of Philadelphia, at the next popular election. These commissioners we are naming tonight can only be put out of office by the Senate of Pennsylvania.

I wish to say to you that I think this action is hurried—unnecessarily so; we are placing these men in office with a cloud over them, with a taint over them-that is unjust and unfair to them-that their appointment has been dictated, or, at least, influenced by political reasons.

Mr. WOODWARD. Mr. President, I expect to vote "No" for the simple reason that there is no civil service in the set-up of this commission. The civil service amendments offered by my colleague were summarily rejected, and there will be no civil service in this Public Utilities Commission.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz

YEAS—48.

Bean,	Gilson,	Lanius,	Roberts,
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Salus,
Deitrick,	Howell,	Mundy,	Scarlett,
Dent,	Huffman,	Owlett,	Shapiro,
DiSilvestro,	Jacobs,	Pierson,	Sipe,
Ealy,	Jaspan,	Pytko,	Sones,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,
Gelder,	Kunkel,	Rice,	Wolfenden,

NAYS—1

Woodward,

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

A motion was made by Mr. Sones.

That the Senate do advise and consent to the nominations reported at today's session, excepting those already confirmed.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz

YEAS—49.

Bean,	Haluska	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Howell,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,

Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder	Lanius,	Roberts,	Woodward,
Gilson,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 114, (Senate Bill No. 834), entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code,' by requiring certain school districts to merge with other districts and thereafter to function as a part of the districts with which they have been merged; creating a county board of school directors for school districts under the direction of a county superintendent; defining its powers and duties; further regulating the affairs of certain school districts; conferring powers and imposing duties on the Department of Public Instruction, the State Council of Education and county superintendents of schools; and imposing certain expenses on counties.

Which was committed to the Committee on Education.

House Bill No. 196, (Senate Bill No. 835), entitled:

An Act to amend sections one and two of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "Legal Holding Law," as amended, declaring Flag Day, the fourteenth day of June, a legal holiday.

Which was committed to the Committee on Banking.

House Bill No. 455, (Senate Bill No. 836), entitled:

An Act to amend section one of the act, approved the twenty-fourth day of June, one thousand nine hundred and nineteen, (P. L. 579), entitled "An act to fix the salary and mileage of the members of the General Assembly, and to provide for the furnishing of such postage, stationery, and supplies, as may be necessary for the conduct of their offices and repealing all acts or parts of acts inconsistent therewith," as amended ;increasing the compensation of members of the General Assembly.

Which was committed to the Committee on State Government.

House Bill No. 753, (Senate Bill No. 837), entitled:

An Act to promote public health, safety, morals, and welfare, by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercises of such powers including the acquisition of property by purchase, gift, or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds and other obligations and giving security therefor; prescribing the remedies of obligees of housing authorities, authorizing housing authorities to enter into agreements including agreements with the United States, the Commonwealth and political subdivisions and municipalities thereof; defining the application of zoning, sanitary and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments.

Which was committed to the Committee on Judiciary General.

House Bill No. 1007, (Senate Bill No. 838), entitled:

An Act to amend the act, approved the twenty-eighth day of June, one thousand nine hundred and twenty-three. (P. L. 903), entitled "A' supplement to an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws three hundred and twelve), entitled 'An act providing a system for government of boroughs, and revising, amending, and consolidating the law relating to boroughs;' so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county, including assessment of property, levying and collection of taxes, making municipal improvements, and filing and collecting of liens for the same; the jurisdiction of courts for the enforcement of borough ordinances and State laws, and primary, general, municipal, and special elections; and repealing inconsistent laws," extending the provisions of this act to boroughs situated in different counties which now have or shall hereafter consolidate.

Which was committed to the Committee on Municipal Government.

House Bill No. 1250, (Senate Bill No. 839), entitled:

An Act to prohibit the sale and offer for sale of the recognized artificial flowers of certain veteran's organizations except on the days appointed for such purpose.

Which was committed to the Committee on Military Affairs.

House Bill No. 1273, (Senate Bill No. 840), entitled:

An Act to amend section eleven of the act, approved the sixth day of June, one thousand eight hundred and ninety-three (P. L. 335), entitled "An act to provide for the consolidation of boroughs, and the government and regulation thereof;" making further regulations for the election of justices of the peace in such consolidated boroughs.

Which was committed to the Committee on Municipal Government.

House Bill No. 1277, (Senate Bill No. 841), entitled:

An Act to amend section one of the act approved the eighth day of April one thousand eight hundred and sixty-seven (Pamphlet Laws fifty) entitled "An act to permit disabled soldiers to peddle by procuring a license therefor without charge" as amended prohibiting the peddling of recognized flowers of certain veteran's organizations and miniature American flags.

Which was committed to the Committee on Military Affairs.

House Bill No. 1410, (Senate Bill No. 842), entitled:

An Act relating to the manufacture, repair, renovating, cleansing ,sterilizing, and disinfecting of mattresses. pillows, bolsters, feather beds, and other filled bedding, cushions and upholstered furniture intended for sale or lease and to the sale or lease thereof; requiring the placing of

tag and adhesive stamp on such material; providing for the sale of adhesive stamps; authorizing and requiring the Department of Labor and Industry to adopt rules and regulations; providing penalties; and repealing certain acts.

Which was committed to the Committee on Public Health.

House Bill No. 1562, (Senate Bill No. 843), entitled:

An Act to amend section one of the act, approved the first day of June, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand four hundred six), entitled "An act authorizing the Attorney General, under certain conditions, to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment, and to compound certain judgments, by extending the act to all pending claims of the Department of Highways against boroughs for the construction, reconstruction or maintenance of State highways.

Which was committed to the Committee on Highways.

House Bill No. 1659, (Senate Bill No. 844), entitled:

A Joint Resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth, with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commission to make a report of its finding to the Governor, together with it recommendations as to such regulatory legislation as may be needful to corect any abuses and evils connected with such industry, which are prejudicial to the interests of the citizens of this Commonwealth, authorizing the commission to employ counsel and employes, and making an appropriation.

Which was committed to the Committee on Public Utilities.

House Bill No. 1685, (Senate Bill No. 845), entitled:

An Act to amend section one thousand fifty-seven of the act, aproved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act," further defining the powers of controllers with respect to accounts of boroughs departments, bureaus and officers; and imposing certain duties in reference thereto on banks, banking institutions and trust companies.

Which was committed to the Committee on Municipal Government.

HOUSE MESSAGE

SENATE BILL NO. 22 RETURNED WITH AMENDMENT

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 22, entitled:

An Act to amend section one of, and to add sections two and three to, the act, approved the nineteenth day of July, one thousand nine hundred thirty-five (P. L. 1348), entitled "An act creating a commission to compile, edit, publish and distribute pamphlets descriptive of scenic and historic interest; and making an appropriation;" amplifying the powers of said commission to include the industrial and agricultural educational interest and other faciliities, advantages and attractions of the Commonwealth, to provide for programs of advertising and publicity, to co-ordinate advertising activities, and to provide for exhibits at fairs, expositions and celebrations.

with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

MOTION TO READ BILLS THE FIRST TIME

Mr. ROBERTS. Mr. President, I move that all bills reported at today's session be read the first time

Mr. DANDO. Mr. President, I second the motion

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 450 (House Bill No. 537), entitled:

An Act to amend section four hundred and eleven of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof, providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local or any parts thereof that are or may be inconsisten therewith," as added, providing for the attendance of pupils at certain exhibitions and places of interest at the expense of school districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 506 (House Bill No. 1051), entitled:

An Act to amend section one, section two and section five of an act approved the twenty-fifth day of June, one thousand nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entitled, "An act providing for the regulation of dams or other structures or obstructions as dened herein in, along, across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof", further defining water obstructions and enlarging the powers and duties of the Water and Power Resources Board by further providing for the regulation of any changes that in any manner diminish the course current or cross section of any stream or body of water.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 637 entitled:

An Act to further amend Article twenty of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts theerof, that are or may be inconsistent therewith," by designating the type of contract which shall be used for certain employes in the Teachers Colleges and in the Cheyney Training School for Teachers in this Commonwealth and specifying the means whereby they may be dismissed.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 638, entitled:

An Act to further amend section four of the act, approved the eighteenth day of June, one thousand nine hundred and nineteen (Pamphlet Laws four hundred ninety-eight) entitled, "An act defining consolidation of schools; providing for the establishment and regulation of consolidated schools: and providing for the transportation of pupils to and from consolidated schools," by making certain changes in the provisions for reimbursements by the Commonwealth.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 808, entitled:

An Act to amend section one of the act, approved the twenty-eighth day of April, one thousand nine hundred and fifteen (Pamphlet Laws one hundred ninety-seven) entitled, "An act regulating the manner and time of payment of employes of cities of the first class," by eliminating the provision requiring the payment of employes on the first and fifteenth day of each month.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 831, entitled:

An Act authorizing the Secretary of the Commonwealth to publish a proposed amendment to Article fourteen of the Constitution to abolish the County of Philadelphia as a municipal corporation separate and distinct from the City of Philadelphia.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

The Secretary announces that the following committees will meet:

The Committee on Municipal Government will meet on Tuesday, April 6th, at 10:00 a. m. in Room 402.

The Committee on County Government will meet on Tuesday, April 6th, at 10:30 a. m. in Room 402.

The Committee on State Boards will meet on Tuesday, April 6th, at 11:00 a. m. in Room 265.

The Committee on Public Health will meet on Tuesday, April 6th, at 11:30 a. m. in Room 200.

The Committee on Banking will meet on Tuesday, April 6th, at 5:00 p. m. in Room 302.

The Committee on Insurance will meet on Wednesday, April 7th, at 10:30 a. m. in Room 401.

The Committee on Highways will meet on Wednesday, April 7th, at 11:00 a. m. in Room 402.

The Committee on Law and Order will meet on Wednesday, April 7th, at 11:30 a. m. in Room 200.

ADJOURNMENT

Mr. ROBERTS. Mr. President, I move that the Senate do now adjourn until twelve o'clock noon tomorrow.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 p. m. until twelve o'clock noon tomorrow.

HOUSE OF REPRESENTATIVES

MONDAY, April 5, 1937.

The House met at 9:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain Rev. EPHRAIM Z. GALLAHER offered the following prayer:

O Lord, our Lord: How excellent is Thy name in all the earth, who hast set Thy glory upon the heavens. When I consider Thy heavens the work of Thy fingers, the moon and the stars, which Thou hast ordained, What is man that Thou art mindful of him? Thou hast made him but a little lower than the angles and crowned him with glory and honor.

Oh, Lord, our Lord, how excellent is Thy name in all the earth. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, March 31, 1937.

The Clerk proceeded to read the Journal of Wednesday, March 31, 1937, when, on motion of Mr. BOYER, the further reading was dispensed with and the Journal approved.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk as follows:

FIREMEN AND POLICEMEN

A telegram from the City Firemens Protective Association of Pittsburgh, Pa., addressed to Roy E. Furman urging support of House Bills Nos. 1605 and 1606, and opposing passage of House Bill No. 2037.

Referred to the Committee on Cities.

STATE PARK

A resolution from the County Commissioners of Lackawanna County urging favorable consideration in the establishment of a State Park in Blue Ridge Mountains in Lackawanna and Luzerne Counties.

Referred to the Committee on Forestry.

PHILADELPHIA MUNICIPAL COURT

A resolution from the Presbyterian Ministerial Association of Pihladelphia protesting passage of ripper legislation of the Municipal Court of Philadelphia, also protesting passage of House Bills 108 and 1358, and Senate Bills Nos. 57, 58 and 78.

Referred to the Committee on Judiciary General.

TOWNSHIP ROADS TAX RELIEF

Resolution from the Executive Committee of the Supervisors Association of Lancaster County, opposing passage of House Bills Nos. 639 and 657, and urging passage of House Bill No. 896, eliminating tax on property for road and street purposes.

Referred to the Committee on Highways.

LEAVES OF ABSENCE

Mr. Thompson asked and obtained leave of absence for Mr. ALLMOND for the remainder of the week on account of illness.

Mr. Reising asked and obtained leave of absence for Mr. NAGEL for tonight's session on account of illness.

Mr. Hess asked and obtained leave of absence for Mr. LaRUE for the remainder of the week on account of death in the family.

STATEMENT BY MR. WOODSIDE

Mr. WOODSIDE asked and obtained unanimous consent to make the following statemenet:

Mr. Speaker and members of the House: The sit-down-strike epidemic broke out in Dauphin County since this House last sat here. On Friday the factory of the Hershey Chocolate Corporation was closed and 2400 people are out of work as a result. Since that time Mr. Habbyshaw and I representing the District in which this strike occurred have given it much time and thought.

We are greatly concerned about the 2400 people and their dependents who were employed in this plant. We are greatly concerned about the Orphans in Pennsylvania, present and furture, who through a trustee appointed for the purpose of educating them own 70% of the stock of the corporation.

We are frank to admit that we regret that this thing should take place in the model community of Hershey where a great philanthropist has through 38 years of effort built a community of which all of Pennsylvania is justly proud.

It is not in our place at this time to question who is right and who is wrong nor what is right and what is wrong in this industrial dispute. It is not in our place at this time to consider whether there should be a closed shop or an open shop, or who should be discharged during the seasonal layoff.

There is a matter, however, over which Mr. Habbyshaw and I have the greatest concern. I am certain that if the facts are called to the attention of this House that every member in it will join in that serious concern. I refer to the 5300 odd farmers who depend on the operation of the Hershey Chocolate Corporation for the disposition of their milk.

Gentlemen of this House from Pittsburgh, you live in a great city, but in a second class township of Dauphin County there is used each day that the Hershey Chocolate Corporation operates, more milk than is bottled and sold in your great city.

Members from Philadelphia, you live in a great and even larger city but in a second class township in my County, there probably is more milk consumed each day that the Hershey Chocolate Corporation operates, than is bottled and sold in your city. Over 700,000 lbs. of milk are used daily by the Hershey Chocolate Corporation. Nearly $15,000 a day is paid to farmers for this milk.

At no time can the farmers of Pennsylvania afford to lose $15,000 a day. But at this time of the year they can least afford it. Many of these farmers must now purchase feed for their cattle. At this time the farmers have little or nothing to sell with the exception of milk. At this time they need money to purchase seed and fertilizer.

Serious as it is to these 5300 farmers who deal directly with the Hershey Chocolate Corporation, the problem is by no means confined to them. To throw on the milk market at the present time 350,000 qts. of milk a day which would otherwise be consumed by this manufacturing concern, might well upset the present tottering milk market of the entire State causing tremendous loss to all the dairy farmers of this Commonwealth.

From these facts I feel confident that you will agree with us in our position that whatever is possible to be done for these farmers, the innocent victims of this industrial struggle, must be done and must be done immediately.

From the best information obtainable it appears that there is no dispute over the wages being paid by the Hershey Chocolate Corporation nor is there any dispute over the hours of labor. They have a minimum wage of 60c an hour for men and 45c an hour for women which is in accordance with an agreement entered into between the Union and the Company.

We understand the strike was called as the result of the discharge of certain employees. There is a department in the factory however, in which we understand that no employees were laid off and in which the corporation probably will not lay off any employees. I refer to that department which receives the milk and reduces it to powdered form whereby it can be stored and kept. If this Department were operated it would be possible to accept the milk from the farmers and reduce it to powdered form. This would solve the serious problem now facing the farmers of Pennsylvania. As far as we can see it would not seriously interfere with either the Union or the Company in their negotiations.

We feel that every effort should be made and the weight of this House should be behind a movement to bring about the opening of this department of the plant in order that the farmers of the Commonwealth of Pennsylvania might not be put to great loss and suffering. We feel that the first step should be for this House to call upon the Hershey Chocolate Corporation and the Union to agree to the operation of this part of the factory. For that purpose Mr. Habbyshaw and I have prepared and are now introducing a Resolution calling upon the Hershey Chocolate Corporation to agree to immediately open the department of the plant used for powdering milk and calling upon the Union to permit such operation.

The Resolution has been mimeographed and will be put upon all your desks. The necessity for prompt action must be apparent to all. It is not our idea to ask for an immediate consideration of this resolution. We have no desire to put any member on the spot. We desire careful consideration and deliberation by the House—consideration that we hope will be free from politics.

We are therefore asking that the Speaker refer this resolution to the appropriate committee, probably the Committee on Agriculture. We ask him whether he will not consider doing this immediately. We then ask the chairman of the Committee to which it is referred whether he will not some time during this evening session call a meeting of that committee to consider the resolution. We believe that the committee will see fit to report the resolution and we hope that the majority floor leader and the Democratic members of this House will see fit to then permit a consideration of this Resolution this evening.

Although the Resolution will not be printed it is mimeographed and every member will have it before him for study and consideration.

STATEMENT BY MR. JOHN A. SMITH

Mr. JOHN A. SMITH asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I feel that following the introduction of the resolution by the gentleman from Dauphin, Mr. Woodside, it is my duty to say that it was my privilege to be invited to sit with a group of milk producers this afternoon, with the management and with the labor union people. We sat there from two o'clock until five-thirty and an agreement was reached whereby the milk from the five thousand producers of milk for the Hershey Chocolate Company would begin to move tomorrow. It will not move upon the basis of being made a powdered milk, because the Hershey Chocolate Company is so constituted that they do not make powdered milk, but they process their milk in such manner as to start the process of making candy. So after three and a half hours of deliberation this afternoon, an agreement was reached whereby the farmers went home satisfied that the milk of those five thousand farmers would not have to be destroyed and I believe there is an amicable solution on the way.

STATEMENT BY MR. WOODSIDE

Mr. WOODSIDE asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, we have been informed that there was a tentative agreement, of which we had some knowledge before making this statement. However, as we understand that agreement to exist, it is that the cream will be separated down there at Hershey and the skim milk will be given back to the farmer and the cream sent out on the market—sent out to Pittsburg, I believe, is the present plan. If that is true that will still tend to flood the market and will have a serious affect upon the entire milk industry of this Commonwealth:

REPORTS FROM COMMITTEES

Mr. COAKLEY, from the Committee on Ways and Means, reported as committed, House Bill No. 2118, entitled:

An Act to further amend section six of the act, approved the second day of May, one thousand eight hundred ninety-nine (P. L. one hundred eighty-four), entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods, wares and merchandise, and providing for the collection of said tax," by clarifying the provisions relating to appeals.

Mr. MORAN, from the Committee on Boroughs, reported as Committed, House Bill No. 270, entitled:

An Act to amend the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," regulating and limiting the use of revenues derived from the operation of water-works.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. HABBYSHAW and WOODSIDE.

RESOLUTION No. 62.

In the House of Representatives, April 5, 1937.

Whereas, differences have arisen between the Hershey Chocolate Corporation and the United Chocolate Workers Union resulting in a sit down strike and the closing of the corporation's factory located in Hershey, Dauphin County, and

Whereas, the differences arose over the discharge of employees and not over hours of work or wages, and

Whereas, no employees were discharged in the Department of the factory where milk is reduced to powdered form, and

Whereas, as a result of the closing of the said department over 5300 of the farmers of Pennsylvania have lost a market for their milk totalling over 700,000 lbs. a day with the resulting loss of nearly $15,000 a day to said farmers, and

Whereas, this vast amount of surplus milk totalling over 350,000 qts. a day may seriously affect the entire milk market of the Commonwealth causing a substantial loss to all dairy farmers of this State, Therefore Be It

Resolved, by the House of Representatives of the Commonwealth of Pennsylvania that this House does hereby urgently request the Hershey Chocolate Corporation to immediately open the Department used for the reducing of milk to powdered form and continue to purchase from their farmers their usual supply of milk, and be it further

Resolved, that this House urgently request the United Chocolate Workers Union to permit the operation of the said Department upon the company's retention therein of all of the said workers at the wages and for the hours agreed upon between the said Union and the said Company on St. Patrick's day, and be it further

Resolved, that a copy of the said Resolution be immediately forwarded to W. F. Murrie, President of the Hershey Chocolate Corporation and to Russell Behman, President of the Hershey branch of the United Chocolate Workers Union.

Referred to the Committee on Agriculture.

HOUSE BILL NO. 1420 MADE A SPECIAL ORDER.

Mr. HERBERT B. COHEN. Mr. Speaker, I move that House Bill No. 1420, Senate Bill No. 369, Printer's No. 189, entitled:

An Act to further amend the act, approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by defining professional employes and providing for and regulating the employment dismissal suspension and demotion of such employes and providing for appeal to the court of common pleas

On page 15 of today's calendar, bills on third reading be made a special order of business on Monday, April 5, 1937, at 10:00 p. m.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1793, entitled

An Act to amend section four of the act approved the thirteenth day of May one thousand nine hundred and fifteen (P. L. 286) entitled "An act to provide for the health safety and welfare of minors By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for cer-

tain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissionerof Labor and Industry the attendance officers of school districts and polices officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions therewith" as amended further limiting the days and hours during which minors under eighteen years of age may be employed.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1761, entitled:

An Act creating a commission to study certain conditions relating to municipal ordinances defining its powers and duties and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1125, entitled:

An Act to amend sections one two and six of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 492) entitled "An act to provide for the equalization of educational opportunity and the encouragement of the study of citizenship by recognition of extension education for boys and girls who are employed and for adults as a function of public schools of this Commonwealth and to facilitate the proper organization and administration of such extension education by providing educational recreational and social oppprtunities for out-of-school youth who are not employed by reducing the number of petitioners required for applications for extension classes and by requiring certain qualifications for teachers and leaders in extension education.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 920, entitled:

An Act requiring operators of swimming pools to which admission fees are charged to have a pulmotor at such pools making failure to comply a misdemeanor and prescribing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1705, entitled:

An Act to reenact and amend the title and act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (P. L. 86) entitled "An act relating to the grading and sale of grapes in this Commonwealth providing penalties for violations and imposing certain duties upon the Department of Agriculture" extending the provisions of said act to potatoes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1561, entitled:

An Act to amend sections two three four five and six of the act approved the thirteenth day of April one thousand nine hundred and twenty-one (P. L. 129) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture the sale the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated or deleterious butter defining butter and prescribing the penalty for the violation thereof" further defining butter and the adulteration of butter conferring powers on the Department of Agriculture and the courts of quarter sessions and providing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1188, entitled:

An Act to amend section eight hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for competitive bidding on contracts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 881, entitled:

An Act to amend part of section one of the act approved the fifth day of April one thousand nine hundred and twenty-nine (P. L. 170) entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth and imposing liability for costs upon the county in certain cases" eliminating the liability of the county for costs in discharged summary conviction cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1361, entitled:

An Act to amend section five hundred and fifty-three of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" extending the time within which appeals from auditors' reports may be taken.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1359, entitled:

An Act to amend section one thousand and nine of the act approved the twenty-fourth day of June one thousand

nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" extending the time within which appeals from auditors' reports may be taken.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1715, entitled:

An Act to prevent fraud and deception regulating the weights and measures in the sale or offering for sale of fruits and vegetables in this Commonwealth regulating sales of fruits and vegetables in original unbroken standard containers imposing certain powers and duties on the Department of Internal Affairs and county and city inspectors of weights and measures and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2067, entitled:

An Act to amend section five hundred and two of the act approved the fist day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" prohibiting auditors from becoming surety for certain officers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1349, (Senate Bill No. 98), entitled:

An Act to amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended; extending the retirement provisions relating to former teachers to those who returned to service only temporarily.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1449, entitled:

An Act providing for the creation incorporation organization and government of County Public Utility Administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such Administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by The Public Service Commission conferring the powers of eminent domain providing for the powers duties functions and immunities of such Administrations imposing certain duties and functions in connection with such Administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1766, entitled:

An Act to amend sections one thousand four hundred and forty-one and one thousand seven hundred and sixteen as added of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further defining cost of tuition.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1640, entitled:

A Supplement to the act approved the second day of June one thousand nine hundred fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing a compulsory system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as amended and reenacted providing for the inclusion of occupational diseases within the scope thereof and providing definitions provisions and procedue related to such diseases and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1184, entitled:

An Act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire by gift approximately 7.224 acres of land in Tinicum Township Delaware County sometime known as "Printz Park" or as "Printz-Lindberg Park" to be known hereafter as "Governor Printz Park" providing for the control management supervision restoration improvement and maintenance thereof authorizing the Commission to make and enforce rules and regulations for the preservation maintenance and visitation thereof

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Pennsylvania Historical Commission be and it hereby is authorized to acquire by gift in the name of the Commonwealth of Pennsylvania from the owners thereof The Swedish-Colonial Society of

Tinicum Township Delaware County a tract of land of approximately 7.224 acres located in Tinicum Township Delaware County sometime known as "Printz Park" or as "Printz-Lindberg Park" on which was located the first capitol first school the first church within the present area of Pennsylvania and where Colonal Johan Printz Governor of New Salem established his home as the first executive mansion and upon its acquisition to preserve restore and to maintain the same as an historical place to be known as "Governor Printz Park"

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. RUSH. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1419 (Senate Bill No. 316), entitled:

An Act providing a method through payroll deductions for the payment of delinquent taxes penalties and interest and costs due to political subdivisions by public officers and employes paid from moneys in the treasury thereof and conferring powers and imposing duties on the city controller city treasurer receiver of taxes and bonded paymasters

The first to the ninth sections inclusive were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any political subdivision of this Commonwealth shall have the right to collect delinquent taxes due to such political subdivision by any public officer and employe whose compensation is paid from moneys in the treasury of the political subdivision by deducting from the salary or compensation of such officer or employe semi-monthly or periodically an amount not in excess of twenty per centum of the amount of any current salary or compensation due such officer or employe as shown by the payroll from which such deduction is made as hereinafter provided

Section 2 It shall be the duty of the collector of taxes of any such political subdivision to certify from time to time to the corporate authorities thereof the names of all public officers and employes by whom delinquent taxes are due to such political subdivision together with a statement of the years for which such delinquent taxes are due and the amount thereof together with penalties interest and costs thereon The corporate authorities of any political subdivision may also ascertain the delinquent taxes owing by any officer or employe which have been returned for non-payment or for which liens have been filed in the office of the prothonotary

The term "corporate authorities" as used in this act shall mean the body which levies the taxes for any political subdivision

Section 3 The corporate authorities of any such political subdivisions shall certify the name of any officer or employe whose taxes are delinquent to the paymaster or requisitioning officer or clerk of any department board office or agency of the political subdivision and direct such paymaster officer or clerk in submitting any subsequent payroll to deduct from the salary or compensation of such officers or employe such amount as the corporate authorities shall fix not however exceeding twenty per centum of the amount of such salary or compensation payable at one payroll period and to submit an additional warrant voucher or requisition drawn against the appropriation for the payment of the salary or compensation of such officer or employe in favor of the collector of taxes equal to the amount by which such salary or compensation was so reduced The paymaster officer or clerk shall accompany such warrant voucher or requisition in favor of the collector of taxes with his statement showing against whose delinquent taxes the amount of such warrant voucher or requisition shall be credited The treasurer of the political subdivision shall make payments to the officer or employe and to the collector of taxes in accordance with such warrants vouchers or requisitions The statement of the paymaster officer or clerk shall accompany each such payment to the collector of taxes

Section 4 Upon the receipt of any payment under this act it shall be the duty of the collector of taxes to credit the amount thereof on the tax duplicates in his office against the delinquent taxes penalties interest and costs due by such officer or employe crediting payments from time to time against the taxes for the earliest years still due and owing and he shall transmit to such officer or employe a receipt for the amount of the delinquent taxes penalties interest and costs so paid by deduction from his salary or compensation

Section 5 Any public officer or employe whose taxes are paid by payroll deductions as in this act provided shall be entitled to the benefits of any law which may have been or may hereafter be enacted abating penalties on delinquent taxes paid within a time specified in such law whether such payments are required to be made in lump sum or any installment plan

Section 6 The corporate authorities of any political subdivision shall before any such payroll deductions are made notify in writing any public officer or employe of their intention to direct the making of payroll deductions for delinquent taxes unless such taxes and the penalties interest and costs thereon are paid within a specified time it shall have power to enter into such agreements with public officers and employes as it may deem necessary to secure payment thereof by such officer or employe and apply the provisions of this act in any case where the terms of such agreement are not complied with

Section 7 The provisions of this act are severable and if any provision thereof is held to be unconstitutional the decision so holding shall not be construed to affect or impair any other provision of this act It is hereby declared as the intent of the Legislature that this act would have been adopted had such unconstitutional provision not been included therein

Section 8 This act shall not apply to cities of the first class and school districts in such cities

Section 9 All acts and parts of acts inconsistent herewith are hereby repealed

The titles was read as follows:

An Act providing a method through payroll deductions for the payment of delinquent taxes penalties and interest and costs due to political subdivisions by public officers and employes paid from moneys in the treasury thereof and conferring powers and imposing duties on the city controller city treasurer receiver of taxes and bonded paymasters.

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, by adding to the end thereof the following: "exempting cities of the first class and school districts in such cities from the provisions of this act."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1053, Senate Bill No. 151, Printer's No. 59 was passed over at the request of Mr. WESTRICK.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1779, entitled:

An Act to amend section three hundred and fifty-four of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to include contracts pertaining to pure endowments and annuities policies of fire marine and title insurance and contracts issued by assessment insurance corporations and all other forms of insurance contracts issued in Pennsylvania.

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred and fifty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds Associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 354 Prohibiting the use of policies contracts etc unless approved Penalty It shall be unlawful for any insurance company association or exchange doing business in this Commonwealth to issue sell or dispose of any policy contract or certificate covering life health accident personal liability fire marine title and all forms of casualty insurance or contracts pertaining to pure endowments or annuities or any other contracts of insurance or use applications riders or endorsements in connection therewith until the forms of the same have been submitted to and formally approved by the Insurance Commissioner and copies filed in the Insurance Department except riders and endorsements relating to the manner of distribution of benefits under any such policy and used at the request of the individual policyholder and except any but printed forms of marine or fidelity or surety insurance

Such approval granted by the Insurance Commissioner shall become void upon any subsequent notice from the Insurance Commissioner or upon any subsequent withdrawal of license or refusal of the Insurance Commissioner to relicense any such company association or exchange or upon the subsequent passage of an act which would no longer make such contracts or related forms a fit subject for approval except that this provision shall not affect contracts issued prior thereto

Any person corporation insurance company exchange order or society that shall either as principal or agent issue or cause to be issued any policy or contract of insurance within the Commonwealth contrary to this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00)

Upon satisfactory evidence of the violation of this section by any such person corporation insurance company exchange order or society the Insurance Commissioner may in his discretion pursue any one or more of the following courses of action (1) Suspend or revoke the license of such offending person corporation insurance company exchange one order or society (2) refuse for a period of not to exceed one year thereafter to issue a new license to such person corporation insurance company exchange order or society (3) impose a fine of not more than one thousand dollars ($1.000.00) for each and every act in violation of this act When the Insurance Commissioner shall take action in any of the ways above recited the person corporation insurance company exchange order or society aggrieved may appeal therefrom to the court of common pleas of Dauphin County

On the question,

Will the House agree to the section?

Mr. AUKERMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1 (sec. 354), page 3, line 3, by striking out the words "but printed".

Amend. sec. 1 (sec. 354), page 3, line 4, by striking out the words "or fidelity or surety insurance" and inserting in lieu thereof: "Credit, fidelity, surety, or reinsurance contracts which in the opinion of the Insurance Commissioner do not require his approval."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section three hundred and fifty-four of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," to include contracts pertaining to pure endowments and annuities; policies of fire, marine, and title insurance; and contracts issued by assessment insurance corporations; and all other forms of insurance contracts issued in Pennsylvania.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1172, as follows:

A Joint Resolution proposing an amendment to section one Article nine of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth Article thereof

That section one article nine of the Constitution of the Commonwealth of Pennsylvania is hereby amended to read as follows

Section 1 All property taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws but the General Assembly may by general laws exempt from taxation public property used for public purposes actual places of religious worship places of burial not used or held for private or corporate profit institutions of purely public charity and real and personal property owned occupied and used by any branch post or camp of honorably discharged soldiers sailors and marines

Excise taxes shall be levied under general laws but such laws may grant exemptions and provide for graded or graduated rates Income taxes or taxes measured by income irrespective of the source from which the income may be derived and death duties including estate and succession taxes shall be deemed to be excise taxes

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1625, as follows:

An Act providing for and regulating joint purchases by counties (other than counties of the first and second classes) cities of the third class boroughs towns townships school districts and poor districts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any county (other than a county of the first or second class) city of the third class borough town township school district and poor district may jointly with other political subdivisions make purchases of materials supplies or equipment which such political subdivision may legally purchase and may enter into such agreements as may be deemed necessary to accomplish such purpose

Section 2 All such purchases involving the expenditure of over five hundred dollars ($500) shall be in writing and shall be made only after notice by one of the political subdivisions joining therein once a week for two weeks in one or more newspapers of general circulation published in the political subdivision advertising the same All plans and specifications shall be placed on file by each of the political subdivisions joining in such purchase at least fifteen days in advance of opening bids

Section 3 It shall be the duty of the political subdivisions joining in such purchase to award the contract of purchase on competitive bids to the lowest responsible bidder Any published notice for bids shall contain full plans and specifications or refer to the places where copies thereof can be obtained and give the time and place of meeting of the representatives from the corporate authorities of the political subdivisions joining in such purchase for the purpose of opening bids At least one representative from each of the political subdivisions joining in such purchase shall be present at such meeting and such meeting may be adjourned from time to time on six days notice of the same kind until the proper representation can be present

Section 4 This act shall become effective on the first day of June one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 253, as follows:

An Act to amend section nine of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred thirty-three) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto" authorizing juvenile courts to make orders on the county to maintain children in their homes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section nine of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred thirty-three) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 9 Support Orders The court may in any case make an order upon the parent or parents to contribute such sum for the support of the child as it may determine The court shall have power to enforce any such support order in like manner as courts of quarter sessions may enforce orders for support under the laws of this Commonwealth

Where a child is placed in a suitable family home and the payment of board is required in case provision is not made for such board by voluntary contribution or court order on the parent or parents the court may direct that such board be paid by the county until provision is made for the placing of such child in a suitable family home without payment of board

In cases where a child may be provided with a suitable home with his own parent or parents but such parent or parents are financially unable to provide proper food clothing and necessary medical and surgical treatment for such child the court may in its discretion make an order on the county for the payment thereof in the same manner as if said child had been placed in some other suitable family home

In the case of the commitment of a child the court may order the proper county to pay for the board and clothing of and necessary medical and surgical attendance upon and the care of such child and its maintenance generally and the necessary expenses of placing and replacing the child and may fix the amount which shall be paid for the child Provided That in all cases of commitments to houses of refuge that are not exclusively under State control or that are exclusively under State control the amount of the

order for maintenance clothing instruction medical and surgical care shall be fixed according to existing legislation governing the payment of expenses of maintenance clothing instruction medical and surgical care of children committed to such institutions

In all cases where the cost of board or care and maintenance of a child have been ordered paid by the county it shall be directly liable to the person family association society or institution having the care guidance and control of the child but the county shall in all cases have full recourse to recover the amounts so paid from the persons or poor district liable for the support of such child

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1978, entitled:

A Supplement to the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts and authorizing the suspension of this supplement in certain cases

The first and second sections were seperately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in addition to the amount now required to be paid under the provisions of an act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended there shall be added to the minimum annual salaries of all members of the teaching staffs of elementary schools in fourth class school districts an amount which together with the said amount required by law to be paid will equal one thousand dollars ($1,000) and the minimum annual increment for such teachers shall be fifty dollars ($50) and the minimum number of increments shall be four (4) Provided That none of the said increments for such teachers shall be required before the first day of July one thousand nine hundred thirty-eight and the minimum annual salary of members of the teaching staffs of high schools in fourth class school districts shall be one thousand one hundred seventy dollars ($1,170) and the minimum annual increment for such teachers shall be one hundred dollars ($100) and the minimum number of increments shall be four (4)

Section 2 In addition to all payments which the Commonwealth is now by law required to make to school districts of the fourth class on account of the salaries of members of the teaching and supervisory staffs of such school districts the Commonwealth shall pay for the fiscal year beginning the first day of July one thousand nine hundred thirty-seven and for each fiscal year thereafter to each fourth class school district the following amounts On account of the minimum salaries of all members of the teaching staffs of all elementary schools an amount which together with the amount now required by law to be paid by the Commonwealth in addition to the amount now required by law to be paid by the school district will equal for each member of such staffs the sum of one thousand dollars ($1,000) for each school year

Of the difference between the minimum salary of one thousand dollars ($1,000) required by this supplement to be paid to each member of the teaching staff of the elementary schools of districts of the fourth class and the minimum salary now required by law the amount paid by the Commonwealth to a school district of the fourth class which has a true valuation per teacher of assessable property of fifty thousand dollars ($50,000) or less shall be seventy-five per centum (75%) the amount paid to each school district of the fourth class which has a true valuation per teacher of assessable property of more than fifty thousand dollars ($50,000) and not more than one hundred thousand dollars ($100,000) shall be sixty per centum (60%) and the amount paid to each school district of the fourth class which has a true valuation per teacher of assessable property of more than one hundred thousand dollars ($100,000) shall be fifty per centum (50%)

The third section was read as follows:

Section 3 If the act entitled "An act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores as herein defined prescribing the method and manner of collecting such tax and its disposition and providing penalties" enacted at this session of the General Assembly be declared invalid void or unconstitutional by final decision in any court of competent jurisdiction then and in that event the Governor by proclamation shall under authority hereby conferred upon him suspend this act

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 3, page 4, by striking out all of lines 7 to 16 inclusive

On the question,

Will the House agree to the amendment?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to question the gentleman from Delaware as to the effect of his amendment. Would the amendment that the gentleman has offered make the appropriation for the increase of salaries to teachers of the fourth class school district a general fund obligation?

Mr. TURNER. It would, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, would the amendment that the gentleman has offered make that general fund obligation an obligation of the Commonwealth irrespective of whether or not there had been sufficient tax moneys collected for this particular function of the Commonwealth?

Mr. TURNER. Mr. Speaker, I do not believe that an appropriation can make funds available unless there have been sufficient taxes levied and collected, but I think what you mean to say is, would the general fund be liable

for this money that is appropriated to fourth class school districts. That is correct, it would.

Mr. HERBERT B. COHEN. Mr. Speaker, would not the contemplated amendment of the gentleman make that an obligation of the general fund irrespective of whether or not we pass additional tax legislation to provide funds necessary for this particular function?

Mr. TURNER. Mr. Speaker, that has been the experience in the past. You have a deficiency appropriation bill or you did have, and it was passed by the House, to provide for $6,900,000 for the public schools for moneys mainly expended under the Edmonds Act.

Mr. HERBERT B. COHEN. Mr. Speaker, well then the amendment would destroy any connection with this appropriation to teachers of the fourth class school districts, any connection of that appropriation with the act to raise those funds, would it not?

Mr. TURNER. Mr. Speaker, that is correct. I believe and I think that most of you will agree with me that it is a very dangerous principle to make school appropriations dependent upon some special fund, which may fail. We had one sample of that a few years ago.

Mr. HERBERT B. COHEN. Mr. Speaker, if the act referred to in section three of House Bill No. 1978 is not passed, or if the act is declared unconstitutional upon final passage, would there not then be a deficit in the general fund to the amount that is appropriated by this act?

Mr. TURNER. Mr. Speaker, that depends to a great extent on the gentleman's interpretation of a deficit. I think that I recall that he and I had some debate not long ago, and under the figures which the Governor has produced there is to be a three million dollar surplus at the end of the biennium. I thing that is more than they anticipated to secure under the chain store tax.

Mr. HERBERT B. COHEN. Mr. Speaker, would the genlteman have any further suggestion as to how these moneys could be raised without the particular tax referred to in section three of this bill?

Mr. TURNER. Mr. Speaker, I do not think that we are dealing with that problem at all. I think that is begging the issue. Whatever we have determined we have to have, you have already put in bills and I presume will put in others when you find out just how much you need to balance the budget. I might say, if I may, Mr. Speaker, in reply to the gentleman from York that since the beginning of this session it has been the opinion of the Republican members of this House, as evidenced by bills which they introduced, that teachers in the fourth class school districts should have a greater amount of pay. I recall very particularly that the gentleman from Indiana, Mr. Stewart, at the very beginning of this session, in fact before the session opened, showed me a bill for that purpose. Now, if we believe that the teachers are underpaid, and if the Governor now states that he believes that the teachers in the fourth class school districts should have more money, then I do not believe we ought to tie it in with any particular tax.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I feel that I have to differ with the sponsor of the amendment. The effect of the amendment introduced by the gentleman would be to create a situation in the Commonwealth of Pennsylvania somewhat similar to the situation that was created when certain income for schools was created by the graduated income tax, which in turn was declared unconstitutional. The particular desire on the part of this House at the present time is to secure an increased salary for the teachers fo fourth class school districts. I feel sure that the entire membership will join in one accord to the effect that the teachers of the fourth class school districts are notoriously underpaid. However, the budget as submitted by his Excellency, the Governor, did not contemplate the additional appropriation that has been required by House Bill No. 1978, and in order to more effectively secure the funds whereby the teachers might have their salaries supplemented by the Commonwealth, the bill referred to in section three was passed, containing a specific allocation of those funds for this particular purpose. At the present time it is tremendously difficult for those having some idea of the finances of the Commonwealth to definitely ascertain whether or not the funds that the Commonwealth will receive during the next biennium will be of a sufficient sum to take care of the additional requirements of this act. Until we definitely know by a closer anticipation of income just exactly how much revenue will be forthcoming over the next two years of the biennium, and until we definitely know just what the expenditures of the next two years of the biennium will be as a result of the appropriations, which are made by this House, it is essential, if we are sincere in our desire to take care of the teachers in the fourth class school districts, that the funds with which those teachers are to be taken care of should be definitely earmarked. The effect of the amendment as submitted by the gentleman from Delaware would be to take out that earmarking of funds, and I recommend to this House that we do not approve those amendments.

Mr. TURNER. Mr. Speaker and members of the House, I again state that I feel that my friend from York is begging the question. We have had a long course of practice in the Legislature of Pennsylvania whereby deficits created by reason of payments of appropriations under the Edmonds Act are met either by a deficiency appropriation, or as has been done in the last biennum by additional appropriations from time to time. In the 1935-37 budget presented by his Excellency the Governor, he cut off five million dollars which would have to be paid to the public schools under the Edmonds Act. Subsequently the Legislature put back in the bill three million dollars of the five million dollars, if I remember my figures correctly. In the Special Session of 1936 again an appropriation of one million dollars was made to take care of the appropriations under the Edmonds Act. This session the Legislature, as I said before, has appropriated six million nine hundred thousand dollars to take care of additional moneys due to the schools for the State's payments under the Edmonds Act. Now, there is absolutely no difference between that procedure and the custom and practice that has gone on since 1935, than there is now in our request that the additional payments to the teachers of the fourth class school districts to bring their salaries within a livable wage and to increase their increment; there is absolutely no difference between that, when you cut out this special appropriation of this act. It is all right to stand here on the floor of the House and pass a bill which you thing is of doubtful constitutionality, and say to the teachers of Pennsylvania, "Well, we are all for those poor teachers down in the fourth class

school districts, we think they are underpaid, it is a shame to the Commonwealth" and then to say, "We will give you this bill, but if this act should be declared unconstitutional you will have to go without that increased pay until some later date." I have never believed that the schools and these appropriations should be tied up with the income tax because of the fluctuations that would be liable to the income tax. I do not believe that the appropriations to the public schools should ever be tied up whith any special fund because of the dangers created there where the tax may fail, where reduced taxes may come at a time when the schools have increased their expenditures, expecting that they will receive a normal amount of tax, and thereby the schools and the school teachers in Pennsylvania suffer. I think it is absolutely false economy, I think it is absolutely false budgeting and I think you are only kidding yourselves when you start on that sort of a program. I believe if you pass the chain store tax, and you think that is a proper tax and it should become a part of the tax raising measures in Pennsylvania, to provide enough money for all of the purposes of Pennsylvania, or if that fails, then we will have to take care of it in some other way, as we have heretofore done and as we are doing during this session for our deficiency appropriations.

It seems very strange to me that every time we offer some suggestion from this side of the House that it immediately meets with opposition on the other side of the House. If we today say that we think there should be no appropriation made from those special funds to the schools, then you oppose it. If tomorrow we say there should be an appropriation from a special fund, then you argue it on the other side. I think this is one of the instances where we ought to get down to logical common sense, where there should not be any question as to whether the amendment comes from a Republican or not. The pure question here is, do you believe that the school districts in the fourth class districts ought to have more money? If they ought to have more money then we will have to find enough money to balance the budget.

The yeas and nays were required by Mr. TURNER and Mr. SCHROCK and were as follows:

YEAS—49

Boose,	Leisey,	Schrock,	Trout,
Boyer,	Longaker,	Schumacher,	Turner,
Cadwalader,	Lyons,	Serrill,	VanAllsburg,
Davies,	Matthews, J. F.,	Simpson,	Wall,
Eckels,	McDevitt,	Sloan,	Watkins,
Fiss,	McKinney,	Snyder,	Webster,
Gillette,	Merrell,	Sollenberger,	Weidemann,
Habbyshaw,	Muir,	Sproul,	Wilson,
Hall,	Peale,	Stewart,	Winner,
Hamilton, R. S.,	Perry,	Stockham,	Wood,
Huntley,	Rothenberger,	Strode,	Woodside,
Imbrie,	Royer,	Terry,	Yeakel,
Kline,			

NAYS—136

Achterman,	Dyson,	Marino,	Scanlon,
Alexander,	Elpern,	Matthews, H. T.,	Schor,
Allen,	Falkenstein,	McArdle,	Schrope,
Arnold,	Finnerty,	McCullough,	Shaw,
Aukerman,	Fitch,	McDermott,	Shea,
Baine,	Flanagan,	McElroy,	Shepard,
Baker, J. J.,	Flannery,	McFall,	Shoemaker,
Balthaser,	Ganser,	McShane,	Shugarts,
Bierly,	Gerard,	Melchiorre,	Siegel,
Blank,	Haberlen,	Mellott,	Simon,
Bohn,	Hagerty,	Mihm,	Skale,
Boles,	Hamilton, F. P.,	Mooney,	Smith, James A.,
Boltz,	Harkins,	Munley,	Smith, John A.,
Bradley,	Harmuth,	Murrin,	Spengler,
Brancato,	Hays,	Moran,	Stank,
Broad,	Hering,	O'Brien,	Thompson,
Brown,	Hess,	O'Connor,	Toole,
Brownfield,	Hetrick,	O'Keefe,	Tronzo,
Burrows,	Hindman,	Ominsky,	Tumelty,
Caesar,	Hirsch,	O'Neill,	Valibus,
Coakley,	Holland,	Ostroff,	VanSickle,
Cohen, H. B.,	Holmes,	Patterson, S.,	Vogt,
Cohen, R. E.,	Holstrom,	Patterson, W.,	Wagner,
Coleman,	Hontz,	Pearson,	Walsh,
Coolahan,	Horting,	Pershing,	Weiss, D. H.,
Corrigan,	Jirolanio,	Piole,	Weiss, S. A.,
Costanzo,	Keenan,	Powers,	Welliver,
Decker,	Kelso,	Preston,	Welsh,
DeNote,	Kilroy,	Readinger,	Whalen,
Dickinson,	Kroll,	Reising,	Whitenight,
Donohoe,	Levy,	Richter,	Wright,
Dougherty,	Lewis,	Robinson,	Yanoshat,
Downey,	Lopresti,	Ruffennach,	Zappala,
Dubbs,	Lovett,	Sarraf,	Furman,

So the question was determined in the negative and the amendments were not agreed to.

On the question,

Will the House agree to the section?

It was agreed to.

The fourth sections and title were separately read and agreed to as follows:

Section 4 This act shall become effective the first day of July one thousand nine hundred thirty-seven

A Supplement to the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts and authorizing the suspension of this supplement in certain cases

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

SENATE BILL No. 369. (SPECIAL ORDER).

The SPEAKER. The Chair lays before the House the Special Order of business fixed for this time, House Bill No. 1420, Senate Bill No. 369, Printer's No. 189, on page 15 of today's calendar, bill on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1420 (Senate Bill No. 369), as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by defining professional employes and providing for and regulating the employment dismissal suspension and demotion of such employes and providing for appeal to the court of common pleas

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by

the authority of the same That section one thousand two hundred and one of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 1201 The board of school directors in every school district in this Commonwealth shall employ the necessary qualified teachers to keep the public schools open in their respective districts in compliance with the provisions of this act

The term "professional employee" as used in this act shall include teachers supervisors supervising principals principals directors of vocational education dental hygienists visiting teachers school secretaries the selection of whom is on the basis of merit as determined by eligibility lists school nurses who are certified as teachers and any regular full-time employee of a school district who is duly certified as a teacher

Section 2 Section one thousand two hundred five of said act as last amended by section twenty-six of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (P. L. 243) is hereby further amended to read as follows

Section 1205 In all school districts [of the second third and fourth class] all contracts with [teachers] professional employees shall be in writing in duplicate and shall be executed on behalf of the board of school directors (or board of public education) by the president and secretary and signed by the [teacher] professional employee

[After the thirtieth day of June one thousand nine hundred and twenty-nine] Each board of school directors or board of public education in all school districts [of the second third and fourth class] in this Commonwealth shall within thirty days after the effective date of this act enter into contract in writing with all [teacher supervisors supervising principals and principals] professional employees now employed by them [and said contract] and thereafter shall in the same manner enter into contracts in writing with each professional employe at or before the time the employe first enters the service of the district Said contracts shall contain only the following

"IT IS AGREED BY and between

[Teacher] Professional Employee and the Board of Directors (or Board of Public Education) of the school district of Pennsylvania that said [teacher] professional employee shall under the authority of the said board and its successors and subject to the supervision and authority of the properly authorized superintendent of schools or supervising principals teach in the said school district for a term of months for an annual compensation of $ payable monthly or semi-monthly during the school term or year less the contribution required by law to be paid to the Teachers' Retirement Fund and less other proper deductions for loss of time

"This contract is subject to the provisions of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' and the amendments thereto [and to such regulations as the Board of School Directors of this district may impose consistent with the said act]

"And it is further agreed by the parties hereto that none of the provisions of this act may be waived either orally or in writing and that this contract shall continue in force year after year with the right of [the Board of Education or] the Board of School Directors (or Board of Public Education) to increase the compensation over the compensation herein stated from time to time as may be provided under the provisions and proper operation of the established salary schedule in any [or the school district for to change and salary] subject to the provisions of law without invalidating any other provision of this contract unless terminated by the [teacher] professional employee [at the close of the school term] by written resignation presented sixty days before [the close of the school term] resignation becomes effective or by the Board of School Directors (or Board of Public Education) by official written notice presented to the [teacher] professional employee sixty days before the close of the school term Provided That the said notice shall designate the cause for the termination and shall state that an opportunity to be heard shall be granted if the said professional employee within ten days after receipt of the termination notice presents a written request for such a hearing"

(a) The only valid causes for termination of a contract in accordance with the provisions of this section shall be Immorality incompetency intemperance cruelty wilful and persistent insubordination wilful and persistent negligence mental derangement persistent and wilful violation of the school laws of this Commonwealth on the part of the professional employee or substantial decrease in the number of pupils or students due to natural causes Nothing within the foregoing enumeration of causes however shall be interpreted to conflict with the retirement of professional employees upon proper evidence of disability or the election by professional employes to retire during the period of voluntary retirement or the compulsion on the part of professional employees to retire at the attainment of age seventy

(b) Whenever it shall become necessary to decrease the number of professional employees by reason of substantial decrease of pupil population within the school district the Board of School Directors (or Board of Public Education) may suspend the necessary number of professional employees in the inverse order of the appointment of such employees No employee suspended as aforesaid shall be prevented from engaging in other occupation during the period of such suspension Such professional employees shall be reinstated in the inverse order of their suspension No new appointments shall be made while there are suspended professional employees available

(c) All hearings under the provisions of this section or any other section of the school laws pertaining to the dismissal or the termination of contracts of professional employees shall be public unless otherwise requested by the party against whom the complaint is made

(d) Before any professional employee is dismissed or refused re-election by the board of school directors (or board of public education) the secretary of the school district shall furnish such professional employee with a detailed written statement of the charges upon which his or her dismissal or refusal of re-election is based together with a written notice signed by the president and attested by the secretary of the board of school directors of a time and place when and where such professional employee will be given an opportunity to be heard either in person or by counsel or both before the board of school directors (or board of public education) Such hearing shall be not sooner than ten (10) days nor later than fifteen (15) days after such written notice At such hearing all testimony offered including that of complainants and their witnesses as well as that of the accused professional employee and his or her witnesses shall be recorded by a competent disinterested public stenographer whose services shall be furnished by the school district at its expense Any such hearing may be postponed continued or adjourned by agreement by the persons charged and the board of school directors (or board of public education)

(e) The board shall have power to issue subpoenas requiring the attendance of witnesses at any hearing and shall do so at the request of the party against whom a complaint is made If any person shall refuse to ap-

pear and testify in answer to any subpoena issued by the board any party interested may petition the court of common pleas of the county setting forth the facts which court shall thereupon issue its subpoena commanding such person to appear before it there to testify as to the matters being inquired into Any person refusing to testify before the court shall be held for contempt All testimony at any hearing shall be taken under oath and any member of the board of school directors (or board of public education shall have power to administer oaths to such witnesses

(f) After fully hearing the charges or complaints and hearing all witnesses produced by the board and the person against whom the charges are pending and after full impartial and unbiased consideration thereof the board of school directors (or board of public education) shall by a two thirds vote of all the members thereof to be recorded by roll call determine whether or not such charges or complaints have been sustained and whether the evidence substantiates such charges and complaints in accordance with such determination shall discharge demote or refuse to re-elect or retain such prefessional employee or shall dismiss the complaint

(g) No member of any board of school directors (or board of public education) shall vote on any roll call if he is related as father mother brother sister husband wife son daughter stepson stepdaughter grandchild nephew niece first cousin sister-in-law brother-in-law uncle or aunt to the professional employe involved or to any of the parties instituting the complaint

(h) A written notice of any decision of the board of school directors (or board of public education) discharging or refusing to re-elect a professional employee shall be sent by registered mail to such professional employee at his or her last known address within ten (10) days after such hearing is actually concluded

(i) In all cases where the final decision is in favor of the professional employee the charges made shall be physically expunged from the records of the board of school directors (or board of public education) and in all cases there shall be no abatement of salary or compensation but a complete official transcript of the records of the hearing shall be delivered to the one against whom the charges were made

(j) In case the professional employee concerned considers him or herself aggrieved by the action of the board of school directors (or board of public education) an appeal by petition setting forth the grounds for such appeal may be taken to court of common pleas of the county wherein the school district concerned is situate Such appeal shall be filed within thirty (30) days of receipt by registered mail of the written notice of the decision of the board and a copy of such appeal shall be served by registered mail on the secretary of the school board (or board of public education) The judge of the court of common pleas to whom such petition is presented shall fix a date for a hearing by the court which shall be not sooner than ten (10) days nor more than twenty (20) days after the presentation of such petition If the professional employe aggrieved shall so request in his petition such hearing shall be de novo Upon the hearing of said petition the court shall make whatever order it considers just either affirming or reversing the action of the board of school directors and stating plainly whether the professional employe is to be discharged refused reelection or is to be retained

Section 3 That section one thousand two hundred five A of said act as last amended by section two of the act approved the seventh day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1576) is hereby further amended to read as follows

Section 1205-A The salary of any [teacher principal supervisor] district superintendent [or] assistant district superintendent or other professional employee as defined in this act in any of the school districts of the Commonwealth may be increased at any time during the term for which such person is employed whenever the board of school directors (or board of public education) of the district deems it necessary or advisable to do so but there shall be no demotion of any professional employee either in salary or in type of position without the consent of the said employee or if such consent is not received then such demotion shall be subject to the right to a hearing before the board of school directors (or board of public education) and an appeal in the same manner as hereinbefore provided in the case of the dismissal of a professional employee

Section 4 That section one thousand two hundred fourteen of said act as amended by section thirty of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1214 The board of school directors of any school district of the third or fourth class which has no district superintendent may employ [for a term not exceeding three years] a supervising principal of a part or all of the public schools of the said school district under and subject to the provisions of section one thousand two hundred five of this act Every supervising principal shall be properly certified by the Department of Public Instruction in accordance with such standards as the State Council of Education may establish

Section 5 That section one thousand two hundred fifteen of said act is hereby amended to read as follows

Section 1215 Two or more school districts may upon the nomination or joint nomination of the county superintendent or the district superintendent under whose supervision such districts may be joint in the employment of a supervising principal or of a supervisor or teacher of drawing music or other special subject for part or all of the schools of such districts such supervising principal supervisor or special teacher to be employed his compensation paid and his duties prescribed by the several districts employing him under and subject to the provisions of section one thousand two hundred five of this act

Section 6 No contract in effect at the enactment of this act shall be terminated except in accordance with the provisions of this act

Section 7 If any part or parts of this act shall be declared unconstitutional it shall not affect any other part or parts of this act

Section 8 That section one thousand two hundred four and section one thousand two hundred and eight of said act are hereby repealed All other acts and parts of acts inconsistent herewith are hereby repealed

Section 9 This act shall become effective immediately upon its passage by the General Assembly and its approval by the Governor.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HARKINS. Mr. Speaker, I would like to interrogate the gentleman from Luzerne, Mr. Bohn.

The SPEAKER. Will the gentleman from Luzerne permit himself to be interrogated.

Mr. BOHN. I will, Mr. Speaker.

Mr. HARKINS. Mr. Speaker, I would like to ask the gentleman whether or not he would state for the benefit of the House if it is the intention in this bill to have the bill apply to superintendents of schools.

Mr. BOHN. Mr. Speaker, this bill, so far as I know, does not apply to them. The superintendents commissioned

by the Department of Education do not come under this bill.

Mr. HARKINS. Mr. Speaker, as I understand it then it is not the intention of this bill to include those commissioned superintendents of school in its protective measures.

Mr. BOHN. That is right, Mr. Speaker.

Mr. HARKINS. Mr. Speaker and members of the House, I rise to support House Bill No. 369, and I speak for it because for the past two years, or the first term in which I served in this House I introduced a tenure bill, worked with the committee studying the tenure on the part of the House Committee on Education, and finally that committee in the Session of 1935 did pass a tenure bill. Now this year we have a bill which also is very similar to the provisions of the bill which was passed at the last session in the House, and it is very similar to the bill which passed the Senate, to be amended in this House, namely, Senate Bill No. 1384, introduced by Senator Chapman at the last session. The House bill of which I speak was passed in the Session of 1935 and is House Bill No. 1561, and I do not speak of that bill in order to call attention to the fact that I introduced it, because the bill as passed finally differed in many respects from the measure as originally introduced by me. The reason I am making this clear is simply because I have been rather unjustly accused of being the chief objector to the present tenure bill. I wish to state now that I have never opposed the principle of teachers' tenure, but that I have always steadfastly fought to further the interests of true tenure.

I wish also to say that along with me Representative Holland of Pittsburgh has been subjected to the same lack of courtesy, and I wish to say in defense of Representative Holland that he at all times has constantly fought for teachers' tenure. It is true that Representative Holland and I have not always agreed, but I do believe in justice to both of us, that the members of this House who saw us at the last session and who know us well this session should know that we favor such measure.

I wish to state that contrary to the article as it appeared last week, I did not feel piqued, as stated there, by reading over this bill, because as I read the bill and as I look over the bill, I note on page two of the present bill, paragraph D, it is substantially the same as one of the paragraphs in the bill which I introduced at this term of the House, which is House Bill No. 658, and as I turn over page seven, I find on page eight there is a paragraph, or there are two sections which are essentially the same. Then we come to page ten of this bill, to the heart and the meat of the bill, that is to the protection which is given the teachers. On page ten, I submit that every line, with the exception of a few minor amendments which have since been made of paragraph J on page ten of this bill, are similar to and have been adapted from House Bill No. 658 which was introduced by me. That is the provision which provides for an appeal to the court of common pleas and upon which the strength of this particular law rests. Very briefly, this act guarantees hereafter in the Commonwealth of Pennsylvania that before a teacher is dismissed, that there must be specific written charges given to the teacher by the Board of Education which employs the teacher; that then the teacher, if she desires, has the option of a public hearing before the school board, with the right to be represented by counsel, if the teacher desires it. That is entirely voluntary on her part or on his part, and if the teacher desires such a hearing it then is mandatory upon the board to grant it. This bill lists the specific causes upon which dismissal of a teacher may be obtained. However, while many teachers believe that that is the strength of the bill, it is the thought of many other persons familiar with the subject that that is not the chief strength of the bill. After the hearing, the procedure for which is regulated, not in any extreme detail, but, nevertheless in detail sufficient to protect the teacher, so that the teacher cannot be made the butt of some unfriendly and hostile proceeding; after this hearing the teacher then has a stipulated time in which to appeal to the court of common pleas in the event that the decision of the Board of Education aggrieves the teacher. It the teacher feels that he or she has not been given a square deal the teacher then may by petition presented to the court of common pleas in the county in which the teacher is employed, and the teacher may obtain a hearing, and if the teacher asks for a de novo hearing, the proceedings will begin again and the teacher may then introduce any evidence which the teacher may not have been able to produce at the original hearing before the board. Therein lies the entire protection given to the teacher in this bill.

I wish to say one word upon the necessity of this protection. There is no question that in Pennsylvania we have had the spectre of dismissal haunting the teachers of the Commonwealth, especially during this particular time of the year. I happen to have taught in two school systems, and I know that in the good school system in which I taught we were not bothered by that sort of trouble. However, in the other school system, which fortunately was the first one in which I taught, we were bothered with that sort of a proceeding. I say to you that hereafter the teachers of the Commonwealth of Pennsylvania who merit continued employment by discharging their duties with fidelity to the pupils and to their employers, the taxpayers of their communities, will not be subjected to the insults and the abuses of petty persons in the particular locality in which they teach. I hope that the teachers of Pennslyvania will realize the particular position in which they have been placed, and will justify the confidence that this Legislature has put in them when it passes and adopts such a far-reaching and progressive measure as this.

It is true, Mr. Speaker and members of the House, that we all do not agree with all of the various provisions of this bill, but, taken as a whole, I believe it is fair, I believe that it is progressive and I believe that it will reflect credit not only upon the Democratic majority of this House, but also upon those others who wish to join with it, and I ask all the members of the House to give their approval to this measure.

Mr. TROUT. Mr. Speaker and members of the House, I do not wish to discuss the entire merits of the bill nor to go into any of the prolonged discussion that we had on it Wednesday afternoon, but, as I stated at that time, I still am of the same opinion, if a proper tenure bill should come from this House through proper channels, I would be compelled to support it, and I make that statement for my colleague in the second Legislative district of Lancaster county as well.

Members of the House, I do want to call your attention

to one provisions of this bill that I think deserves more serious consideration than we have given it up to this time. That is on page eleven, line six which says: "but there shall be no demotion of any professional employe either in salary or in type of position without the consent of the said employe, or if such consent is not received then such demotion shall be subject to the right to a hearing before the board of school directors and an appeal in the same manner as hereinbefore provided in the case of the dismissal of a professional employe."

Members of the House, if my interpretation of that part of the bill is correct the school board will be unable to adjust salaries downward, regardless of the business conditions of the county or the business conditions of the district in which that teacher is employed. I remember a few years ago when teachers' salaries were reduced, and they were reduced because of financial conditions, and it was absolutely necessary that that it done. If these same conditions arise again and if I am right in my interpretation of this bill, the school board will not be able to make any adjustments of salaries downward. I believe that that is unjust and unfair, both to the school board and to the taxpayers of the community. And if I further interpret this correctly, "either in salary or in type of position without the consent of said employe," a teacher may be employed in the department of mathematics or in the department of English and because of many reasons it may be necessary for the board to change that position, but the board cannot do so if my interpretation of that clause is correct, without the consent of the teacher, even though it may not be a demotion in fact, but if the teacher in her or his opinion determines that it is a demotion, she or he will then become subject to the right of appeal. Now, it seems to me, members of the House, that neither one of those provisions in this bill is fair or right, and I do not presume that there is any further effort to be made to change those two provisions, but I am confident that the men who are conversant with school conditions, men who are conversant with the functions and operations of school boards, must admit that this is just a little drastic and will absolutely tie the hands of the school board. I am just as much in smypathy with school teachers as any body else, and I recognize their plight as far as salaries are concerned, but it does seem to me, if for no other reason, these two that I have mentioned are sufficient for at least a reconsideration of this measure, providing my interpretation is correct. If I am wrong, I would be very glad to be so informed.

Mr. STEWART. Mr. Speaker and members of the House, we have before us a bill of great concern to the people of this Commonwealth and it deserves our sincere and careful consideration. It does appear that the passage of this bill will remove the mountains of the past and will raise a monument that will stand along side the Emancipation Proclamation. I began to teach school when I was eighteen years of age. I have always been interested in education. I graduated from college and it has been my privilege to prepare hundreds of young men and young women to teach school in this Commonwealth. In 1899 I was elected superintendent of the schools of Indiana county, working under Dr. Nathan C. Schaeffer, a Democrat, who served as the State superintendent of this Commonwealth. There were three in the Department: Dr. Nathan C. Schaeffer, the Hon. Henry Hauk and the Hon. John Q. Stuart. In 1903 Dr. Schaeffer requested the superintendents of the State to prepare an exhibit that would be sent to the St. Louis Expedition. The exhibit was prepared, a committee was appointed to examine the exhibit, and we sent our exhibit to West Chester for examination by that committee, and I am glad to say to you now that the fourth class schools of Indiana county took first prize. The exhibit was sent to St. Louis and we have the medal in Indiana county for having the best exhibit of miscellaneous work in all of the states of the United States.

This is a bill in which I am especially concerned for the reason that it concerns the entire people of the State. I am for good teachers, I am a friend of the teacher, but I am first a friend of the children. You ought to be for your own children and you ought to be for the children of your neighbors. The Great Teacher has said to Thomas, the doubter, "I am the way, the truth and the light." A good teacher is one who will be a guide to the way and the truth and the light. I want my children to be taught by a teacher who is prepared to teach. I want them to drink from the running brook and not from a stagnant brook. The picture of this bill is this: we are putting the good teachers and the poor teachers in the same bag, and we are tying that bag with a rope with knots. I am sorry that that is true because we cannot estimate the value of a good teacher in dollars and in cents. But I want to say to you that we have in this community, in this State of Pennsylvania, many teachers who are not qualified to teach our boys and our girls and there must be some way of getting rid of them. We must sift them. Some one has said, as in the parable, that you cannot divide them, that in rooting up the taxes you root up the weeds. But that is not the case here. The poor teachers do not have any roots and if they do they just run along on the flat of the surface of the ground and they ought to be eradicated from the system. The poor teacher does not fit into the system. Consequently it will be up to the school directors to remove them, and I am living in hope that the things that will remove the poor teachers will be carried out to the letter by the school directors. I am sorry that I did not put in one of the requirements to dismiss a teacher for laziness. I think that the gentleman on the other side of the House who did not understand "insubordination," a word that was too long, might better understand that word, and it will not be necessary for him to talk about teachers wearing red neckties and high heel shoes.

Ladies and gentlemen, I have never opposed this bill. If the members of this side of the House had been permitted to place the amendments that we have in the bill, it would be a much better bill, but because I am interested in schools I am compelled at this time to vote for the bill.

Mr. SHEPARD. Mr. Speaker and members of the House, I rise in support of this bill because of the fact that it protects the teaching profession and the best interests of the children of the Commonwealth of Pennsylvania. Contrary to the information of my good friend, the former speaker on this subject, this bill does not protect the inefficient teacher, it does not protect the insubordinate teacher, and I know what that word "insubordinate" means. I think, without referring to Mr. Turner's American

dictionary. This bill does not protect the inefficient teacher. There are ways provided in this bill for the dismissal of the inefficient teacher. This bill is for the best interests of the children. No teacher can do his best work when he is constantly harassed and worried as to whether or not he is going to be able to continue in his present position. In order that the teacher might be free to teach, to act and to work for the best interests of the children of this Commonwealth, the Democratic party has presented this bill, which is one of the finest pieces of legislation that has ever been put on the statute books of the Commonwealth of Pennsylvania. It has been said that this is not a partisan measure, but if the amendments suggested by the other side of the House had been incorporated in this bill, we would have had a tenure bill that would not be worth the paper it was written on, but because the Democratic Administration stood solidly and refused to accept amendments that would weaken the bill, we have tonight before us a real tenure bill, a tenure bill that is for the best interest of the children and the teachers of the Commonwealth of Pennsylvania, which they have been denied for many years in this Commonwealth.

I ask the members of the House to support this bill. I ask the Republican members to support it, even though this bill has been denied the teachers for many years, and I ask them to join the New Deal and give to the teachers real liberty.

Mr. LONGAKER. Mr. Speaker and members of the House, sometime ago I had decided to say just a few words this evening in regard to this bill, then I changed my mind and decided not to say nothing, but after hearing the gentleman from Philadelphia I feel that to sit here and let the assumption go forth that the members of the Republican party are opposed to teachers' tenure, I would be derelict in my duty as a member of that party. When I arose on the floor of the House last week, the first words that I spoke were in connection with the fact that this measure should certainly be of non-partisan character. Members of the House, I first served in this House on January 1, 1935. On February 12, 1935 I introduced into this House as a Republican member a teachers' tenure bill, which preceded any Democratic teachers' tenure bill, in the one instance over House Bill No. 1035 by 13 days, and over House Bill No. 1561, of which Mr. Harkins spoke, by one month and one day. I therefore call upon the members of this House to ask themselves intelligently and logically whether or not the Republican membership or the Republican party have been opposing a teachers' tenure bill. We are now met in the 1937 Session, and again on the eighth day of Febraury I introduced in this House a teachers' tenure bill. That tenure bill is still in committee. That is the prerogative of the educational committee, and from what I heard last Wednesday, I thing that we would all be better off if the educational committee were allowed to follow out the dictates of its own conscience in committee meetings, instead of on the floor of the House, as we did that evening, with amendments which did not meet with the approval of the committee members. I say that we as individual members of this House have a right, and our people in our legislative districts have a right to assume that we will propose bills that we honestly and sincerely believe in, and any inferences that there is any party connected with any amendment or any bill that I propose are entirely unfounded. I wish to state that the amendments which I proposed last Wednesday were my own amendments, of my own thought, of my own sincere belief that they were for the best interests of the school system of the Commonwealth, and any statement to the contrary made by any other member of this House is not true. So, members of the House as in the case of the member from Indiana county Mr. Stewart, I will vote in favor of this bill because I am in favor of the welfare of the teachers and the children of the public schools of Pennsylvania. And again I say that the Republican party, the Republican membership of this House are interested and always will be interested in the welfare of the children and of the public school system of this State, and, as I said before, I intend to vote in favor of this bill.

Mr. ALEXANDER. Mr. Speaker and members of the House, I feel now, while we are getting together on both sides of the House, and everybody is favorable to a tenure bill, that we should proceed at once to vote on the tenure bill as written. While this bill caused a certain amount of embarrassment from time to time in the committee as well as the committee of the whole in the House, among various members, yet it still remains a good bill and I believe we are all favorable to it. The embarrassment which it caused, we are happy to say, is all over, and, like all other cases of embarrassment it has been over for some time.

That reminds me of a story about something that occurred in Harrisburg in connection with the Evening News, when it wanted to increase its subscription list. It put in a little advertisement in which it said: "We will pay one dollar to each person who will give to us in detail the most embarrassing moment that they ever had." They put it in the hands of my good friend, Mr. Miller, and immediately he started to receive certain letters containing their embarrassing moments. He finally received a letter from Enola in which the man said: "Please send me two dollars at once," and Joe wrote back and said: "We presume you refer to the little ad we have in the paper concerning something about your most embarrassing moment. Will you please state in another letter just exactly what this moment was that you ask two dollars for, and we will proceed to send you the money." The man wrote back and said, "The other evening when I went home I found my wife in company with another man, my wife was embarrassed and so was I, and we think we ought to have one dollar apiece." Joe wrote back and said, "Inasmuch as the Evening News wants to be on the square with every one, and it is not our policy to cheat any of our friends, enclosed find our check for three dollars. There is no doubt in our mind but what the other man was also embarrassed."

I feel we have presented to you the best tenure bill that it is possible to have at this time. Every one believes and knows that it is not one hundred percent perfect but it is a good bill, and we feel that everybody now is going to vote for it, making the teachers happy, making the members happy, removing all of the embarrassment we have had up to date, and things are going to be just O. K. I thank you.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. MARINO. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS. 177.

Achterman,	Flannery,	McDermott,	Shepard,
Alexander,	Flinchbaugh,	McDevitt,	Shoemaker,
Allen,	Ganser,	McElroy,	Shugarts,
Arnold,	Gerard,	McFall,	Siegel,
Aukerman,	Gillette,	McGee,	Simon,
Baine,	Gorski,	McShane,	Simpson,
Baker, F. T.,	Haberlen,	Melchiorre,	Skale,
Baker, J. J.,	Hagerty,	Mellott,	Sloan,
Balthaser,	Hall,	Mihm,	Smith, John A.
Bierly,	Hamilton, F. P.,	Moomaw,	Smith, James A.,
Blank,	Hamilton, R. S.,	Mooney,	Sollenberger,
Bohn,	Harkins,	Moran,	Spengler,
Boies,	Harmuth,	Moul,	Sproul,
Boltz,	Hays,	Munley,	Stank,
Bradley,	Hering,	Murrin,	Stewart,
Brancato,	Hess,	O'Brien,	Stockham,
Brigerman,	Hetrick,	O'Connor,	Thomas,
Broad,	Hindman,	O'Keefe,	Thompson,
Brown,	Hirsch,	Ominsky,	Toole,
Brownfield,	Holland,	O'Neill,	Tronzo,
Burrows,	Holmes,	Ostroff,	Tumelty,
Caesar,	Holstrom,	Patterson, C. S.,	Turner,
Chervenak,	Hontz,	Patterson, J. W.,	Valibus,
Coakley,	Horting,	Peale,	VanSickle,
Cohen, H. B.,	Huntley,	Pearson,	Vogt,
Cohen, R. E.,	Imbrie,	Perry,	Wagner,
Coleman,	Jirolanio,	Pershing,	Wall,
Coolahan,	Keenan,	Piole,	Walsh,
Corrigan,	Kelso,	Powers,	Watkins,
Costanzo,	Kilroy,	Preston,	Webster,
Davies,	Kline,	Readinger,	Weidemann,
Decker,	Kroll,	Reese,	Weiss, D. H.,
DeNote,	Levy,	Reising,	Weiss, S. A.,
Dickinson,	Lewis,	Richter,	Welliver,
Donohoe,	Long,	Robinson,	Welsh,
Dougherty,	Longaker,	Rothenberger,	Westrick,
Dubbs,	Lopresti,	Ruffennach,	Whalen,
Dyson,	Lovett,	Rush,	Whitenight,
Eckels,	Lyons,	Sarraf,	Wright,
Elpern,	Marino,	Scanlon,	Yanoshat,
Falkenstein,	Matthews, H. T.,	Schor,	Yeakel,
Finnerty,	Matthews, J. F.,	Schrope,	Yourishin,
Fiss,	McArdle,	Shaw,	Zappala,
Fitch,	McCullough,	Shea,	Furman,
Flanagan,			

NAYS. 21.

Boose,	Merrell,	Serrill,	VanAllsburg,
Boyer,	Muir,	Snyder,	Wilson,
Cadwalader,	Royer,	Strode,	Winner,
Habbyshaw,	Schrock,	Terry,	Wood,
Leisey,	Schumacher,	Trout,	Woodside,
McKinney,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

REASONS FOR VOTE

Mr. CHERVENAK filed the following reasons for his vote.

I am voting for Senate Bill No. 369 because I believe in the principle of Tenure. However, I do not heartily approve of the Bill in its present form for the following reasons:

(a) I believe it should contain a probationary clause affecting teachers teaching their first term.

(b) I feel that wilful and persistent insubordination is a just cause for dismissal.

(c) I believe local school boards should have the option of continuing in employment or dismissing from employment of married female teachers.

(d) I believe local school boards should have discretionary power in continuing the employment of teachers who have reached the optional retirement age of 62 years.

I consistently supported these amendments when they were offered in Committee of the Whole of the House.

Mr. HALL filed the following reasons for his vote.

Reason for voting aye on Senate Bill No. 369, (House Bill No. 1420) Printer's No. 189.

Because of the fact that I am in favor of Teachers Tenure I am voting aye notwithstanding the fact that I am convinced that the some of the amendments proposed would have improved the Bill.

Mr. MOOMAW filed the following reasons for his vote.

I do not believe this bill in its present form will satisfactorily solve the problem resulting from "blanket dismissals." In its present form this measure may protect some teachers but I firmly believe it will prove very detrimental to the really effecient teacher by holding back promotions. It will also probably cause school boards to refrain from employing graduates from our State Teachers Colleges who have no experience. Since these State Teachers Colleges are considered the school for the poor man's children the bill in its present form will close the door to employment of these children.

I am for a good reasonable law and while I think this bill as it stands will prove harmful to more than it helps I am going to vote for this measure because any action otherwise at this time would be misconstrued.

Mr. SCHROCK filed the following reasons for his vote:

I am voting "No" on House Bill No. 1420, Senate Bill No. 369 for the following reasons—

It does not contain a Probationary Clause.

Bill does not let optional with School Board as to employment of women teachers after marriage.

I favor tenure but this bill seems too drastic.

Mr. SIMPSON filed the following reason for his vote.

I am voting "Aye" on Senate Bill No. 369, (House Bill No. 1420) Printer's No. 189, for I believe that teachers should have a reasonable security in their positions. I am convinced that this bill is not flexible enough and that it will be amended at an early session of this Legislature at the request of both the School Directors and the teachers. There should be a period of trial, limited perhaps to a little as one year before a teacher should have the benefits under the act. As this is a beginning of a proper program I am supporting it.

Mr. SNYDER filed the following reasons for his vote.

I am voting "No" on this bill, not because I am against Teacher Tenure; but because I feel it is entirely too drastic and comprehensive especially should it provide for a probationary period, and it should also clarify the status of married women as teachers.

Mr. SPROUL filed the following reasons for his vote:

At the outset of my remarks on this Teacher's Tenure Bill let me say that I expect to vote for it although there are provisions with which I do not entirely agree. As a result of being thrown into the political arena, this bill is not a cross section of the best judgment of its members. The same is true of this bill as has been true of many others. Partisan political influence has interfered with the views of some of the legislators, otherwise a caucus

of the Democrats would not have been necessary to drive into line those whose judgment differed with their leaders and they should have been allowed to think and vote for themselves instead of abiding by the will of a small number. When amendments offered allowing the discharge of teachers for seditious teaching and insubordination are kept out of this bill we are taking away from those in authority a just cause for dismissal and there should have been no objection to including those provisions. It is my belief when good and efficient American Citizens acting as teachers know the provisions of this bill they will ask for its modification in the future. I believe, too, a period of probation should have been included. I cannot imagine where the young teacher will have a chance except in the rural districts. The further effect of this bill will cause school boards having sufficient funds at their command to go out into other districts and take away the best teachers to be more sure they are not providing tenure for a teacher until they have watched the record. The various school boards have a job on their hands to keep up their educational standards with some of the handicaps imposed by this bill. It is the children after all with whom we are concerned in educating. My reasons for giving assent is to prevent political dismissal and reprisal. If this bill does not work out for the best interests of the children to be educated as well as the teachers I hope this body makes appropriate changes. It is up to the teachers now.

Mr. STOCKHAM filed the following reasons for his vote

I believe this bill confounds the real purpose of a proper tenure protection. It is not clear in the purpose to classify and protect good teachers from those who prove to be incompetent or deficient in any other qualification.

I believe that constructive amendments, even approved by many members regardless of party affiliation, were thwarted by powers outside the membership of the House and that subsequent legislatures shall correct these deficiencies. I vote, Aye.

Mr. TROUT filed the following reasons for his vote.

During the past few days I have talked with practically every Republican member of this House and I find them without exception in favor of a proper teachers' tenure bill.

In other words, they are of the belief that there should be legislation protective of the rights of the teachers against the possibility of reprisal or removal for political or other unworthy reasons.

I am also of the opinion that the tenure bill now before us would have the full and united support of the Republicans of the House if the amendments submitted last week, and turned down on orders of State Chairman David Lawrence, had been adopted.

I have heard it said that these amendments will be restored when this bill reaches the Senate. If this be true, then I and many of my colleagues will support the measures when it comes back to us.

But I am convinced that the bill now before us is a bad bill. I believe it would protect incompetent teachers in their jobs to the injury of both pupils and worthy teachers.

As one who gave sixteen years of his life to teaching, I am as much interested in the welfare of the teachers as any man in this House and entirely sympathetic with their problems. But I owe a duty also to the children for whom the schools were created, and I cannot permit myself to be dragooned into support of an iniquitous measure simply because some political boss has told the Legislature it must be passed without the crossing of a "t" or the dotting of an "i."

Bring us a proper teachers' tenure bill and I shall support it. Restore the amendments defeated last week and I and many of my colleagues will give this bill their votes.

Mr. VAN ALLSBURG filed the following reasons for his vote.

It had been my earnest desire to be able to vote for a modification of our laws on teacher's tenure which might have the effect of prohibiting the summary dismissal of teachers without good cause and to give them that sense of security of position to which all good teachers are entitled and which would enable them to render their maximum of efficient service.

As a member of the House Committee on Education, I believe that a majority of that committee are of the opinion that this bill should have been amended so as to provide at least for a probationary period of one (1) or two (2) years as a preliminary qualification for a permanent teacher's contract, and secondly, that the question of employing married women as teachers, should be left to the discretion of the various school districts. The importance of these two amendments which were offered, but rejected by the House should be obvious to every teacher and parent of the Commonwealth.

Schools exist primarily for school children. I cannot sacrifice their educational welfare nor vote contrary to the dictates of my conscience.

Mr. WESTRICK filed the following reasons for his vote.

I am voting for Senate Bill No. 369 because I firmly believe in tenure for teachers. I am, however, opposed to this bill in its present form for the following reasons:

1. It contains no probationary period for the beginning teacher.

2. Insubordination should be included as one of the causes for dismissal.

3. Discretion for retaining or cancelling of contracts of married female teachers should remain in the hands of the school board.

Mr. WOOD filed the following reasons for his vote.

I am voting "No" on Senate Bill No. 369, House Bill 1420 because I think it is too drastic. I would favor a good tenure bill which contains a probationary period, one which protects the pupils as well as the teachers. It is my opinion that this bill would work a hardship on the good teachers and make it impossible to get rid of a poor teacher.

Also I think it does not represent the sentiment of the Democratic members of this House but rather the dictation of the Democratic State Chairman, David L. Lawrence.

LEAVES OF ABSENCE

Mr. Frank P. Hamilton asked and obtained leave of absence for Mr. SHUGARTS on account of illness.

STATEMENT BY MR. O'KEEFE

Mr. O'KEEFE asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, an important bill has just passed the Senate in Washington. I believe that the members of this House will be interested to know that the Guffey Coal Bill has just passed the Senate of the United States.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 103, as follows:

An Act to amend section one of the act approved the ninth day of April one thousand eight hundred and forty-nine (Pamphlet Laws five hundred thirty-three) entitled "An act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent" declaring persons incapable of waiving their right to an exemption as to household goods

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the ninth day of April one thousand eight hundred and forty-nine (Pamphlet Laws five hundred thirty-three) entitled "An act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in lieu of the property now exempt by law from levy and sale on execution issued upon any judgment obtained upon contract and distress for rent property to the value of three hundred dollars exclusive of all wearing apparel of the defendant and his family and all Bibles and school books in use in the family (which shall remain exempted as heretofore) and no more owned by or in possession of any debtor shall be exempt from levy and sale on execution or by distress for rent

No person entitled thereto shall have the power to waive assign or contract away in any manner whatsoever the right of exemption as to household goods only granted by the provisions of this act Any such waiver assignment or contract is hereby declared null and void as to household goods only

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of Bill No. 1754, as follows:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may be continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing for and regulating the incorporation of non-profit corporations organized to provided hospital care and service for subscribers and conferring powers on the Insurance Department with respect thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporation conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporatoins may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissioners and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" is hereby amended to read as follows

Section 4 Scope of Act This act does not relate to does not affect and does not apply to

(1) Cooperative associations whether for profit or not for profit

(2) Beneficial benevolent fraternal and fraternal benefit societies having a lodge system and a representative form of government or transacting any type of insurance whatsoever

(3) Any corporation whatsoever organized for any purpose or purposes involving pecuniary profit to its members or shareholders

(4) Any corporation which by the laws of this Commonwealth is subject to the supervision of the Department of Banking the Insurance Department The Public Service Commission or the Water and Power Resources Board Provided however That corporations (subject by law to the limited supervision of the Insurance Department) may be incorporated under and in accordance with the provisions of this act for the purpose of establishing maintaining and operating a non-profit hospital service plan whereby hospital care and service may be provided to subscribers of such plan by any hospital with which such corporations have a contract for such care and service

Section 2 That the said act is hereby amended by adding at the end of article two section two hundred eighteen as follows

Section 218 Corporations to Provide Hospital Care and Service In the case of the incorporation of any corporation having for its purpose the establishing maintaining and operating of a non-profit hospital service plan whereby hospital care and service may be provided to subscribers to such plan by any hospital with which it has a contract for such care and service the articles of incorporation shall in addition to the information heretofore required in this article contain a provision that a hospital with which such corporation has a contract for majority of the directors of such corporation must at all times be directors trustees or administrators of any such care and service

Whenever articles of incorporation of any such corporation are filed with the prothonotary he shall forthwith transmit the articles to the Insurance Department Thereupon the department shall make a thorough investigation of the proposed corporation and the plan under which it proposes to operate and within sixty days shall certify

upon the articles whether or not the proposed corporation meets with the approval of the department The court shall not approve such application unless and until the articles are returned by the department and unless the department shall have endorsed its approval thereon

Section 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 135, as follows:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators or those attempting to form an association of labor groups to approve or disapprove their incorporation or their attempted association or right to do business within the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no certificate of incorporation of a proposed domestic corporation and no statement and designation or a foreign corporation nor any statement seal or insignia of any uncorporated association having for its purpose the formation of an organization of either a group or combination of groups of working men and women or wage earners having the name of Labor Organized Labor Federation of Labor Brotherhood of Labor Union Labor Union Labor Committee Trade Union Trades Union Union Labor Council Building Trades Council Building Trades Union Allied Printing Trades Council Trades Union Building Trades Union Allied Printing Trades Council Allied Trade Union Central Labor Body Central Labor Union Federated Trades Council Local Union National Union State Union International Union District Labor Council District Labor Union American Federation of Labor of Pennsylvania State Federation of Labor of the component parts thereof or the significant words therein or seals or insignias where same are used in juxtaposition with interspace shall be filed or recorded for the purpose of effecting incorporation or permitting the formation and association or by authorizing it to do business in this State unless such certificate designation shall be accompanied by an endorsement thereon by the Secretary of the Commonwealth that he has neld a hearing into the aims and purposes of each organization and has determined that it will not be harmful to the community in which it proposes to operate or to the Commonwealth and that there is a necessity thereof for such incorporation or association

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1641, (Senate Bill No. 264), entitled:

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case, dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1629, entitled:

An Act dedicating and setting aside certain lands in Lackawanna and Luzerne Counties as a public park and pleasure ground and imposing certain powers and duties in connection therewith on the Department of Forests and Waters

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Commonwealth of Pennsylvania hereby dedicates to the public for use as a park and pleasure-ground for the benefit and enjoyment of the people an area of land of approximately five thousand acres including land in Ransom Newton and South Abington townships and Taylor and Old Forge boroughs in Lackawanna County and Duryea borough in Luzerne County the boundaries of which shall be defined by the Department of Forests and Waters.

The said park shall be called and known as the "
State Park"

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. COLEMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Forestry for the purpose of a hearing.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 678 Printer's No. 304 was passed over at the request of Mr. SPROUL.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1410, as follows:

An Act relating to the manufacture repair renovating cleansing sterilizing and disinfecting of mattresses pillows bolsters feather beds and other filled bedding cushions and upholstered furniture intended for sale or lease and to the sale or lease thereof requiring the placing of tag and adhesive stamp on such material providing for the sale of adhesive stamps authorizing and requiring the Department of Labor and Industry to adopt rules and regulations providing penalties and repealing certain acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the provisions herein set forth shall be construed to cover and apply to the manufacture repair and renovation of all mattresses pillows bolsters feather beds and other filled bedding of any description also to cushions and all types of upholstered furniture which are intended for sale or lease in this Commonwealth and to the sale or lease thereof

Section 2 (a) The term "Department" when used in this act shall mean the Department of Labor and Industry

(b) The term "new" as used in this act shall mean any article or material which has not been subjected to a previous manufacturing process or which has not been previously used for any purpose

(c) The term "second-hand" as used in this act shall

mean any article or material or portion thereof of which prior use has been made in any manner whatsoever

(d) The term "person" as used in this act shall include persons partnerships companies corporations and associations

(e) The term "renovate" as used in this act shall mean to restore to former condition or to place in a good state of repair

(f) The term "auction" as used in this act shall mean a public sale of property or effects conducted upon the principle of the highest bidder becoming the purchaser of any particular article or lot offered for sale

(g) Whenever in this act the singular is used the plural shall be included and where the masculine gender is used the feminine and neuter shall be included

Section 3 (a) No person shall manufacture offer for sale or lease or have in his possession with intent to sell auction or include in a sale lease or auction any new or second-hand article or material covered by this act unless all provisions of this act have been complied with

(b) It is intended that the responsibility for compliance with this section in the case of any article or material imported into the Commonwealth shall rest upon the vendor lessor or other person having such article or material in his possession

Section 4 (a) No person shall use any second-hand material in the renovation of any article covered by this act unless since last used such second-hand material has been effectively cleaned and sterilized or disinfected by a process approved by the department and in accordance with the regulations of the department and such article if not so cleansed sterilized or disinfected shall be returned to its original owner and shall not thereafter be offered for sale

(b) The use of second hand material previously used in any article covered by the act shall be prohibited in the manufacture of any article covered by this act other than an article to be returned to its original owner

Section 5 (a) No second-hand article covered by this act except upholstered furniture shall be offered for sale lease or auction or be in the possession of any person with intent to sell lease or auction unless such article since last used has been effectively cleansed and sterilized or disinfected by a process approved by the department and in accordance with regulations of the department Secondhand upholstered furniture shall be so treated when required by the rules and regulations of the department

Section 6 (a) No person shall be considered to have qualified to apply an acceptable sterilizing or disinfecting process as required by the provisions of this act until such process has been registered with and approved by the department after which a numbered permit shall then be issued by the department Such permit shall expire one year from date of issue and shall thereafter be annually renewed at the option of the permit holder upon submission of proof of continued compliance with the provisions of this act and the regulations of the department Every person to whom a permit has been issued shall keep such permit conspicuously posted on the premises of his place of business near the sterilizer Holders of permits to apply sterilization or disinfection shall be required to keep an accurate record of all articles or material which have been sterilized or disinfected including the date of the same and name and address of the buyer of each and such records shall be available for inspection at any time by authorized representatives of the department

(b) For all initial permits issued as required by the preceding section there shall at the time of issue thereof be paid by the applicant to the Department of Labor and Industry a fee of twenty-five dollars ($25.00) An annual renewal charge of one dollar ($1.00) shall be paid to the same department

(c) Every application for a sterilizing or disinfecting permit to be held in a State other than Pennsylvania shall be approved only after personal inspection of said sterilizer or disinfector by the Secretary of Labor and Industry or his authorized representative The expenses for such inspections out of the State shall be paid by the applicant

(d) A sterilization or disinfection permit may be revoked by the Secretary of Labor and Industry upon proof of violation of any of the provisions of this act A reissue of said permit shall be subject to provisions as set forth for an initial permit

Section 7 (a) Every article containing new material covered by this act shall bear securely attached thereto and plainly visible a substantial white cloth tag upon which shall be indelibly stamped or printed in the English language a statement showing the kind of materials used in filling such article with approximate percentages when mixed and with the word new clearly printed thereon When required to be sterilized or disinfected the number of the permit of the person who sterilized or disinfected such material shall appear thereon

(b) Every article covered by this act containing secondhand material or a portion thereof shall bear securely attached thereto and plainly visible a substantial yellow cloth tag upon which shall be indelibly stamped or printed in the English language a statement showing the kind of materials used in filling such article with approximate percentages when mixed and shall state Sterilized and disinfected with the permit number of the person who performed such work

(c) The terms used on the tag to describe filling materials shall be restricted to those defined in the regulations of the department and no trade or substitute terms shall be used

(d) It shall be unlawful to make any false or misleading statements on the tag required by this section It shall be unlawful for any person to remove deface or alter or cause to be removed defaced or altered any tag or statement contained thereon The placing of stamps required in the next succeeding section of this act over any lettering on the tag shall be construed to be defacement of the tag

(e) The size of the tag required by this section shall be not less than six (6) square inches and the lettering thereon covering the statement of filling materials and whether new or second-handed shall be in plain type not less than one-eighth (1/8) inch in height

Section 8 (a) No person shall sell or lease or have in his possession with intent to sell or lease in the Commonwealth of Pennsylvania any article covered by the provision of this act unless there be affixed to the tag required by this act by the person manufacturing selling or leasing the same an adhesive stamp prepared and issued by the department

(b) The department shall register all applicants for stamps and assign to every such person a registration number which thereafter shall constitute his identification record and said identification shall not be used by any other person

(c) Adhesive stamps as provided for by this act shall be furnished by the Secretary of Labor and Industry in quantities of not less than one thousand ($1000) for which the applicant shall pay ten dollars ($10.00) for each one thousand stamps The Secretary of Labor and Industry is hereby authorized to prepare and cause to be printed adhesive stamps which contain a replica of the seal of the Commonwealth the registry number of the person applying therefore and such other matter as the Secretary shall direct

Section 9 (a) The Department of Labor and Industry is hereby charged with the enforcement of this act and it is further empowered and its duty shall be to make amend alter or repeal general rules and regulations for carrying into effect all the provisions of this act and to prescribe means methods and practices to make effective such provisions

(b) All places where mattresses pillows bolsters feather beds and other filled bedding cushions or articles of upholstered furniture are manufactured repaired or renovated or where materials for the herein named articles are prepared or where said articles are offered for sale or lease or where there is possession with intent to sell or lease or where sterilizing and disinfecting is performed shall be subject to inspection by authorized representatives of the department to ascertain whether the require-

ments of this act and of regulations of the department have been met

The department through its officers and employes is hereby empowered to take samples of materials under the authority of this act and to hold for evidence at a trial for the violations of this act any articles or materials manufactured or offered for sale or lease in violations of this act

(c) Propertly accredited representatives of the department shall have authority to place "off sale" any article or material which is offered for sale or lease or found in the possession of any person with intent to sell or lease in violation of any of the provisions of law herein set forth When articles of materials are removed from sale they shall be so tagged and such tags shall not be removed except by an authorized representative of the department after satisfactory proof of compliance with all requirements of this act and of regulations of the department

(d) The department is also empowered to test samples of materials when requested to do so by any reputable person

(e) All auctioneers shall be required to be registered in the Department of Labor and Industry and shall secure thereupon a certificate authorizing the sterilization of articles under the jurisdiction of this act by an approved process Each certificate at the time of issue thereof shall be subject to a fee a five dollars ($5.00) with an annual renewal of one dollar ($1.00)

(f) An auctioneer's certificate may be revoked by the Secretary of Labor and Industry upon proof of violation of the provisions of this act A re-issue of said certificate shall be subject to provisions set forth for initial certificate

Section 10 (a) All proceeds of the sale of stamps and all fines and other moneys collected in the administration of this act shall be payable to the Secretary of Labor and Industry and when collected shall thereafter be transmitted by him to the State Treasury through the Department of Revenue

Section 11 (a) Prosecution for violations of the provisions of this act or of the rules and regulations adopted by the department may be instituted by said department and shall be in the form of summary proceedings before an alderman magistrate or justice of the peace Upon conviction after a hearing the penalties herein provided for shall be imposed

Section 12 (a) Any person who shall be convicted of violation of any of the provisions of this act or of the rules and regulations established thereunder shall be sentenced to pay a fine of not less than fifty dollars ($50.00) or more than one hundred dollars ($100.00) for each offense and in default of payment of such fine to undergo an imprisonment of not less than thirty days for each separate offense provided that the term of imprisonment at any one time for total computed offense shall not exceed six (6) months

(b) Of all moneys collected by the magistrate of cities of the first class and turned over to the department one-half shall be returned to the treasurer of such cities and the other half to the General Fund of the Commonwealth of Pennsylvania

(c) Each mattress pillow bolster feather bed and other filled bedding cushion or article of upholstered furniture manufactured repaired or renovated sold offered for sale or leased or possessed with intent to sell or lease contrary to the provisions of this act or of the rules and regulations established thereunder shall constitute a separate offense and shall be punishable as provided in clause (a) of this section

(d) The Secretary of Labor and Industry may revoke any permit issued under the provisions of this act if the person to whom the permit was issued has violated any provisions of this act or of the rules and regulations established thereunder

Section 13 This act shall become effective and operative imediately upon final enactment

Section 14 It is intended that the various provisions of this act are severable and if any such provisions are declared to be unconstitutional at any time by courts of authorized jurisdiction the said action shall not be considered to affect the remainder of the provisions of this act

Section 15 The following act which this act is to replace approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 802) entitled "An act relating to mattresses pillows bolsters feather beds comfortables cushion and upholstered furniture regulating the making remaking renovating sterilizing disinfecting sale leasing delivering and consigning thereof and the possession thereof with intent to sell lease deliver or consign" and the amendments thereto are hereby repealed All other acts or parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Alexander,	Ganser,	McKinney,	Simon,
Allen,	Gerard,	McShane,	Simpson,
Arnold,	Gillette,	Melchiorre,	Skale,
Aukerman,	Gorski,	Mellott,	Sloan,
Baine,	Habbyshaw,	Merrell,	Smith, James A.,
Baker, F. T.,	Haberlen,	Mihm,	Smith, John A.,
Baker, J. J.,	Hagerty,	Moomaw,	Snyder,
Balthaser	Hall,	Mooney,	Sollenberger,
Bierly,	Hamilton, F. P.,	Moran,	Spengler,
Blank,	Hamilton, R. S.,	Moul,	Sproul,
Bohn,	Harkins,	Muir,	Stank,
Boles,	Harmuth,	Munley,	Stewart,
Boltz,	Hays,	Murrin,	Stockham,
Boose,	Hering,	O'Brien,	Strode,
Boyer,	Hess,	O'Connor,	Terry,
Bradley,	Hetrick,	O'Keefe,	Thomas,
Brancato,	Hindman,	Ominsky,	Thompson,
Brigerman,	Hirsch,	O'Neill,	Toole,
Broad,	Holland,	Ostroff,	Tronzo,
Brown,	Holmes,	Patterson, C. S.,	Trout,
Brownfield,	Holstrom,	Patterson, J. W.,	Tumelty,
Burrows,	Hontz,	Peale,	Turner,
Cadwalader,	Horting,	Pearson,	Valibus,
Caesar,	Huntley,	Perry,	VanAllsburg,
Chervenak,	Imbrie,	Pershing,	VanSickle,
Coakley,	Jirolanio,	Piole,	Vogt,
Cohen, H. B.,	Keenan,	Powers,	Wagner,
Cohen, R. E.,	Kelso,	Preston,	Wall,
Coleman,	Kilroy,	Readinger,	Walsh,
Coolahan,	Kline,	Reese,	Watkins,
Corrigan,	Kroll,	Reising,	Webster,
Costanzo,	Leisey,	Richter,	Weidemann,
Davies,	Levy,	Robinson,	Weiss, D. H.,
Decker,	Lewis,	Rothenberger,	Weiss, S. A.,
DeNote,	Long,	Royer,	Welliver,
Dickinson,	Longaker,	Ruffennach,	Welsh,
Donohoe,	Lopresti,	Rush,	Westrick,
Dougherty,	Lovett,	Sarraf,	Whalen,
Downey,	Lyons,	Scanlon,	Whitenight,
Dubbs,	Marino,	Schor,	Wilson,
Dyson,	Matthews, H. T.,	Schrock,	Winner,
Eckels,	Matthews, J. F.,	Schrope,	Wood,
Elpern,	McArdle,	Schumacher,	Woodside,
Falkenstein,	McCullough,	Serrill,	Wright,
Finnerty,	McDermott,	Shaw,	Yanchat,
Fiss,	McDevitt,	Shea,	Yeakel,
Fitch,	McElroy,	Shepard,	Yourishin,
Flanagan,	McFall,	Shoemaker,	Zappala,
Flannery,	McGee,	Siegel,	Furman,
Flinchbaugh,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented

extracts from the Journal of the Senate which were laid upon the table.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1250, as follows:

An Act to prohibit the sale and offer for sale of the recognized artificial flowers of certain veterans' organizations except on the days appointed for such purpose

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person to sell or offer to sell the recognized artificial flowers of the American Legion Veterans of Foreign Wars Spanish American War Veterans and Disabled American Veterans of the world war namely the poppy the buddy poppy carnation and the forget-me-not except on the day or days designated or appointed by the respective veterans organizations to conduct such sales Any person violating the provisions of this act shall upon conviction in a summary proceeding be sentenced to pay a fine of not more than fifty dollars ($50) and in default of the payment of such fine and costs shall be sentenced to imprisonment for ten days

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flinchbaugh,	McGee,	Siegel,
Alexander,	Ganser,	McKinney,	Simon,
Allen,	Gerard,	McShane,	Simpson,
Arnold,	Gillette,	Melchiorre,	Skale,
Aukerman,	Gorski,	Mellott,	Sloan,
Baine,	Habbyshaw,	Merrell,	Smith, James A.,
Baker, F. T.,	Haberlen,	Mihm,	Smith, John A.,
Baker, J. J.,	Haggerty,	Moomaw,	Snyder,
Balthaser,	Hall,	Mooney,	Sollenberger,
Bierly,	Hamilton, F. P.,	Moran,	Spengler,
Blank,	Hamilton, R. S.,	Moul,	Sproul,
Bohn,	Harkins,	Muir,	Stank,
Boles,	Harmuth,	Munley,	Stewart,
Boltz,	Hays,	Murrin,	Stockham,
Boose,	Hering,	O'Brien,	Strode,
Boyer,	Hess,	O'Connor,	Terry,
Bradley,	Hetrick,	O'Keefe,	Thomas,
Brancato,	Hindman,	Ominsky,	Thompson,
Brigerman,	Hirsch,	O'Neill,	Tronzo,
Broad,	Holland,	Ostroff,	Trout,
Brown,	Holmes,	Patterson, C.,	Tumelty,
Brownfield,	Holstrom,	Patterson, J. W.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Coakley,	Imbrie,	Pershing,	Vogt,
Cohen, H. B.,	Jirolanio,	Piole,	Wagner,
Cohen, R. E.,	Keenan,	Powers,	Wall,
Coleman,	Kelso,	Preston,	Walsh,
Coolahan,	Kilroy,	Readinger,	Watkins,
Corrigan,	Kline,	Reese,	Webster,
Costanzo,	Kroll,	Reising,	Weidemann,
Davies,	Leisey,	Richter,	Weiss, D. H.,
Deemer,	Levy,	Robinson,	Weiss, S. A.,
DeNote,	Lewis,	Rothenberger,	Welliver,
Dickinson,	Long,	Royer,	Welsh,
Donohoe,	Longaker,	Ruffennach,	Westrick,
Dougherty,	Lopresti,	Rush,	Whalen,
Downey,	Lovett,	Sarraf,	Whitenight,
Dubbs,	Lyons,	Scanlon,	Wilson,
Dyson,	Marino,	Schor,	Winner,
Echels,	Matthews, H. T.,	Schrock,	Wood,
Egarn,	Matthews, J. F.,	Scirope,	Woodside,
Farkenstein,	McArdle,	Schumacher,	Wright,
Finnerty,	McCullough,	Serrill,	Yanoshat,
Fisa,	McDermott,	Shaw,	Yeakel,
Fitch,	McDevitt,	Shea,	Yourishin,
Flanagan,	McElroy,	Shepard,	Zappala,
Flannery,	McFall,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1277, as follows:

An Act to amend section one of the act approved the eighth day of April one thousand eight hundred and sixty-seven (Pamphlet Laws 50) entitled "An act to permit disabled soldiers to peddle by procuring a license therefor without charge" as amended prohibiting the peddling of recognized flowers of certain veteran's organizations and miniature American flags

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the eighth day of April one thousand eight hundred and sixty-seven (Pamphlet Laws 50) entitled "An act to permit disabled soldiers to peddle by procuring a license therefor without charge" as last amended by the act approved the first day of May one thousand nine hundred and thirty-five (Pamphlet Laws 126) is hereby further amended to read as follows

Section 1 Be it enacted etc That every honorably discharged soldier sailor and marine of the military or naval service of the United States who is a resident of this State and who is unable to procure a livelihood by manual labor shall have the right to hawk peddle and vend any goods wares or merchandise or solicit trade within this Commonwealth by procuring a license for that purpose to be issued without cost Provided That before any such soldier sailor or marine shall be entitled to the benefits of this act he shall present his certificate of pension or satisfactory proof that he receives compensation from the Federal Government which shall be evidence of his disability if no pensioner nor a receiver of compensation he shall present a certificate from two reputable physicians that he is unable to procure his living by manual labor He shall also procure a certificate from the prothonotary of any county in this State that he has filed in the office of said prothonotary his affidavit setting forth that he is the bona fide owner in his own right of all the goods wares and merchandise which he proposes to hawk peddle and vend and that he will not engage to sell the same for any other person or persons whatever and that he will not sell or attempt to sell the recognized artificial flowers of the American Legion Veterans of Foreign Wars Spanish American War Veterans and Disabled American Veterans of the World War namely the poppy carnation the buddy poppy and the forget-me-not and that he will not sell or offer to sell miniature American flags And provided further That the aforesaid certificate or proof of compensation together with such person's discharge from the military or naval service or an exemplified copy thereof shall be full and conclusive evidence of such person's rights to the benefits of this act The prothonotary issuing such certificate shall require the applicant to furnish two photographs of the applicant each bearing the signature of the applicant One photograph shall be filed with the application the other shall be attached to the certificate when issued

The use of such certificate by anyone other than the applicant shall nullify such certificate and shall nullify the privileges under this act of the applicant permitting such measure

Any person who shall peddle contrary to the provisions of this act or in violation of the affidavit which

he made to obtain such license shall upon conviction in a summary proceeding be sentenced to pay a fine of not more than fifty dollars ($50) and in default of the payment of such fine and costs shall be sentenced to imprisonment for a term of ten (10) days

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198.

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Arnold,	Gillette,	Mellott,	Sloan,
Aukerman,	Gorski,	Merrell,	Smith, James A
Baine	Habbyshaw,	Mihm,	Smith, John A.,
Baker, F. T.,	Haberlen,	Moomaw,	Snyder,
Baker, J. J.,	Hagerty,	Mooney,	Sollenberger,
Balthaser,	Hall,	Moran,	Spengler,
Bierly,	Hamilton, F. P.,	Moul,	Sproul,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Boles,	Harmuth,	Murrin,	Stockham,
Boltz,	Hays,	O'Brien,	Strode,
Boose,	Hering,	O'Connor,	Terry,
Boyer,	Hess,	O'Keefe,	Thomas,
Bradley,	Hetrick,	Ominsky,	Thompson,
Brancato,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Chervenak,	Imbrie,	Piole,	Vogt,
Coakley,	Jirolanio,	Powers,	Wagner,
Cohen, H. B.,	Keenan,	Preston,	Wall,
Cohen, R. E.,	Kelso,	Readinger,	Walsh,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, H. T.,	Schrope,	Wood,
Eckels,	Matthews, J. F.,	Schumacher,	Woodside,
Elpern,	McArdle,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,
Finnerty,	McDermott,	Shea,	Yeakel,
Fiss,	McDevitt,	Shepard,	Yourishin,
Fitch,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 996, (Senate Bill No. 213), entitled:

An Act to amend section eighteen of this act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act and imposing penalties," requiring local ordinances to conform to this act and the regulations made thereunder so far as relates to the production and handling of "milk for pasteurization" upon "dairy farms"

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. WESTRICK. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1562, entitled:

An Act to amend section one of the act approved the first day of June one thousand nine hundred thirty-three (P. L. 1406) entitled 'An act authorizing the Attorney General under certain conditions to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment and to compound certain judgments" by extending the act to all pending claims of the Department of Highways against boroughs for the construction reconstruction or maintenance of State highways

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198.

Achterman,	Flinchbaugh,	McGee,	Siegel,
Alexander,	Ganser,	McKinney,	Simon,
Allen,	Gerard,	McShane,	Simpson,
Arnold,	Gillette,	Melchiorre,	Skale,
Aukerman,	Gorski,	Mellott,	Sloan,
Baine,	Habbyshaw,	Merrell,	Smith, James A.,
Baker, F. T.,	Haberlen,	Mihm,	Smith, John A.,
Baker, J. J.,	Hagerty,	Moomaw,	Snyder,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	O'Brien,	Terry,
Boyer,	Hess,	O'Connor,	Thomas,
Bradley,	Hetrick,	O'Keefe,	Thompson,
Brancato,	Hindman,	Ominsky,	Toole,
Brigerman,	Hirsch,	O'Neill,	Tronzo,
Broad,	Holland,	Ostroff,	Trout,
Brown,	Holmes,	Patterson, C. S.,	Tumelty,
Brownfield,	Holstrom,	Patterson, J. W.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Chervenak,	Imbrie,	Pershing,	Vogt,
Coakley,	Jirolanio,	Piole,	Wagner,
Cohen, H. B.,	Keenan,	Powers,	Wall,
Cohen, R. E.,	Kelso,	Preston,	Walsh,
Coleman,	Kilroy,	Readinger,	Watkins,
Coolahan,	Kline,	Reese,	Webster,
Corrigan,	Kroll,	Reising,	Weidemann,
Costanzo,	Leisey,	Richter,	Weiss, D. H.,
Davies,	Levy,	Robinson,	Weiss, S. A.,
Decker,	Lewis,	Rothenberger,	Welliver,
DeNote,	Long,	Royer,	Welsh,
Dickinson,	Longaker,	Ruffennach,	Westrick,
Donohoe,	Lopresti,	Rush,	Whalen,
Dougherty,	Lovett,	Sarraf,	Whitenight,
Downey,	Lyons,	Scanlon,	Wilson,
Dubbs,	Marino,	Schor,	Winner,
Dyson,	Matthews, H. T.,	Schrock,	Wood,

Eckels,	Matthews, J. F.,	Schrope,	Woodside,
Elpern,	McArdle,	Schumacher,	Wright,
Falkenstein,	McCullough,	Serrill,	Yanoshat,
Finnerty,	McDermott,	Shaw,	Yeakel,
Fiss,	McDevitt,	Shea,	Yourishin,
Fitch,	McElroy,	Shepard,	Zappala,
Flanagan,	McFall,	Shoemaker,	Furman,
Flannery,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1659, entitled:

A Joint Resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation

An said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—177.

Achterman,	Fitch,	McCullough,	Schumacher,
Alexander,	Flanagan,	McDermott,	Serrill,
Allen,	Flannery,	McDevitt,	Shaw,
Arnold,	Flinchbaugh,	McElroy,	Shea,
Aukerman,	Ganser,	McFall,	Shepard,
Baine,	Gerard,	McGee,	Shoemaker,
Baker, J. J.,	Gillette,	McShane,	Siegel,
Balthaser,	Gorski,	Melchiorre,	Simon,
Bierly,	Haberlen,	Mellott,	Simpson,
Blank,	Hagerty,	Mihm,	Skale,
Bohn,	Hall,	Moomaw,	Sloan,
Boies,	Hamilton, F. P.,	Mooney,	Smith, James A.,
Boltz,	Hamilton, R. S.,	Moran,	Smith, John A.,
Boose,	Harkins,	Moul,	Sollenberger,
Boyer,	Harmuth,	Munley,	Spengler,
Bradley,	Hays,	Murrin,	Stank,
Brancato,	Hering,	O'Brien,	Stewart,
Brigerman,	Hess,	O'Connor,	Stockham,
Broad,	Hetrick,	O'Keefe,	Thomas,
Brown,	Hindman,	Ominsky,	Thompson,
Brownfield,	Hirsch,	O'Neill,	Toole,
Burrows,	Holland,	Ostroff,	Tronzo,
Caesar,	Holmes,	Patterson, S.,	Tumelty,
Chervenak,	Holstrom,	Patterson, W.,	Valibus,
Coakley,	Hontz,	Peale,	VanAllsburg,
Cohen, H. B.,	Horting,	Pearson,	VanSickle,
Cohen, R. E.,	Imbrie,	Perry,	Vogt,
Coleman,	Jirolanio,	Pershing,	Wagner,
Coolahan,	Keenan,	Piole,	Walsh,
Corrigan,	Kelso,	Powers,	Watkins,
Costanzo,	Kilroy,	Preston,	Weiss, D. H.,
Davies,	Kline,	Readinger,	Weiss, S. A.,
Decker,	Kroll,	Reese,	Welliver,
DeNote,	Leisey,	Reising,	Welsh,
Dickinson,	Levy,	Richter,	Westrick,
Donohoe,	Lewis,	Robinson,	Whalen,
Dougherty,	Long,	Rothenberger,	Whitenight,
Downey,	Longaker,	Ruffennach,	Wright,
Dubbs,	Lopresti,	Rush,	Yanoshat,
Dyson,			

Eckels,	Lovett,	Sarraf,	Yeakel,
Elpern,	Lyons,	Scanlon,	Yourishin,
Falkenstein,	Marino,	Schor,	Zappala,
Finnerty,	Matthews, H. T.,	Schrock,	Furman,
Fiss,	McArdle,	Schrope,	

NAYS—21.

Baker, F. T.,	Merrell,	Terry,	Weidemann,
Cadwalader,	Muir,	Trout,	Wilson,
Habbyshaw,	Royer,	Turner,	Winner,
Huntley,	Snyder,	Wall,	Wood,
Matthews, J. F.,	Sproul,	Webster,	Woodside,
McKinney,	Strode,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1273, entitled:

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (P. L. 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of justices of the peace in such consolidated boroughs

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198.

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Arnold,	Gillette,	Mellott,	Sloan,
Aukerman,	Gorski,	Merrell,	Smith, James A.,
Baine,	Habbyshaw,	Mihm,	Smith, John A.,
Baker, F. T.,	Haberlen,	Moomaw,	Snyder,
Baker, J. J.,	Hagerty,	Mooney,	Sollenberger,
Balthaser,	Hall,	Moran,	Spengler,
Bierly,	Hamilton, F. P.,	Moul,	Sproul,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Boies,	Harmuth,	Murrin,	Stockham,
Boltz,	Hays,	O'Brien,	Strode,
Boose,	Hering,	O'Connor,	Terry,
Boyer,	Hess,	O'Keefe,	Thomas,
Bradley,	Hetrick,	Ominsky,	Thompson,
Brancato,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Chervenak,	Imbrie,	Piole,	Vogt,
Coakley,	Jirolanio,	Powers,	Wagner,
Cohen, H. B.,	Keenan,	Preston,	Wall,
Cohen, R. E.,	Kelso,	Readinger,	Walsh,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, H. T.,	Schrope,	Wood,
Eckels,	Matthews, J. F.,	Schumacher,	Woodside,
Elpern,	McArdle,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,

Finnerty,	McDermott,	Shea,	Yeakel,
Fiss,	McDevitt,	Shepard,	Yourishin,
Fitch,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1007, entitled:

An Act to amend the act, approved the twenty-eight day of June, one thousand nine hundred and twenty-three (P. L. 903), entitled "A supplement to an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws three hundred and twelve), entitled 'An act providing a system for government of boroughs, and revising, amending, and consolidating the law relating to boroughs'; so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county, including assessment of property, levying and collection of taxes, making municipal improvements, and filing and collecting of liens for the same; the jurisdiction of courts for the enforcement of borough ordinances and State laws, and primary, general, municipal, and special elections; and repealing inconsistent laws," extending the provisions of this act to boroughs situated in different counties which now have or shall hereafter consolidate.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198.

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Arnold,	Gillette,	Mellott,	Sloan,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Smith, James A.,
Baker, F. T.,	Haberlen,	Moomaw,	Snyder,
Baker, J. J.,	Hagerty,	Mooney,	Sollenberger,
Balthaser,	Hall,	Moran,	Spengler,
Bierly,	Hamilton, F. P.,	Moul,	Sproul,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Boles,	Harmuth,	Murrin,	Stockham,
Boltz,	Hays,	O'Brien,	Strode,
Boose,	Hering,	O'Connor,	Terry,
Boyer,	Hess,	O'Keefe,	Thomas,
Bradley,	Hetrick,	Ominsky,	Thompson,
Brancato,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Chervenak,	Imbrie,	Piole,	Vogt,
Coakley,	Jirolanio,	Powers,	Wagner,
Cohen, H. B.,	Keenan,	Preston,	Wall,
Cohen, R. E.,	Kelso,	Readinger,	Walsh,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, H. T.,	Schrope,	Wood,
Eckels,	Matthews, J. F.,	Schumacher,	Woodside,
Elpern,	McArdle,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,
Finnerty,	McDermott,	Shea,	Yeakel,
Fiss,	McDevitt,	Shepard,	Yourishin,
Fitch,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 196, entitled:

An Act to amend sections one and two of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188) entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance and protesting of bills, notes, drafts, checks, and other negotiable paper on such days," as amended, declaring Flag Day, the fourteenth day of June, a legal holiday.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—191.

Achterman,	Flinchbaugh,	McKinney,	Siegel,
Alexander,	Ganser,	McShane,	Simon,
Allen,	Gerard,	Melchiorre,	Skale,
Arnold,	Gillette,	Mellott,	Sloan,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Smith, James A.,
Baker, J. J.,	Haberlen,	Moomaw,	Snyder,
Balthaser,	Hagerty,	Mooney,	Sollenberger,
Bierly,	Hall,	Moran,	Spengler,
Blank,	Hamilton, F. P.,	Moul,	Stank,
Bohn,	Hamilton, R. S.,	Muir,	Stewart,
Boles,	Harkins,	Munley,	Stockham,
Boltz,	Harmuth,	Murrin,	Strode,
Boose,	Hays,	O'Brien,	Terry,
Boyer,	Hering,	O'Connor,	Thomas,
Bradley,	Hess,	O'Keefe,	Thompson,
Brancato,	Hindman,	Ominsky,	Toole,
Brigerman,	Hirsch,	O'Neill,	Tronzo,
Broad,	Holland,	Ostroff,	Trout,
Brown,	Holmes,	Patterson, C. S.,	Tumelty,
Brownfield,	Holstrom,	Patterson, J. W.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Caesar,	Horting,	Pearson,	VanAllsburg,
Chervenak,	Huntley,	Perry,	VanSickle,
Coakley,	Imbrie,	Pershing,	Vogt,
Cohen, H. B.,	Jirolanio,	Piole,	Wagner,
Cohen, R. E.,	Keenan,	Powers,	Wall,
Coleman,	Kelso,	Preston,	Walsh,
Coolahan,	Kilroy,	Readinger,	Watkins,
Corrigan,	Kroll,	Reese,	Webster,
Costanzo,	Leisey,	Reising,	Weidemann,
Davies,	Levy,	Richter,	Weiss, D. H.,
Decker,	Lewis,	Robinson,	Weiss, S. A.,
DeNote,	Long,	Rothenberger,	Welliver,
Dickinson,	Longaker,	Ruffennach,	Welsh,
Donohoe,	Lopresti,	Rush,	Westrick,
Dougherty,	Lovett,	Sarraf,	Whalen,
Downey,	Lyons,	Scanlon,	Whitenight,
Dubbs,	Marino,	Schor,	Winner,
Dyson,	Matthews, H. T.,	Schrock,	Wood,

Eckels,	Matthews, J. F.,	Schrope,	Woodside,
Elpern,	McArdle,	Schumacher,	Wright,
Falkenstein,	McCullough,	Serrill,	Yanoshat,
Finnerty,	McDermott,	Shaw,	Yeakel,
Fiss,	McDevitt,	Shea,	Yourishin,
Fitch,	McElroy,	Shepard,	Zappala,
Flanagan,	McFall,	Shoemaker,	Furman,
Flannery,	McGee,		

NAYS—7.

Baker, F. T.,	Kline,	Simpson,	Wilson,
Cadwalader,	Royer,	Sproul,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1685, entitled:

An Act to amend section one thousand fifty-seven of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" further defining the powers of controllers with respect to accounts of borough departments, bureaus and officers; and imposing certain duties in reference thereto on banks, banking institutions and trust companies.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197.

Achterman,	Ganser,	McKinney,	Simon,
Alexander,	Gerard,	McShane,	Simpson,
Allen,	Gillette,	Melchiorre,	Skale,
Arnold,	Gorski,	Mellott,	Sloan,
Aukerman,	Habbyshaw,	Merrell,	Smith, John A.,
Baine,	Haberlen,	Mihm,	Smith, James A.,
Baker, F. T.,	Hagerty,	Moomaw,	Snyder,
Baker, J. J.,	Hall,	Mooney,	Sollenberger,
Balthaser,	Hamilton, F. P.,	Moran,	Spengler,
Bierly,	Hamilton, R. S.,	Moul,	Sproul,
Blank,	Harkins,	Muir,	Stank,
Bohn,	Harmuth,	Munley,	Stewart,
Boles,	Hays,	Murrin,	Stockham,
Boltz,	Hering,	O'Brien,	Strode,
Boose,	Hess,	O'Connor,	Terry,
Boyer,	Hetrick,	O'Keefe,	Thomas,
Bradley,	Hindman,	Ominsky,	Thompson,
Brancato,	Hirsch,	O'Neill,	Toole,
Brigerman,	Holland,	Ostroff,	Tronzo,
Broad,	Holmes,	Patterson, C. S.,	Trout,
Brown,	Holstrom,	Patterson, W.,	Tumelty,
Brownfield,	Hontz,	Peale,	Turner,
Burrows,	Horting,	Pearson,	Valibus,
Caesar,	Huntley,	Perry,	VanAllsburg,
Chervenak,	Imbrie,	Pershing,	VanSickle,
Coakley,	Jirolanio,	Piole,	Vogt,
Cohen, H. B.,	Keenan,	Powers,	Wagner,
Cohen, R. E.,	Kelso,	Preston,	Wall,
Coleman,	Kilroy,	Readinger,	Walsh,
Coolahan,	Kline,	Reese,	Watkins,
Corrigan,	Kroll,	Reising,	Webster,
Costanzo,	Leisey,	Richter,	Weidemann,
Davies,	Levy,	Robinson,	Weiss, D. H.,
Decker,	Lewis,	Rothenberger,	Weiss, S. A.,
DeNote,	Long,	Royer,	Welliver,
Dickinson,	Longaker,	Ruffennach,	Welsh,
Donohoe,	Lopresti,	Rush,	Westrick,
Dougherty,	Lovett,	Sarraf,	Whalen,
Downey,	Lyons,	Scanlon,	Whitenight,
Dubbs,	Marino,	Schor,	Wilson,
Dyson,	Matthews, H. T.,	Schrock,	Winner,
Eckels,	Matthews, J. F.,	Schrope,	Wood,
Elpern,	McArdle,	Schumacher,	Woodside,
Falkenstein,	McCullough,	Serrill,	Wright,
Finnerty,	McDermott,	Shaw,	Yanoshat,
Fiss,	McDevitt,	Shea,	Yeakel,
Fitch,	McElroy,	Shepard,	Yourishin,
Flanagan,	McFall,	Shoemaker,	Zappala,
Flannery,	McGee,	Siegel,	Furman,
Flinchbaugh,			

NAYS—1.

Cadwalader,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 782, (Senate Bill No. 22), entitled:

An Act to amend section one of and to add sections two and three to the act approved the nineteeth day of July one thousand nine hundred thirty-five (P. L. 1348) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" amplifying the powers of said commission to include the industrial and agricultural educational interest and other facilities advantages and attractions of the Commonwealth to provide for programs of information advertising and publicity to coordinate advertising activities and to provide for exhibits at fairs expositions and celebrations

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197.

Achterman,	Flinchbaugh,	McGee,	Siegel,
Alexander,	Ganser,	McKinney,	Simon,
Allen,	Gerard,	McShane,	Simpson,
Arnold,	Gillette,	Melchiorre,	Skale,
Aukerman,	Gorski,	Mellott,	Sloan,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Smith, James A.,
Baker, J. J.,	Hagerty,	Moomaw,	Snyder,
Balthaser,	Hall,	Mooney,	Sollenberger,
Bierly,	Hamilton, F. P.,	Moran,	Spengler,
Blank,	Hamilton, R. S.,	Moul,	Sproul,
Bohn,	Harkins,	Muir,	Stank,
Boles,	Harmuth,	Munley,	Stewart,
Boltz,	Hays,	Murrin,	Stockham,
Boose,	Hering,	O'Brien,	Strode,
Boyer,	Hess,	O'Connor,	Terry,
Bradley,	Hetrick,	O'Keefe,	Thomas,
Brancato,	Hindman,	Ominsky,	Thompson,
Brigerman,	Hirsch,	O'Neill,	Toole,
Broad,	Holland,	Ostroff,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Patterson, C. S.,	Tumelty,
Burrows,	Hontz,	Peale,	Turner,
Cadwalader,	Horting,	Pearson,	Valibus,
Caesar,	Huntley,	Perry,	VanAllsburg,
Chervenak,	Imbrie,	Pershing,	VanSickle,
Coakley,	Jirolanio,	Piole,	Vogt,
Cohen, H. B.,	Keenan,	Powers,	Wagner,
Cohen, R. E.,	Kelso,	Preston,	Wall,
Coleman,	Kilroy,	Readinger,	Walsh,
Coolahan,	Kline,	Reese,	Watkins,
Corrigan,	Kroll,	Reising,	Webster,
Costanzo,	Leisey,	Richter,	Weiss, D. H.,
Davies,	Levy,	Robinson,	Weiss, S. A.,
Decker,	Lewis,	Rothenberger,	Welliver,
DeNote,	Long,	Royer,	Welsh,
Dickinson,	Longaker,	Ruffennach,	Westrick,
Donohoe,	Lopresti,	Rush,	Whalen,
Dougherty,	Lovett,	Sarraf,	Whitenight,
Downey,	Lyons,	Scanlon,	Wilson,

Dubbs,	Marino,	Schor,	Winner,
Dyson,	Matthews, H. T.,	Schrock,	Wood,
Eckels,	Matthews, J. F.,	Schrope,	Woodside,
Elpern,	McArdle,	Schumacher,	Wright,
Falkenstein,	McCullough,	Serrill,	Yanoshat,
Finnerty,	McDermott,	Shaw,	Yeakel,
Fiss,	McDevitt,	Shea,	Yourishin,
Fitch,	McElroy,	Shepard,	Zappala,
Flanagan,	McFall,	Shoemaker,	Furman,
Flannery,			

NAYS—1.

Weidemann,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL PASSED OVER

There being no objection House Bill No. 1201, Senate Bill No. 366, Printer's No. 159, was passed over at the request of Mr. ACHTERMAN.

BILL PASSED OVER

There being no objection House Bill No. 2021, Printer's No. 425, was passed over at the request of Mr. JIROLANIO.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 114, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring certain school districts to merge with other districts and thereafter to function as a part of the districts with which they have been merged creating a county board of school directors for school districts under the direction of a county superindendent defining its powers and duties further regulating the affairs of certain school districts conferring powers and imposing duties on the Department of Public Instruction the State Council of Education and county superindendents of schools and imposing certain expenses on counties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Achterman,	Elpern,	Matthews, H. T.,	Scanlon,
Alexander,	Falkenstein,	McArdle,	Schor,
Allen,	Finnerty,	McCullough,	Schrope,
Arnold,	Fitch	McDermott,	Shaw,
Aukerman,	Flanagan,	McDevitt,	Shea,
Baine,	Flannery,	McElroy,	Shepard,
Baker, J. J.,	Flinchbaugh,	McFall,	Shoemaker,
Bierly,	Ganser,	McGee,	Siegel,
Blank,	Gerard,	McShane,	Simon,
Bohn,	Gorski,	Melchiorre,	Skale,
Boles,	Haberlen,	Mihm,	Smith, James A.,
Boltz,	Hagerty,	Moomaw,	Smith, John A.,
Boyer,	Hamilton, F. P.,	Mooney,	Spengler,
Bradley,	Hamilton, R. S.,	Moran,	Stank,
Brancato,	Harkins,	Moul,	Thomas,
Brigerman,	Harmuth,	Munley,	Thompson,
Broad,	Hering,	Murrin,	Toole,
Brown,	Hess,	O'Brien,	Tronzo,
Brownfield,	Hindman,	O'Keefe,	Tumelty,
Burrows,	Hirsch,	Ominsky,	Valibus,
Caesar,	Holland,	O'Neill,	VanSickle,
Chervenak,	Holmes,	Ostroff,	Vogt,
Coakley,	Holstrom,	Patterson, C. S.,	Wagner,
Cohen, H. E.,	Houtz,	Patterson, J. W.,	Walsh,
Cohen, R. E.,	Huntley,	Pearson,	Weidemann,
Coleman,	Jirolanio,	Pershing,	Weiss, D. H.,
Coolahan,	Keenan,	Piole,	Weiss, S. A.,
Corrigan,	Kelso,	Powers,	Welliver,
Costanzo,	Kilroy,	Preston,	Welsh,
Decker,	Kroll,	Readinger,	Westrick,
DeNote,	Leisey,	Reese,	Whalen,
Dickinson,	Levy,	Reising,	Whitenight,
Donohoe,	Lewis,	Richter,	Wright,
Dougherty,	Long,	Robinson,	Yanoshat,
Downey,	Lopresti,	Ruffenach,	Yourishin,
Dubbs,	Lovett,	Rush,	Zappala,
Dyson,	Marino,	Sarraf,	Furman,

NAYS—46

Baker, F. T.,	Kline,	Royer,	Terry,
Balthaser	Longaker,	Schrock,	Trout,
Boose,	Lyons,	Schumacher,	Turner,
Cadwalader,	Matthews, J. F.,	Serrill,	VanAllsburg,
Davies,	McKinney,	Simpson,	Wall,
Eckels,	Mellott,	Sloan,	Watkins,
Fiss,	Merrell,	Snyder,	Webster,
Gillette,	Muir,	Sollenberger,	Wilson,
Habbyshaw,	O'Connor,	Sproul,	Winner,
Hall,	Peale,	Stewart,	Wood,
Hays,	Perry,	Stockham,	Woodside,
Hetrick,	Rothenberger,	Strode,	Yeakel,
Imbrie,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 455, entitled:

An Act to amend section one of the act approved the twenty-fourth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred seventy-nine) entitled "An act to fix the salary and mileage of the members of the General Assembly and to provide for the furnishing of such postage stationery and supplies as may be necessary for the conduct of their offices and repealing all acts or parts of acts inconsistent therewith" as amended increasing the compensation of members of the General Assembly

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker and members of the House, back in 1933 the salary of the members of the House was $3000. At that time I was much interested, as I am today in economy measures. We had an economy program in which we sought to cut a great many salaries on the Capitol Hill. We felt that in order that we might show our seriousness and our sincerity, we ought to reduce the salary of the members of the House. So we cut it from $3000 to $2500. When the session had all wound up and the Governor had gotten through with all the bills, the members of the House were the only people on Capitol Hill who had taken a cut and I am therefore pleased that we are going back to the $3000 salary. I think we

all ought to vote for it. I am willing to take my share of the cut with everybody else, whether that cut is up or down, and I see no reason why we should be the only ones on Capitol Hill to practice what we preach. Now that food prices are rising, the cost of doing business is rising, expenses in Harrisburg are rising and before long the sun will be rising, and I think we have a right to raise the salaries of the members of the House.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Falkenstein,	Matthews, H. T.,	Sarraf,
Alexander,	Finnerty,	Matthews, J. F.,	Scanlon,
Allen,	Fiss,	McArdle,	Schor,
Arnold,	Fitch,	McCullough,	Schrope,
Aukerman,	Flanagan,	McDermott,	Serrill,
Baker, J. J.,	Flannery,	McDevitt,	Shaw,
Balthaser,	Flinchbaugh,	McElroy,	Shea,
Bierly,	Ganser,	McFall,	Shepard,
Blank,	Gerard,	McGee,	Shoemaker,
Bohn,	Gorski,	McShane,	Siegel,
Boies,	Haberlen,	Melchiorre,	Simon,
Boltz,	Hagerty,	Merrell,	Skale,
Boose,	Hall,	Mihm,	Sloan,
Boyer,	Hamilton, F. P.,	Moomaw,	Spengler,
Bradley,	Hamilton, R. S.,	Mooney,	Stank,
Brancato,	Harkins,	Moran,	Stockham,
Brigerman,	Harmuth,	Moul,	Strode,
Broad,	Hering,	Muir,	Thomas,
Brown,	Hess,	Munley,	Thompson,
Brownfield,	Hindman,	Murrin,	Toole,
Burrows,	Hirsch,	O'Brien,	Tronzo,
Cadwalader,	Holland,	O'Keefe,	Tumelty,
Caesar,	Holmes,	Ominsky,	Turner,
Chervenak,	Holstrom,	O'Neill,	Valibus,
Coakley,	Hontz,	Ostroff,	VanSickle,
Cohen, H. B.,	Horting,	Patterson, C. S.,	Vogt,
Cohen, R. E.,	Huntley,	Patterson, J. W.,	Wall,
Coleman,	Imbrie,	Peale,	Walsh,
Coolahan,	Jirolanio,	Pearson,	Watkins,
Corrigan,	Keenan,	Perry,	Webster,
Costanzo,	Kilroy,	Pershing,	Weiss, D. H.,
Davies,	Kline,	Piole,	Welliver,
Decker,	Kroll,	Powers,	Welsh,
DeNote,	Leisey,	Preston,	Westrick,
Dickinson,	Lewis,	Readinger,	Whalen,
Donohoe,	Long,	Reese,	Whitenight,
Dougherty,	Longaker,	Reising,	Wright,
Downey,	Lopresti,	Richter,	Yanoshat,
Dubbs,	Lovett,	Robinson,	Yourishin,
Dyson,	Lyons,	Rothenberger,	Zappala,
Eckels,	Marino,	Ruffennach,	Furman,
Elpern,			

NAYS—33

Baine,	McKinney,	Smith, James A.,	Wagner,
Baker, F. T.,	Mellott,	Smith, John A.,	Weidemann,
Gillette,	O'Connor,	Snyder,	Weiss, S. A.,
Habbyshaw,	Royer,	Sollenberger,	Wilson,
Hays,	Rush,	Stewart,	Winner,
Hetrick,	Schrock,	Terry,	Wood,
Kelso,	Schumacher,	Trout,	Woodside,
Levy,	Simpson,	VanAllsburg,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 753, entitled:

An Act to promote public health safety morals and welfare by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects to provide dwelling accommodations for persons of low income providing for the organization of such housing authorities defining their powers and duties providing for the exercise of such powers including the acquisition of property by purchase gift or eminent domain the renting and selling of property and including borrowing money issuing bonds and other obligations and giving security therefor prescribing the remedies of obligees of housing authorities authorizing housing authorities to enter into agreements including agreements with the United States the Commonwealth and political subdivisions and municipalities thereof defining the application of zoning sanitary and building laws and regulations to projects built or maintained by such housing authorities exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments

And said bill having been read at length the third time, considered and agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Simpson,
Arnold,	Gerard,	Melchiorre,	Skale,
Aukerman,	Gillette,	Mellott,	Sloan,
Baine,	Gorski,	Merrell,	Smith, James A.,
Baker, F. T.,	Habbyshaw,	Mihm,	Smith, John A.,
Baker, J. J.,	Haberlen,	Moomaw,	Snyder,
Balthaser,	Hagerty,	Mooney,	Sollenberger,
Bierly,	Hall,	Moran,	Spengler,
Blank,	Hamilton, F. P.,	Moul,	Sproul,
Bohn,	Hamilton, R. S.,	Muir,	Stank,
Boies,	Harkins,	Munley,	Stewart,
Boltz,	Harmuth,	Murrin,	Stockham,
Boose,	Hays,	O'Brien,	Strode,
Boyer,	Hering,	O'Connor,	Terry,
Bradley,	Hess,	O'Keefe,	Thomas,
Brancato,	Hetrick,	Ominsky,	Thompson,
Brigerman,	Hindman,	O'Neill,	Toole,
Broad,	Hirsch,	Ostroff,	Tronzo,
Brown,	Holland,	Patterson, C. S.,	Trout,
Brownfield,	Holmes,	Patterson, J. W.,	Tumelty,
Burrows,	Holstrom,	Peale,	Turner,
Cadwalader,	Hontz,	Pearson,	Valibus,
Caesar,	Horting,	Perry,	VanAllsburg,
Chervenak,	Huntley,	Pershing,	VanSickle,
Coakley,	Imbrie,	Piole,	Vogt,
Cohen, H. B.,	Jirolanio,	Powers,	Wagner,
Cohen, R. E.,	Keenan,	Preston,	Wall,
Coleman,	Kelso,	Readinger,	Walsh,
Coolahan,	Kilroy,	Reese,	Watkins,
Corrigan,	Kline,	Reising,	Webster,
Costanzo,	Kroll,	Richter,	Weidemann,
Davies,	Leisey,	Robinson,	Weiss, D. H.,
Decker,	Levy,	Rothenberger,	Weiss, S. A.,
DeNote,	Lewis,	Royer,	Welliver,
Dickinson,	Long,	Ruffennach,	Welsh,
Donohoe,	Longaker,	Rush,	Westrick,
Dougherty,	Lopresti,	Sarraf,	Whalen,
Downey,	Lovett,	Scanlon,	Whitenight,
Dubbs,	Lyons,	Schor,	Wilson,
Dyson,	Marino,	Schrock,	Wood,
Eckels,	Matthews, J. F.,	Schrope,	Woodside,
Elpern,	McArdle,	Schumacher,	Wright,
Falkenstein,	McCullough,	Serrill,	Yanoshat,
Finnerty,	McDermott,	Shaw,	Yeakel,
Fiss,	McDevitt,	Shea,	Yourishin,
Fitch,	McElroy,	Shepard,	Zappala,
Flanagan,	McFall,	Shoemaker,	Furman,

NAYS—1

Winner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 250 as follows:

An Act authorizing cities boroughs and towns to construct acquire own operate and control waterworks and electric plants and appurtenances thereto and to sell and purchase water and electrical energy both within and without their corporate limits conferring the power of eminent domain conferring certain powers and imposing certain duties on such municipalities and the controller or auditors thereof providing for the incorporation and election of a board of directors to operate and manage such works and defining its powers and duties and prescribing penalties

TABLE OF CONTENTS

ARTICLE I Preliminary Provisions
ARTICLE II Acquisition and Construction of Municipal waterworks or Electric Plants
ARTICLE III Boards of Directors Optional
(a) Determination by Municipal Authorities
(b) Creation of Boards of Directors Optional
(c) Powers of Boards of Directors
(d) Officers of Boards of Directors
(e) Audits
ARTICLE IV Miscellaneous Provisions

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

ARTICLE I

PRELIMINARY PROVISIONS

Section 1 DEFINITIONS The following words and phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Board" the board of directors created under this act to manage and operate a waterworks or electric plant acquired or constructed in accordance with this act

"Company" any person copartnership association and corporation engaged in a public utility business for the storage or supply of water or both or of electrical energy to the public

"Court" the court of common pleas of the county in which the municipality acquiring or constructing a waterworks or electric plant in accordance with this act is located

"Electric plant" includes the plant or plants property franchises real estate contracts leases personal property privileges easements distribution system substations intertie and transmission lines and every other matter or thing used for the generation and supply of electrical energy to the public

"Municipality" any city borough and town of this Commonwealth and shall refer to the municipality acquiring or constructing a waterworks or electric plant in accordance with the provisions of this act

"Municipal authorities" refers to the municipal authorities of the municipality acquiring or constructing a waterworks or electric plant in accordance with the provisions of this act

"Owner" any individual copartnership association and corporation owning in whole or in part any waterworks or electric plant in use or useable for the purpose of furnishing and supplying water or electrical energy to the public the acquisition of which is desired by a municipality

"Waterworks" includes the plant or plants property franchises real estate contracts leases personal property privileges easements water rights water sheds water courses reservoirs dams conduits pipes channels and all and every other matter or thing used for the storage or supply or both of water to the public

Section 2 SHORT TITLE This act shall be known and may be cited as "The Municipal Utility Law"

ARTICLE II

ACQUISITION AND CONSTRUCTION OF MUNICIPAL WATERWORKS OR ELECTRIC PLANTS

Section 21 POWERS OF MUNICIPALITIES Any municipality is hereby authorized and given power to construct acquire own operate and control its own waterworks and electric plant and to add to and maintain lands easements rights of way pipe lines franchises distribution systems substations and inter-tie or transmission lines to enable it to use purchase sell and dispose of water or electrical energy or both inside its corporate limits and outside its corporate limits and with the consent of the owner thereof to connect its waterworks or electric plant with any other waterworks or electric plant

Section 22 CONSTRUCTION OF WATERWORKS AND DAMS The construction of any waterworks shall be in accordance with plans therefor previously filed with the Secretary of Health and a permit issued therefor in accordance with the act of Assembly approved the twenty-second day of April one thousand nine hundred and five (Pamphlet Laws two hundred sixty) entitled "An act to preserve the purity of the waters of the state for the protection of the public health" and the amendments and supplements thereto The construction of any dam or of any other obstruction to a stream shall be in accordance with a permit issued therefor by the Water and Power Resources Board in accordance with the act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred fifty-five) entitled "An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof" and the amendments and supplements thereto

Section 23 POWER OF EMINENT DOMAIN Every municipality is hereby granted the power of eminent domain under the same provisions and procedure as is or shall be provided by law for the condemnation of private property for any of the corporate uses or purposes of such municipality

(a) For the purpose of erecting a waterworks or electric plant or improving its waterworks or electric plant to acquire springs streams rivers lakes ponds water sheds or creeks and lands easements roads streets and rights of way within or without its territorial limits as to which the Water and Power Resources Board after due notice and public hearing shall have found that the appropriation of the same is required by the present and future interests of the Commonwealth for the construction maintenance or operation of the waterworks or electric plant of said municipality and is not incompatible with the public interests of the region in the vicinity of such property and works and

(b) For the purpose of conducting water or electrical energy obtained outside the limits of said municipality to lay and construct pipes drains conduits water ways substations inter-tie and transmission lines under and over any lands rivers streams bridges roads streets sidewalks or across railroads and street railways No water appropriated under the provisions of this act shall be used in such manner as to deprive the owner thereof of the free use and enjoyment of the same for domestic or farm purposes

No municipality shall exercise the right of eminent domain herein conferred as against any property of a public service company other than a water company or an electric company or as against land now occupied by any building which was used during the Colonial or revolutionary period as a place of assembly by the Council of the Colony of Pennsylvania the Supreme Executive Council of the Commonwealth of Pennsylvania or the Congress of the United States or against the land occupied by any fort redoubt or blockhouse erected during the Colonial or Revolutionary period or any building used as headquarters by the Commander-in-chief of the Continental Army or as against the site of any building fort redoubt blockhouse

or headquarters which are preserved for their historic associations and not for private profit The Colonial and Revolutionary period shall be taken as ended on the third day of September one thousand seven hundred and eighty-three

Section 24 NOTICE OF INTENTION TO ACQUIRE WATERWORKS OR ELECTRIC PLANTS Whenever the municipal authorities of any municipality shall desire to acquire by purchase or right of eminent domain the waterworks or electric plant of a company in whole or in part they shall adopt a resolution signifying their intention to do so The municipal authorities shall forthwith serve on the company his her their or its authorized agent or representative a true copy of such resolution duly certified under the seal of the municipality

Section 25 HEARINGS If within ten days after the service of such resolution upon the company his her their or its authorized agent or representative such company shall propose to sell and transfer such waterworks or electric plant in whole or in part to the municipality upon terms and conditions to be mutually agreed upon between such company and the municipal authorities the court shall upon application fix a time and place for a public hearing and consideration of such proposal of which due notice to all parties interested shall be given as the court may direct

Section 26 OWNERS TO FURNISH MAPS and DRAFTS OF PROPERTY AND WORKS The owner or owners shall also furnish to the municipal authorities five days before the day of hearing a map or draft delineating and picturing the waterworks or electric plant of the said owner or owners in actual and contemplated use for supplying water or electrical energy to any and all portions of the area of such municipality

Section 27 EXECUTION OF CONTRACTS FOR PURCHASE If after the public hearing the terms and conditions of the purchase and sale shall be agreed upon by the municipal authorities and the said owner or owners and be approved by the court then the municipal authorities shall by resolution authorize and direct the execution on the part of the municipality of such contracts in writing and other instruments as they deem proper and take any and every action with reference thereto necessary or appropriate to consummate such purchase and sale and transfer to the municipality of the waterworks or electric plant of the said owner or owners and to make payment therefor in accordance with the terms of such agreement

Every such agreement of purchase shall take into consideration the time element required (1) to enable the municipality to complete its plans financing such purchase so that the consideration may be paid to the said owner or owners at the time the waterworks or electric plant is transferred to the municipality and (2) to enable the municipality to create and organize a board of directors to manage and operate such waterworks or electric plant as provided in this act

Section 28 POWER OF EMINENT DOMAIN If the amount to be paid by the municipality to said owner or owners for his her their or its waterworks or electric plant cannot be mutually agreed upon then the municipality shall have power by its municipal authorities to acquire such waterworks or electric plant or any part thereof by the exercise of the power of eminent domain which is hereby granted under the same provisions and procedure as is or shall be provided by law for the condemnation of private property for any of the corporate uses or purposes of such municipality Provided however That no municipality shall acquire by condemnation any privately owned waterworks or electric plant located within its limits except with the approval of a majority of the qualified voters of the municipality and where the waterworks or electric plant is located in some other municipality or township also with the approval of the qualified voters of that municipality or township in which the waterworks or electric plant to be acquired is located nor shall any municipality acquire by condemnation the waterworks or electric plant or any part thereof belonging to or owned or operated by any political subdivision or governmental agency or mutual non-profit or cooperative association or organization No private corporation whose waterworks or electric plant is so acquired shall cease to operate the same until such waterworks or electric plant is turned over to the municipality for ownership management or control

No source of supply for water or generating system for electrical energy shall be taken without taking also the property and works necessarily dependent upon such source of supply or generating system for a supply of water or electrical energy at the time of such taking

Section 29 METHODS OF VALUATION In any such eminent domain proceeding one of the following methods of valuation shall be used to ascertain the value of the waterworks or electric plant to be acquired viz

(a) A valuation to be placed on the waterworks or electric plant of the owner or owners thereof in accordance with the provisions if any contained in the charter of the said owner company or

(b) A valuation to be placed on the waterworks or electric plant of the owner or owners thereof in accordance with the laws of this Commonwealth for the acquisition of the waterworks or electric plant of the said owner or owners which are applicable to such owner company by reason of its incorporation thereunder or by reason of its acceptance of such laws in the manner therein provided or

(c) In case the methods of valuation under clauses (a) and (b) of this section are not applicable to an owner company then a valuation to be placed thereon by viewers after ascertaining the facts and viewing the waterworks or electric plant as in other cases of eminent domain proceedings

Section 30 COSTS The costs of the proceedings hereinbefore provided for shall be paid by the municipality acquiring the waterworks or electric plant

Section 31 COMPLETION OF FINANCING PLANS TAKING OF POSSESSION When the value of the waterworks or electric plant of an owner or owners has been finally determined as provided in this act the plans of the municipality for financing such acquisition have been fully completed and a board of directors to manage and operate said waterworks or electric plant has been created and organized the municipality shall have the right to enter into possession of said waterworks or electric plant The municipal authorities shall notify the owner or owners in writing by service upon an officer agent or representative thereof of the time and place on the property of the owner or owners when they will take possession of the waterworks or electric plant and will pay to the owner or owners the amount finally determined as the value of the waterworks or electric plant or the amount if any over and above the liens against the waterworks or electric plant to be acquired if such liens by order of the court are to remain on the waterworks or electric plant

Section 32 PAYMENT OF MONEY INTO COURT WRIT OF POSSESSION If the owner or owners shall upon tender of the proper amount refuse to accept the same and to surrender possession of the waterworks or electric plant to the municipality the amount due shall be paid into court under such safeguards as the court may by its order require and the court shall upon application of the municipal authorities order a writ of habere facias possessionem to issue forthwith directing the sheriff to give the municipality possession of the said waterworks or electric plant

Section 33 BOND AND PROCEEDING FOR ACCRUED VALUES Before the municipality actually enters into the possession of the waterworks or electric plant of said owner or owners it shall file a bond with the prothonotary to be approved by the court in such amount as the court shall fix conditioned that the municipality shall pay to the owner or owners any amount found to be due by reason of an increase in the value of the waterworks or electric plant between the date the value was finally determined and the time when actual possession was taken by the municipality Any such accrued valuation shall be determined by viewers in the same manner as is or shall be provided by law for the condemnation of private property for any of the corporate uses or purposes of such municipality and the amount of any such accrued value as finally determined shall be paid by the municipality to the owner or owners

Section 34 FINANCING AND INDEBTEDNESS (a) For the purpose of financing the acquisition or construction of a waterworks or electric plant in accordance with the provisions of this act or the operation improvement or extension of any waterworks or electric plant so acquired or constructed any municipality may

(1) Expend public moneys and in accordance with existing law incur or increase its indebtedness

(2) Issue non-debt revenue bonds secured solely by a pledge in whole or in part of the rentals rates or charges for the service of such waterworks or electric plant Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the municipality but shall be a lien upon and payable solely from the rentals rates or charges for the services of such waterworks or electric plant

Said bonds shall be sold and their dates of maturity and interest fixed in accordance with existing law respecting bonds of such municipality

(b) For the purpose of financing the acquisition or construction of any waterworks any municipality may issue obligations to be secured by liens on the property and works acquired or constructed Said obligations shall not pledge the credit nor create any debt nor be a charge against the general revenues of the municipality but shall be secured solely by such liens

Said obligations shall be sold and their dates of maturity and interest fixed in accordance with existing law respecting obligations of such municipality

ARTICLE III

BOARDS OF DIRECTORS OPTIONAL

(a) Municipal Authorities shall Determine

Section 40 MUNICIPAL AUTHORITIES SHALL DETERMINE BODY TO MANAGE AND OPERATE Before the construction of a waterworks or electric plant shall be completed or before any such waterworks or electric plant shall be finally acquired by any municipality in accordance with the provisions of this act the municipal authorities shall determine whether they want the management and operation of such waterworks or electric plant to be under a department of such municipality or whether they want the same to be under a board of directors

(b) Creation of Board of Directors

Section 41 ORGANIZATION OF BOARD OF DIRECTORS If the municipal authorities shall determine that the management and operation of the waterworks or electric plant is to be under a board of directors they shall incorporate and cause to be organized a board of directors to so manage and operate such waterworks or electric plant

Section 42 METHOD OF INCORPORATION Whenever the municipal authorities shall desire to organize a board of directors under this act they shall adopt a resolution or ordinance signifying their intention to do so and setting forth in full the proposed articles of incorporation for such board Thereafter the municipal authorities shall cause a notice of such resolution or ordinance to be published at least one time in the legal periodical of the county in which such municipality is located and at least one time in a newspaper published or circulated generally in such municipality Said notice shall contain a brief statement of the substance of such articles making reference to this act and shall state that on a day certain not less than three days after publication of said notice articles of incorporation of the proposed board of directors will be delivered to the Secretary of the Commonwealth

On or before the day specified in said notice the municipal authorities shall deliver to the Secretary of the Commonwealth articles of incorporation together with proof of publication of the notices as aforesaid Said articles of incorporation shall set forth

(a) The name of the board of directors

(b) A statement that such board is created under this act

(c) The name of the incorporating municipality together with the names and addresses of its municipal authorities

(d) A brief description of the waterworks or electric plant to be managed and operated by the board

(e) The date on which the election of the first members of the board is to be held

Said articles of incorporation shall be executed by each incorporating municipality by its proper officers and under its municipal seal

If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the aforesaid notice endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles

The certificate of incorporation shall be conclusive evidence of the fact that such board has been incorporated but proceedings may be instituted by the Commonwealth to dissolve any board which shall have been formed without substantial compliance with the provisions of this section

Section 43 ELECTION OF DIRECTORS Upon the issuance of a certificate of incorporation of the board by the Secretary of the Commonwealth the municipal authorities shall give notice during at least thirty days by weekly advertisements in a newspaper published or circulated generally in said municipality and if no newspaper be published or circulated generally therein by at least twenty printed handbills posted in the most public parts thereof of an election to be held on a day to be by them fixed for the purpose of electing the members of the board to manage and operate the waterworks or electric plant to be acquired or constructed

Section 44 TIME OF ELECTION EXPENSE Such election shall be held at the place time and under the same regulations as provided by law for the holding of municipal or general elections The municipal authorities shall in all cases fix the time of holding such election on the day of the municipal or of the general election unless less than sixty or more than one hundred twenty days elapse between the date of issuance of a certificate of incorporation and the day of holding the said municipal or general election If any other day be fixed for such election the expense of holding the same shall be paid by the municipality for the benefit of which it shall be held

Section 45 NON-PARTY BALLOT TERMS The members of the board of directors shall be qualified electors of the municipality creating said board and shall be elected on a non-party ballot Five directors shall be elected two for terms of two years each and three for terms of four years each and until their successors are duly elected and qualified

The members shall take office and assume their duties immediately upon the completion of the construction or the final acquisition of the waterworks or electric plant to be managed and operated by the board but their terms shall run from the first Monday of January next succeeding such completion of construction or final acquisition Thereafter at the general or municipal election next preceding the expiration of the terms of the directors two or three directors as the case may be shall be elected for terms of four years each and until their successors are duly elected and qualified to take the place of those whose terms are about to expire Vacancies shall be filled by the municipal authorities for the unexpired term

Section 46 NOMINATION OF DIRECTORS Nomination of candidates may be made on petitions the form of which shall be prescribed by the municipal authorities In order to secure a valid nomination a nomination petition shall be signed by electors equal in number to at least five per centum of the highest vote cast for any office in the municipality at the last preceding municipal or general election Such nomination petitions shall be filed with the mayor or burgess at least thirty days before the election at which such nominees consent to become candidates If less than seven petitions sufficiently signed are filed with the mayor or burgess within the time herein specified the municipal authorities shall make additional nominations until the number of nominees is seven and shall then certify such nominees including all of those whose peti-

tions are sufficiently signed to the county commissioners at least twenty days before the election

Section 47 CONDUCT OF ELECTIONS The county commissioners shall print the names of nominees for the board on separate official ballots without any party designation and shall furnish sufficient number of such separate ballots to each election board in the municipality for which nominated so that one ballot can be furnished to each voter Each person voting at the election at which such persons are candidates shall be entitled to vote for five of the candidates whose names appear on such ballot and the five receiving the highest number of votes shall be elected The vote of an elector shall be indicated by a cross mark (X) in the square provided opposite the name of the candidate or candidates for whom he desires to vote

It shall be the duty of the inspectors of such election to receive such ballots and to deposit said ballots in a box provided for that purpose as is provided by law in regard to other ballots received at said election and the ballot so received shall be counted and a return thereof made to the clerk of the court of quarter sessions of the proper county duly certified as is required by law together with a certified copy of the articles of incorporation and the advertisement and the said clerk shall make a record of the same and furnish a certified copy thereof under seal showing the result to the municipal authorities of such municipality and the same shall be placed of record upon the minutes thereof

In receiving and counting and in making returns of the votes cast the inspectors judges and clerks of said election shall be governed by the laws of this Commonwealth regulating municipal or general elections and the vote shall be counted by the court of quarter sessions in the manner provided by law governing municipal or general elections and all the penalties of the said election laws for the violation thereof are hereby extended to and shall apply to the voters inspectors judges and clerks voting at and in attendance upon the elections held under the provisions of this act

(c) Powers of Boards of Directors

Section 51 GENERAL POWERS OF BOARD Every board of directors created under the provisions of this act shall be a body corporate and politic and shall be for the purpose of managing and operating the waterworks or electric plant acquired or constructed by the municipality creating the board Every board is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

I To have succession perpetually by its corporate name

II To sue and be sued implead and be impleaded complain and defend in all courts of the Commonwealth All actions by or against the board shall be brought in the court having jurisdiction over the municipality creating the board

III To adopt use and alter at will a corporate seal

IV To adopt by-laws to govern the proceedings of the directors and the affairs of the board to fix the time for regular meetings and to hold adjourned meetings and upon three days' written notice to each member of the board to hold a special meeting

V To appoint and employ and to dismiss at pleasure a secretary treasurer general manager attorney and such assistant attorneys superintendents experts operators workmen assistants stenographers clerks engineers surveyors laborers and employes as may be deemed necessary and proper to protect maintain improve and operate the waterworks or electric plant to fix their compensation to prescribe the amount and form of bond required of them and to approve the same

VI To maintain a principal business office which shall be conveniently located within the territorial limits of the municipality creating the board

VII To make and execute such contracts as shall be deemed necessary and proper in the exercise of the powers and privileges granted by this act and in the performance of the duties charged upon them No contract involving an expenditure of more than five hundred dollars ($500) shall be let except to the lowest responsible bidder after due advertisement for bids

VIII To purchase such materials and supplies as may be required for keeping the waterworks or electric plant under their management in good repair and have charge of all construction repairs enlargements and extensions of such works or plant and to conduct and manage the affairs and business connected with such works or plant in accordance with law

IX To designate and appoint a suitable and responsible depository or depositories for the deposit and safe keeping of the funds of the board and to contract with such depositories with respect thereto and the rate of interest to be paid the board on such deposits and to require such depositories to give bond for the safe-keeping of deposits

X To furnish deliver supply and sell water or electrical energy to the public and to any persons associations copartnerships municipal public or private corporations and to the Commonwealth or any subdivision or agency thereof Provided however That no sale of water or electrical energy shall be made outside the corporate limits of the municipality unless the corporate authorities of the political subdivision in which such service is to be rendered consent thereto.

XI To use and occupy any public highway street or road and private and public lands necessary to be used or occupied for the maintenance and operation of its waterworks or electric plant or any part thereof subject however to such reasonable local police regulations as may be imposed by ordinance adopted by the municipal authorities of the municipality in which such highwav street roads or land is located

XII To enter into contracts with companies individuals associations copartnerships or corporations for the furnishing and sale of water or electrical supplies fixtures and accessories and to fix reasonable rates to be charged therefor

XIII To examine and act upon all claims against the board to require examine and approve or disapprove monthly reports of operation and recommendations by the general manager to require examine approve or disapprove periodical reports made by the secretary and to make an annual budget

XIV To do all acts and things necessary or convenient to carry out the power granted to it by this act or any other acts

XV To connect with other waterworks or electric plants with the consent of the owner or owners thereof

Provided however That the board shall have no power at any time or in any manner to pledge the credit or taxing power of the municipality nor shall any of its obligations be deemed to be obligations of the municipality nor shall the municipality be liable for the payment of principal of or interest on such obligations

Section 52 RATES The board shall fix rates for water or electrical energy which shall be sufficient to operate the waterworks or electric plant in an efficient manner provide for the repair replacement and extension thereof pay the interest on any bonds or obligations issued by the municipality to finance the cost of constructing acquiring improving or operating such works or plant and provide for their retirement and all other costs and expenses properly chargeable to the operation of such works But such plants shall at all times be operated for the mutual benefit of the inhabitants of the municipality

Section 53 COLLECTION OF RATES The municipal authorities of the municipally acquiring or constructing the waterworks or electric plant shall provide by ordinance for the collection of all water or electric rates that may accrue fix the times when the same shall be payable and the penalties for non-payment Claims for such rates due may be registered in the lien docket of the municipality and may be collected in the same manner as unpaid taxes All such rates shall be collected by the board

Section 54 ANNUAL BUDGET SURPLUS The board shall annually within ten days after the financial statement of the board has been filed with the municipal authorities by the auditor or controller as the case may be submit to the municipal authorities a budget for the ensuing

year which shall include full estimates of the costs charges and expenses of any new work enlargement extension or alteration of the waterworks or electric plant and no such work shall be undertaken or prosecuted without the consent of the municipal authorities

All surplus in the hands of the board and not required for operating expenses of any approved new work enlargement extension or alteration of the works or plant and for reasonable reserve shall be paid over by the board to the municipal authorities for the use of the municipality

(d) Officers of Boards of Directors

Section 61 COMPENSATION OF DIRECTORS OATHS Each director shall receive such salary as may be fixed by the municipal authorities of the municipality creating such board Each member of the board before entering upon the duties of his office shall take and subscribe an oath before an officer authorized to administer oaths that he will honestly faithfully and impartially perform the duties of his office and that he will not be pecuniarily interested directly or indirectly in any contract concerning the business or affairs of the board Each member of the board shall also give bond to the Commonwealth for the use of the municipality in the penal sum of twenty-five thousand dollars ($25,000) with corporate surety conditioned for the faithful and honest discharge of his duties The premium on such bonds shall be paid from the funds of the municipality The oath and bond shall be filed with the prothonotary of the court

Section 62 ORGANIZATION OF BOARD QUORUM SEAL RECORDS The board shall upon assuming its duties and annually thereafter organize by the election of its members as chairman and one as vice-chairman and by electing a secretary who may or may not be a member of the board and a treasurer who may not be a member of the board The secretary and treasurer shall take and subscribe the same oath of office as the directors which also shall be filed with the prothonotary of the court Three directors shall constitute a quorum to do business and the concurrence of three directors shall be required to exercise any power or perform any duty required by this act

The boad shall keep a record of all its proceedings minutes of meetings certificates contracts and all corporate acts which shall be public records open to inspection during business hours The seal of the board shall be impressed on all contracts and official documents of the board

Section 63 DUTIES OF CHAIRMAN AND VICE-CHAIRMAN The principal duties of the chairman of the board duties of the secretary shall be

I To preside at all meetings of the board

II To sign all resolutions adopted by the board

III To sign all warrants for the payment of moneys and to sign execute and acknowledge as the case may require all contracts deeds leases or other instruments authorized by the board to be executed by or on behalf of the board

In the absence of the chairman or in the case of his inability to act the vice-chairman shall perform the duties of the chairman

Section 64 DUTIES OF SECRETARY The principal duties of the secretary shall be

I To give bond to the Commonwealth for the use of the board in an amount to be fixed by the board conditioned for the faithful performance of the duties of his office and the payment over and accounting of all moneys belonging to the board Such bond shall be filed with the prothonotary of the court

II To act as secretary of the board and keep a correct and proper record of all the business and proceedings thereof

III To record and sign all minutes of meetings of the board including all resolutions adopted by the board

IV To keep safely and systematically all records and files of the board and at the expiration of his term turn the same over to his successor

V To draw and countersign all orders and warrants for the payment of money by the treasurer to be signed by the chairman or vice-chairman

VI To keep safely the corporate seal of the board and to affix the same to all deeds leases conveyances or other instruments required to be sealed and executed by or on behalf of the board and to all certificates made by him as secretary

VII To sign execute and acknowledge with the chairman all contracts deeds leases and other instruments required by law or authorized by the board and

VIII To perform such other duties as may be imposed on him by law or by vote or resolution adopted by the board

Section 65 DUTIES OF TREASURER The principal duties of the treasurer shall be

I To give bond to the Commonwealth for the use of the board in an amount to be fixed by the board conditioned for the faithful discharge of the duties of his office to keep a just account of all deposits and expenditures and to pay over the whole amount of the funds belonging to the board to his successor in office

II To demand receive keep and account for all moneys and cerdits of the board

III To pay to persons entitled thereto the amounts called for in orders or warrents drawn upon him by the secretary of the board signed by the chairman or vice-chairman and countersigned by the secretary and to keep receipts vouchers and other suitable evidences of payment thereof

IV To keep accurate account of all moneys received and disbursed by him and to render accounts statements and inventories of moneys and credits received or disbursed or on hand and

V Generally to perform such duties pertaining to his office as the board of directors may require

(e) Audits

Section 71 DUTIES OF MUNICIPAL CONTROLLER OR AUDITORS At least sixty days prior to the adoption by any municipality creating a board of its annual budget the controller or auditors of such municipality as the case may be shall audit adjust and settle the accounts of the officers and tax collectors of the district

The controller or auditors shall prepare a statement thereof which shall contain an account of the last fiscal year and shall show a complete statement of the financial condition of the board

Section 72 SURCHARGES The amount of any balance or shortage or of any expenditure of a kind or made in a manner prohibited or not authorized by law which caused a financial loss to the board of the municipality shall be a surcharge against any officer against whom such balance or shortage appears or who by vote act or neglect has permitted or approved such expenditures

Section 73 ORDERS AND VOUCHERS TO BE MARKED "AUDITED" All orders and vouchers which have been paid shall on their presentation to the controller or auditors be cancelled by writing the word "audited" on the face thereof

Section 74 CONTROLLER OR AUDITORS TO ADVERTISE AND FILE STATEMENTS IN COURT The controler or auditors shall complete such audit adjustment and settlement as soon as possible and shall within ten days thereafter publish a summary of the receipts and expenditures of the several officers for the preceding year once in at least two newspapers circulating generally in the municipality The controller or auditors shall also within such period of ten days file a copy of the statement with the municipal authorities the secretary of the board and also with the prothonotary of the court which copy shall be at all times subject to public inspection A copy of such statement shall also be filed with the Secretary of Internal Affairs

Section 75 APPEALS FROM AUDIT It shall be lawful for the board the municipal authorities or any taxpayer of the municipality on its behalf or any officer whose account is settled or audited to appeal from the settlement or audit to the court within thirty days after the statement has been filed

Section 76 TAXPAYERS APPEALING TO ENTER BOND No appeal by a taxpayer or officer shall be allowed unless the appellant shall enter into bond in the sum of

five hundred dollars ($500) with sufficient surety to prosecute the same with effect and to pay all costs accruing thereon in case if the appellant be a taxpayer he shall fail to obtain a final decision more favorable to the municipality than that awarded by the controller or auditors or in case if the appellant be an officer he shall fail to obtain a final decision more favorable to the officer than that awarded by the controller or auditors

Section 77 TAXPAYERS MAY INTERVENE IN APPEALS Whenever an appeal has been taken from the report of the controller or auditors by the board of the municipal authorities or by any person charged in such report with any sum of money any taxpayer of the municipality may intervene in such appeal and either prosecute the same on its behalf or defend it against the appeal of the person so charged No taxpayer shall intervene unless he shall file in the court a bond with one or more sufficient sureties conditioned to indemnify the board against all costs accruing by reason of such intervention

Section 78 PROCEDURE ON APPEALS Any person interested may order the appeal upon the argument list and evidence may be taken before any person authorized to administer oaths upon rule for that purpose served upon the opposite party In any proceeding upon an appeal from a report of the controller or auditors of any board the accounts of the officer or officers in question may be investigated de novo and the burden shall be upon each officer whose accounts are involved in the appeal of establishing by evidence from original sources his right to credits claimed by him but the opposing party in such appeal may use any facts figures or findings of the report of audit as prima facie evidence against any officer

When more than one appeal from a report of such controller or auditors shall have been taken whether by the municipality an officer or officers of the board or by a taxpayer of the municipality or any or all of them the court shall upon petition of any party interested direct the several appeals to be disposed of in a single proceeding

Section 79 FRAMED ISSUES Whenever any matter of fact is in dispute the court is authorized to frame an issue for the trial thereof

Section 80 FINDINGS OF FACT AND LAW JUDGMENT After hearing the court shall file its findings of fact and law and enter judgment in accordance therewith and the judgment so entered may be enforced by any appropriate proceedings by the party prevailing

Section 81 EXCEPTIONS AND APPEALS Any person interested may except to the ruling of the court and may appeal therefrom to the Superior or Supreme Court as in other cases

Section 82 BALANCES DUE TO BE ENTERED AS JUDGMENT Any balance in any report of the controller or auditors against any officer of the board shall constitute a surcharge against such officer as fully as if expressly stated in said report to be a surcharge and the amount of any balance and of any express surcharge shall be entered by the prothonotay as a judgment against such officer and in favor of the municipality The prothonotary shall enter the amount of every balance or surcharge contained in any such report as a judgment Any taxpayer of the municipality may enforce the collection thereof for the benefit of the municipality by action or execution upon filing in the court a bond with one or more sureties conditioned to indemnify the municipality from all costs which may accrue in the proceedings undertaken by such taxpayer subject however to all rights of appeal from the report of the controller or auditors granted by this act

Section 83 ATTORNEY TO CONTROLLER OR AUDITORS The controller or auditors may employ an attorney in case of any disagreement with an official or board of officials whose accounts he is required to audit Such attorney shall not be employed until reasonable effort has been made to reach an agreement and only after notice of such contemplated employment has been given to such official or board

The compensation of such attorney shall be fixed by the controller or auditors and shall not exceed the sum of twenty dollars ($20) per day nor one hundred dollars ($100) in any case in dispute except when an appeal is taken in which case the court shall fix an additional compensation

The compensation of such attorney shall be paid by the board by warrant drawn by the controller or auditors upon the treasurer

Section 84 CONTROLLER OR AUDITORS MAY COMPEL ATTENDANCE OF WITNESSES The controller or auditors shall have power to issue subpoenas to obtain the attendance of the officers whose accounts they are required to adjust their executors and administrators and of any persons whom he or they may wish to examine as witnesses and to compel their attendance by attachment in like manner and to the same extent as any court of common pleas of this State may or can do in cases pending before them also to compel in like manner the production of all books vouchers and papers relative to such accounts Such subpoena may be served by any person and such attachement shall be served and executed by the sheriff of the county of the court of any constable

Section 85 CONTROLLER OR AUDITORS MAY ADMINISTER OATHS PENALTY The controller or auditors shall have power to administer oaths and affirmations to all persons brought or appearing before him or them whether accountants witnesses or otherwise and all persons guilty of swearing or affirming falsely on such examination shall be liable to the pains and penalties of perjury

Section 86 PERSONS REFUSING TO TESTIFY TO BE COMMITTED If any person appearing before such controller or auditors for examination shall refuse to take such oath or affirmation or after having been sworn or affirmed shall refuse to make answer to such questions as shall be put to him touching the accounts or the official conduct of such public officers or any of them such person so refusing may be committed by the controller or auditors to the county jail by warrant under his or their hand and seal directed to the sheriff or any constable of the county of the court setting forth particularly the cause of such commitment until he shall submit to be sworn or affirmed or to make answers to such questions or be otherwise legally discharged

Section 87 PAY OF WITNESSES Witnesses other than officers of the board attending before the controller or auditors and persons or officers serving subpoenas attachments or warrants shall be paid out of the board's treasury upon orders signed by the controller or auditors and drawn on the treasury the same fees as are payable for rendering similar services in civil proceeding before a justice of the peace

ARTICLE IV

MISCELLANEOUS PROVISIONS

Section 91 SAVING CLAUSE Nothing in this act shall be construed to abridge impar or limit the powers of cities boroughs and towns under existing laws

Section 92 CONSTITUTIONAL CONSTRUCTION The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. MORAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1223 as follows:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 851) entitled "An act fixing the pay and mileage of jurors and witnesses" increasing the pay and changing the mileage of jurors and witnesses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 851) entitled "An act fixing the pay and mileage of jurors and witnesses" is hereby amended to read as follows

Section 1 Be it enacted etc That from and after the time this act takes effect the pay of jurors in this Commonwealth shall be [three dollars ($3)] four dollars ($4.00) per day together with mileage at the rate of [six cents (6c)] five cents (5c) for each mile going to and returning from the county seat and the pay of witnesses shall be [two dollars ($2)] three dollars ($3.00) per day together with the mileage at the rate of five cents (5) for each mile going to and returning from the county seat

Section 2 This act shall become effective on the first day of January one thousand nine hundred and thirty-eight

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. VALIBUS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Mr. SIMON. Mr. Speaker, I desire to call up at this time House Bill No. 1016, Printer's No. 39, on page 17 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SIMON.

The House resumed the consideration on third reading of House Bill No. 1016, entitled:

An Act to amend section twelve of the act approved the twenty-second day of June one thousand nine hundred and thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended providing that the Commonwealth shall pay to the recorders of deeds prothonotaries and clerks of courts the fees provided by the act for filing with the Department of Revenue certain records.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. SIMON. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of further study.

The motion was agreed to.

STATEMENT BY MR. HERBERT B. COHEN

Mr. HERBERT B. COHEN asked and obtained unanimous consent to make the following statement:

Mr. Speaker, I remember sometime during the 1935 session, during a very heated debate, a certain gentleman, a member of this House, was accused of being well-fed. Since that time, however, it has developed, that that gentleman who was accused of being well-fed in reality is a well-feeder, and in order to pay homage to him I have joined with the gentleman from Bucks as the sponsor of a resolution.

RESOLUTION

THANKING HON. ELLWOOD J. TURNER

Messrs. HERBERT B. COHEN and STOCKHAM offered a resolution which was twice read, as follows:

In the House of Representatives, April 5, 1937

Whereas, The genial gentleman from Delaware enjoys good food, as his physique so abundantly testifies, and

Whereas, His generous spirit and sense of good fellowship so graciously overflow as to cause him to share this food with others, and

Whereas, He has invited all of the Members of this House to break bread with him at breakfast and to partake of that famous Delaware County sausage and scrapple, at which time the partisan spirit vanishes and the pangs of hunger are satisfied; therefore be it

Resolved, That the Members of this House hereby tender their thanks to their colleague, the Honorable Ellwood J. Turner, for the kindness and good-fellowship he has shown in the series of sausage and scrapple breakfasts to which all of the Members of this House have been invited.

On the question,

Will the House adopt the resolution?

Mr. REUBEN E. COHEN. Mr. Speaker, I am wondering whether my Siamese twin and friend, Herbert Cohen of York, will accept a slight amendment to this resolution. If so, I would like to add to the amendment where necessary the following words: "Buckwheat cakes with golden maple syrup."

On the question recurring,

Will the House adopt the resolution?

It was unanimously adopted.

Mr. TURNER. Mr. Speaker, I am really overcome. I only regret that tomorrow morning I will not arise at 7:30 o'clock and go out for a five mile walk in order to get ready for breakfast and having the pleasure of meeting some of the members of the House. I understand from one of the newspaper men who are always alert, that the real reason of this resolution is to start a second series. I might say that I long ago learned that unless you have something that goes over you had better not try to repeat it because sometimes the cook makes a mistake. I am only sorry that all of the members of the House were not present on a morning when Lehigh County came down to challenge the buckwheat cakes and sausage which we have been putting out in Harrisburg this session—in fact, this is an old Spanish custom which goes back many years. I remember some years ago, perhaps a history of this might be written into the record so that if I am not here the next session it will be there for somebody to shoot at—but back some ten years ago, Uncle George Williams, whom you younger fellows don't remember, but he used to sit over there and was one of the

well beloved members of this House, had some smoked hickory sausage brought down to Harrisburg and he invited some of the members of the House to come over to the Penn-Harris and have breakfast with him. After I saw that smoked hickory sausage and tried to sample it with the few remaining teeth I had, I thought that the boys would appreciate some good buckwheat cakes and sausage and invited them up to the restaurant that was running over on Third street, I don't know whether it is still in operation or not, but at that time some of the fellows patronized it, it being operated by Magnelli. I used to go up there and mix the batter and the other ingredients, but I have retired now, you know, on account of age and all that sort of thing and I now get the chef down at the Harrisburger to do it, but I used to go there and make the buckwheat cakes and cook the scrapple. It is really an art to cook scrapple. I am not going to bore you about how to do it but it is really an art to cook scrapple. The Greek cook at the restaurant didn't know anything about cooking scrapple and it was a terrible mess. So, as the years went on, we have gone down through the whole list and invited them all, the members of the House and the members of the Senate. If they didn't come it was all right with us, and if they did come it was all right with us. The fewer that came the more there was to eat for the rest of us. We never kicked either way.

After all I would just like to say this, I appreciate the spirit back of your kindness in passing this resolution. I don't know when there has been such unanimity in the House. Perhaps the gentleman of the press was right, that the salary measure got them ready and then that secondly the invitation did the rest. I have always thought seriously that after all we come here in this House as representatives from all over the State, we do not know each other by name, we may have served in other sessions and know men who have before to some extent, but the real opportunity to meet other men and work here together for the things that we believe are for the best interests of the people. We differ, but there is no reason why that difference should go down into anything personal. We ought to respect each others opinions as long as those are honest opinions and as long as they are formed after consideration, and if we can get together with the other fellow for breakfast I think it wears away edges, and it encourages an esprit de corps in the House. I know from past experiences whenever I meet members of the Legislature who have not been back to these recent sessions that the first thing that they ask is "How's the scrapple and sausage." Now that warms my heart. I am interested that they have had a good time and I am more interested in knowing that there is a feeling of friendship between us even though it comes from the lowly hog.

RESOLUTION

RECALLING HOUSE BILL No. 742 FROM THE GOVERNOR

Mr. HERBERT B. COHEN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives April 5, 1937.

Resolved (if the Senate concur) that House Bill No. 742, Printer's No. 419, entitled "A Supplement to the act approved the twentieth day of July one thousand nine hundred thirty-five (Appropriation Acts pages seventy-one) entitled 'An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred thirty-five' providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-seven and making appropriations to the Legislative Department for the legislative session of one thousand nine hundred and thirty-seven", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

SYMPATHY EXTENDED TO HON. MAHLON F. LaRUE

Mr. HESS offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, April 5, 1937.

On last Sunday afternoon, Samuel F. LaRue, father of our colleague, Hon. Mahlon F. LaRue, passed to the Great Beyond at the age of seventy years. A resident of Shillington, Berks County, he was interested in the business and civic life of that community for many years.

Resolved, That the members of the House of Representatives extend to the members of the family of Samuel F. LaRue, their sincere sympathy, and that a copy of this resolution be transmitted to Hon. Mahlon F. LaRue by the Chief Clerk of this House.

RESOLUTION

SYMPATHY EXTENDED

Mr. WELLIVER offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, April 5, 1937.

B. Witman Dambly a member of this House at the sessions of 1893 and 1895, from Montgomery County, passed to the Great Beyond at the age of 72 years.

He was a newspaper publisher, legislator, school director, justice of the peace and engaged in the real estate and insurance business.

He began his useful career at the age of 14 when he entered the employe of his father who publishd the "Neutralist" in the German language. Realizing the growing need for a local English newspaper he founded, after his father's death, the "Montgomery Transcript" in 1888, which is still published by one of his brothers.

Institutions in which he served as a trustee or director were the Penhurst State School, The Montgomery Trust Company of Norristown, Ursinus College and the Perkiomen Valley Mutual Fire Insurance Company. He was a charter member of the Press League of Bucks and Montgomery Counties and its treasurer for 32 years.

He had at all times an absorbing interest in the history of his community, was recognized as an authority on local history and the author of a number of important historical papers. He was a devout member of the Reformed Church.

His passing was not only a severe blow to his immediate family but also a loss to his community in which he was untiring in his efforts to improve its moral, religious and civic interests. His life was one of service to his fellowmen.

Resolved, That the members of the House of Representatives express their sincere sympathy to the family of the late B. Witman Dambly in the loss they have sustained by his death, and that a copy of this resolution be transmitted to the widow, Mrs. Hattie A. Dambly, 910 E Stafford Street, Germantown, Pa., by the Chief Clerk this House.

RESOLUTION

SYMPATHY EXTENDED

Messrs. FRANCIS T. BAKER, SIMPSON and FISS offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, March 30, 1937.

It is fitting that this body pause from its labors to pay respect to the memory of a veteran law maker, the Honorable Benjamin K. Focht, Congressman from the Eighteenth District of Pennsylvania, comprising the counties of Bedford, Fulton, Mifflin, Union, Snyder, Juniata, Perry and Huntingdon, who died of a heart attack in Washington on Saturday, March 27, 1937.

Congressman Focht was born in New Bloomfield on March 12, 1863. He commenced his public career at an early age, simultaneously with the founding, in 1882, of a weekly newspaper in the borough of Lewisburg. From 1892 until the day of his death, he was, with a few interruptions, engaged successively as a member of the State House of Representatives, a State Senator and a member of Congress.

He was one of the original advocates of pensions for the aged, having introduced his first bill on the subject twenty-two years ago, and recently in a speech on the floor of the House at Washington commended President Roosevelt for his stand in the matter.

The loss of Congressman Focht is keenly felt by his constituents, his associates, his friends and especially by his widow and immediate family; therefore, be it

Resolved, That the House of Representatives of Pennsylvania hereby record its regrets over the passing of another of its former Members, who has succeeded to higher honors, and has now entered the status of enternity; and, be it further

Resolved, That a copy of these resolutions be presented to the widow and surviving children of the Honorable Benjamin K. Focht with the sympathy of the Members of this House.

RESOLUTION

SYMPATHY EXTENDED

Mr. MARINO offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives April 5, 1937.

Whereas, Death has ended the useful career of William W. Hoyt, Mayor of the City of Washington. He had the distinction of being twice elected as Mayor of his city and of being its Chief Burgess while still operating under the borough form of government.

Born in Pittsburgh, he became a resident of Washington in 1890. He was a blacksmith by trade, learning his trade under the direction of his father and the year he landed in Washington he set up his own shop.

He took an active part in the civic affairs of his city and was one of its best known citizens, and was also active in fraternal circles.

Resolved, That the members of the House of Representatives extend to the family of Mayor Hoyt their sincere sympathy in the loss they have sustained and that a copy of this resolution be transmitted by the Chief Clerk of this House to the family.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 735

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 735, Printer's No. 93, entitled "An Act to further amend section two of the act approved the twenty-first day of April one thousand nine hundred fifteen (P. L. 140) entitled 'An act directing the county commissioners of the several counties to offer for sale to the Department of Forestry tracts of land which they may have purchased at county treasurers' sales for acceptance or refusal for forestry purposes and to convey to be sold if accepted by the department' by limiting the consideration to be paid for lands acquired."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 345 and 852

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 345, Printer's No. 31, entitled "An Act to further amend section one of the act approved the twenty-sixth day of April one thousand eight hundred and fifty-five (P. L. 309) entitled 'An act relating to damages for injuries producing death' by giving personal representatives the right to recover damages for hospital nursing medical funeral expenses and expenses of administration."

House Bill No. 852, Printer's No. 363, entitled "An Act to re-enact and amend the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 519) entitled 'An act authorizing and regulating the reorganization of banks and bank and trust companies, by extending its effective period.

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 554

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 554, Printer's No. 365, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. PEARSON. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. PIOLE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Piole, vote on the fintl passage of this bill?

Mr. PIOLE. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. Pearson vote on the final passage of this bill?

Mr. PEARSON. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. PEARSON. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. PEARSON. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 1, page 4, line 16 by striking out after the word "seven" the following: "and that section one thousand one hun-"

Amend section 1, page 4, line 17 by striking out the entire line

Amend section 1, page 4, line 18 by striking out the entire line

Amend section 1, page 4, line 19 by striking out the entire line

Amend section 1, page 16, line 25 by striking out after the word "fifty" and before the word "of" the following: "percentum"

Amend section 1, page 16, line 25 by inserting after the word "fifty" and before the word "of the following: "per centum

Amend section 1, page 36, line 10 by striking out after the word "Interest" and before the word "and" the following: "accured"

Amend section 1, page 36, line 10 by inserting after the word "Interest" and before the word "and" the word "accured"

Amend section 1, page 36, line 11 by removing the underscoring under the word "upon"

Amend section 1, page 37, line 1 by striking out at the beginning of the line the following: "[(c)"

Amend section 1, page 37, line 1 by inserting at the beginning of the line the following: "[(c)]"

Amend section 1, page 45, line 16 by underscoring after the word "[two-thirds]" and before the word "thereof" the word "one-third"

Amend section 1, page 47, line 1 by underscoring the following words at the end of the line "or a"

Amend section 1, page 47 line 9 by striking out after the word "of" and before the word "bank" the word "a"

Amend section 1, page 47, line 9 by inserting after the word "of" and before the word "bank" the word "the"

Amend section 1, page 47, line 9 by removing the underscoring under the word "bank"

Amend section 1, page 50, line 26 by striking out after the word "necessary" and before the word "and" the word "charge"

Amend section 1, page 50, line 26 by inserting after the word "necessary" and before the word "and" the word "charges"

Amend section 1, page 52 by inserting between lines 14 and 15 the following:

"[D. The limitations, herein prescribed, in respect to the percentage of the actual value of the property upon which a bank or a bank and trust company may lend on the security of, or invest in, bonds secured by mortgages upon real property, the term for which such loan may be granted, shall not apply to bonds secured by mortgages which are insured by, or for which a commitment to insure has been made, by the Federal Housing Administrator pursuant to the provisions for mutual mortgage insurance in title two of the National Housing Act for the purpose of financing the construction or purchase of dwellings and similar residential property, and the refinancing of mortgages.]"

Amend section 1, page 53, line 4, by striking out after the word "Not" and before the word "Special" the word "Under"

Amend section 1, page 53, line 4 by inserting after the word "Not" and before the word "Special" the word "under"

Amend section 1, page 62, line 11 by striking out after the figure "(8)" and before the word "secured" the word "Bond"

Amend section 1, page 62, line 11 by inserting after the figure "(8)" and before the word "secured" the word "Bonds"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time?

Is there objection?

The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a comunication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 553

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 553, Printer's No. 69, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE,

RECONSIDERATION OF VOTE

Mr. SCHOR. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. CAESAR. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Schor vote on the final passage of this bill?

Mr. SCHOR. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Caesar vote on the final passage of this bill?

Mr. CAESAR. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. SCHOR. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. SCHOR. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend the title, page 2, 16th line from the top by inserting after the word "supervision" and before the word "and" the following: "making further provisions with regard to appeals in certain proceedings"

Amend section 1, page 6, by inserting between lines 11

and 12 the following: "B. A violation by the secretary, deputy, deputy receiver, examiner, clerk, or other employe of the prohibitions of this section shall constitute sufficient ground for his removal from office. In addition, the secretary, deputy, deputy receiver, examiner, clerk, or other employe committing such violation shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be subject to imprisonment for a period not exceeding one year, or a fine not exceeding one thousand dollars, or both; he shall also be subject to a further fine of a sum equal to the amount of the gift, credit, loan, or other sum of money which he has directly or indirectly received in violation of this section."

Amend section 1, page 8, line 29 by striking out after the word "Reserve" and before the word "[or]" the word "Band"

Amend section 1, page 8, line 29 by inserting after the word "Reserve" and before the word "[or]" the word "Bank"

Amend section 1, page 12, line 3 by striking out at the beginning of the line before the word "shall" the following: "'sociation"

Amend section 1, page 12, line 3 by inserting at the beginning of the line before the word "shall" the following "sociations"

Amend section 1, page 14, line 7 by striking out at the beginning of the line before the word "employe" the word "officers"

Amend section 1, page 14, line 7 by inserting at the beginning of the line before the word "employe" the word "officer"

Amend section 1, page 14, line 14 by underscoring after the word "board" and before the word "majority" the word "a"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF RESOLUTION RECALLING HOUSE BILL No. 561

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 561, Printer's No. 385, for the purpose of amendment.

This resolution is unnecessary due to the fact that House Bill No. 561 was amended prior to its final passage so as to embody therein the amendments which were proposed to be made upon recall of the bill. In other words the amendments are already part of House Bill No. 561, Printer's No. 400 which is now awaiting the Governor's action.

GEORGE H. EARLE.

COMMUNICATION AND RESOLUTION LAID ON TABLE

Mr. REISING. Mr. Speaker, I move that the communication together with the resolution be laid upon the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 801.

An Act to amend sections one two and four section five as amended and section seven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 437) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" by bringing proprietors within the provisions of the act requiring effective cleaning agents and proper toilet facilities

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 4, page 3, line 20, by inserting after the word "had" the following: "typhoid fever for a period of sixty (60) days after the the attending physician has certified that he has completely recovered"; also in same line by inserting after the word "fever" the words "for a period of thirty (30) days after such exposure."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganset,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Arnold,	Gillette,	Mellott,	Sloan,
Aukerman,	Goraki,	Merrell,	Smith, James A.,
Baine,	Habbyshaw,	Mihm,	Smith, John A.,
Baker, F. T.,	Haberlen,	Moomaw,	Snyder,
Baker, J. J.,	Hagerty,	Mooney,	Sollenberger,
Balthaser,	Hall,	Moran,	Spengler,
Bierly,	Hamilton, F. P.,	Moul,	Sproul,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Boles,	Harmuth,	Murrin,	Stockham,
Boltz,	Hays,	O'Brien,	Strode,
Boose,	Hering,	O'Connor,	Terry,
Boyer,	Hess,	O'Keefe,	Thomas,
Bradley,	Hetrick,	Ominsky,	Thompson,
Brancato,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Chervenak,	Imbrie,	Picle,	Vogt,
Coakley,	Jirolanio,	Powers,	Wagner,
Cohen, H. B.,	Keenan,	Preston,	Wall,
Cohen, R. E.,	Kelso,	Readinger,	Walsh,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. K.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Wellives,

DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, H. T.,	Schrope,	Wood,
Eckels,	Matthews, J. F.,	Schumacher,	Woodside,
Elpern,	McArdle,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,
Finnerty,	McDermott,	Shea,	Yeakel,
Fiss,	McDevitt,	Shepard,	Yourishin,
Fitch,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 743.

An Act to provide for the leasing of land within the beds of streams, lakes and other bodies of water, wholly or partly within, or forming part of the boundary of this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth; and prescribing penalties.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 9, page 6, line 3, by inserting after the word "person" the following: "Nothing in this act contained shall be construed to vest in the said Board any power or authority heretofore vested by law in the Department of Wharves Docks and Ferries of cities of the first class or in the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries except in so far as they relate to the leasing and occupancy of State-owned land as provided in this act"

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Arnold,	Gillette,	Mellott,	Sloan,
Aukerman,	Gorski,	Merrell,	Smith, James A.,
Baine,	Habbyshaw,	Mihm,	Smith, John A.,
Baker, F. T.,	Haberlen,	Moomaw,	Snyder,
Baker, J. J.,	Hagerty,	Mooney,	Sollenberger,
Balthaser,	Hall,	Moran,	Spengler,
Bierly,	Hamilton, F. P.,	Moul,	Sproul,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Boles,	Harmuth,	Murrin,	Stockham,
Boltz,	Hays,	O'Brien,	Strode,
Boose,	Hering,	O'Connor,	Terry,
Boyer,	Hess,	O'Keefe,	Thomas,
Bradley,	Hetrick,	Ominsky,	Thompson,
Brancato,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Chervenak,	Imbrie,	Piole,	Vogt,
Coakley,	Jirolanio,	Powers,	Wagner,
Cohen, H. B.,	Keenan,	Preston,	Wall,
Cohen, R. E.,	Kelso,	Readinger,	Walsh,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, H. T.,	Schrope,	Wood,
Eckels,	Matthews, J. F.,	Schumacher,	Woodside,
Elpern,	McArdle,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,
Finnerty,	McDermott,	Shea,	Yeakel,
Fiss,	McDevitt,	Shepard,	Yourishin,
Fitch,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 999.

An Act providing for the appointment of a Commission to draft a report on a plan for the future government of the City of Philadelphia in accordance with a proposed amendment to the Constitution consolidating the City and County governments of the said City providing for the employment of certain persons by the Commission giving the Commission the power to subpoena witnesses books papers and records to hold hearings and making an appropriation.

HOUSE BILL No. 1235.

An Act to amend section four hundred seven of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing the method of designating and the qualifications of the depositories selected for the deposit of funds of counties of the second class.

HOUSE BILL No. 1309.

A Supplement to the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" creating the position of solicitor for the department of city controller.

HOUSE BILL No. 1335.

An Act regulating the employment and hours of employment of the Officers and members of the uniformed Fire protection forces of the Cities of the first class and repealing existing laws.

HOUSE BILL No. 653.

An Act to amend section five hundred thirty as amended and section five hundred thirty-two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" fixing the length of the term of certain officers appointed to fill vacancies.

HOUSE BILL No. 921.

An Act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws.

HOUSE BILL No. 925.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to accept and place in the corridor of the Capitol a plaque commemorating the services of Doctor Joseph Kalbfuss.

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 653.

An Act to amend section five hundred thirty as amended and section five hundred thirty-two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" fixing the length of the term of certain officers appointed to fill vacancies.

HOUSE BILL No. 921.

An Act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws.

HOUSE BILL No. 925.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to accept and place in the corridor of the Capitol a plaque commemorating the services of Doctor Joseph Kalbfuss.

HOUSE BILL No. 999.

An Act providing for the appointment of a Commission to draft a report on a plan for the future government of the City of Philadelphia in accordance with a proposed amendment to the Constitution consolidating the City and County governments of the said City providing for the employment of certain persons by the Commission giving the Commission the power to subpoena witnesses books papers and records to hold hearings and making an appropriation.

HOUSE BILL No. 1235.

An Act to amend section four hundred seven of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing the method of designating and the qualifications of the depositories selected for the deposit of funds of counties of the second class.

HOUSE BILL No. 1309.

A Supplement to the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" creating the position of solicitor for the department of city controller.

HOUSE BILL No. 1335.

An Act regulating the employment and hours of employment of the Officers and members of the uniformed Fire protection forces of the Cities of the first class and repealing existing laws.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. BURROWS, from the Committee on Townships, reported as amended, House Bill No. 1692, entitled:

An Act requiring the consent of the electors of a township of the second class when such township or any part thereof is to be annexed to a contiguous borough or city.

Mr. MELCHIORRE, from the Committee on Ways and Means, reported as committed, House Bill No. 2128, (Senate Bill No. 371), entitled:

An Act to amend section twenty-one of the act, approved the twentieth day of June, one thousand nine hundred nineteen (P. L. 521), entitled, as amended: "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," by providing for the filing of bond with the Department of Revenue and by limiting the amount to be retained by registers of wills for their own use for collection of inheritance taxes as agents of the Commonwealth.

Mr. BROWNFIELD, from the Committee on Ways and Means, re-reported as amended, House Bill No. 1043, entitled:

An Act to re-enact and amend the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (Pamphlet Laws, four hundred fourteen), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; im-

posing duties on executors, administrators, registers of wills, recorders of deeds, prothonotories, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation", as amended, by imposing annual taxes for State purposes for two additional years making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon modifying and further defining certain exemptions from said taxes.

ANNOUNCEMENTS

A meeting of the sub-committee on Motor Vehicles to consider the new Motor Code will be held tomorrow morning at 10 a. m. in the House conference room in the rear of the House. The following members are asked to attend: Mr. McCullough, Mr. Rothenberger, Mr. Vogt, Mr. Shoemaker, Mr. Jacob Matthews, Mr. Huntley and Mr. Aukerman.

There will be a public hearing on Tuesday, April 6, at 4 p. m. on House Bill No. 255 known as the Chiropractor Bill before the Committee on State Boards in the House Caucus Room.

There will be a public hearing tomorrow, April 6 at 6:45 p. m. on House Bill 1629, before the Committee on Forestry in the House Caucus Room.

Tomorrow, Tuesday, April 6, at 11 a. m. a public hearing on House Bill No. 1155, before the Committee on Banking in the House Caucus Room.

Tomorrow, April 6, at 12 noon, a public hearing on House Bill No. 1020 before the Committee on Judiciary General in the House Caucus Room.

A public hearing, tomorrow, April 6, at 8 p. m. on House Bills 588, 1039, 1178, and 1341 before the Committee on Judiciary General in the House Caucus Room.

Tuesday, April 13, at 8 p. m. on House Bill No. 608 before the Committee on Judiciary General in the House Caucus Room.

Committee meetings for tomorrow:

Agriculture 10 a. m. in Room 521.
Banking at 11 a. m. in Room 325.
Cities at 12 noon in Room 101.
Counties after the session in Room 324.
Game at 11 a. m. in Room 546.
Judiciary General at 10:30 a. m. in Room 325.
Municipal Corporations at 12 noon in Room 301.

ADJOURNMENT

Mr. MURRIN. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 a. m.

The motion was agreed to, and (at 12:35 a. m.) the House adjourned until Tuesday, April 6, 1937, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., TUESDAY, APRIL 6, 1937. No. 39.

SENATE

TUESDAY, APRIL 6, 1937

The Senate met at 12 o'clock a. m.

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, L. LD., offered the following prayer.

Our Father, we come before Thee with the passion of appeal within our hearts. Within our small horizons, a universe of worlds crowds in, an eternity intervenes within a score of years. With music and banners, amidst wild acclaim of millions who knew not why, a peace-loving nation marched into the horrors of war. As its aftermath, we find ourselves in a crazy world. God pity the warring, bleeding nations. Hasten the day when men shall beat their swords into plowshares, their spears into pruning-hooks. Help us here to study and apply the ways of peace. When the hungry ask for a fish, forbid that we offer a stone. May we press the message of Thy fatherhood, and the kinship of nations, the message of the Price of Peace. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RUPP, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

OPPOSING PASSAGE OF SENATE BILL NO. 461.

Communication from the Geneva Congregation of the Reformed Presbyterian Church, of Beaver Falls, Pa., protesting against the passage of the Sunday Fishing bill—Senate Bill No. 461.

FAVORING THE PASSAGE OF SENATE BILL NO. 341

Petition of numerous citizens of Rochester, Pa., urging the enactment of Senate Bill No. 341, amending the present liquor laws.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 6, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Phillip Jacobson, Pittsburgh, 2438 Carson St.
Edgar C. Schodde, Pittsburgh, 337 Taylor St.

BLAIR COUNTY

Miss Helen E. Fasick, Hollidaysburg.

BUTLER COUNTY

A. L. Findley, Butler.

CLINTON COUNTY

Miss Mary Blake, Lock Haven.

FRANKLIN COUNTY

Miss Charlotte M. Leidig, Chambersburg.
Miss Elinor B. Porterfield, Chambersburg.

LACKAWANNA COUNTY

Zigmunt Strzenewski, Throop.

PHILADELPHIA COUNTY

Mrs. Isabella M. Grant, Philadelphia, Land Title Bldg.
Frederick J. Helbling, Jr., Philadelphia, Tulip and Allegheny Ave.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 6, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

ALLEGHENY COUNTY

Miss Mabel E. Lewis, Pittsburgh, Children's Hospital of Pittsburgh, April 17, 1937.
Mrs. Emily Powell, Pittsburgh, 925 Grant Bldg., April 17, 1937.

PHILADELPHIA COUNTY

Samuel L. Sack, Philadelphia, 1420 Chestnut St., April 15, 1937.

Louis Davis, Philadelphia, 1233 S. Broad St., April 24, 1937.

Harry W. Raff, Philadelphia, 6646 Ogontz Ave., April 27, 1937.

GEORGE H. EARLE

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL NO. 801

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 801, entitled:

An Act to amend the title and sections one and two of the act, approved the twenty-sixth day of April, one thousand nine hundred and seventeen (P. L. 108), entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia, over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent, dependent, and neglected children: providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia; and repealing all acts or parts of acts inconsistent herewith," transferring the jurisdiction therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia.

with information that the House has passed same without amendments.

HOUSE CONCURS IN SENATE BILL No. 743

He also returned to the Senate, Senate Bill No. 743, entitled:

An Act to amend sections five, six and twelve of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1059), entitled 'An act creating and establishing a fund for the care, maintenance and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," by providing for a secretary-treasurer in lieu of a secretary, and a vice president of the board; and establishing a method for determining classification of beneficiaries.

with the information that the House has passed same without amendment.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 653, entitled:

An Act to amend section five hundred thirty as amended, and section five hundred thirty-two, of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law fixing the length of the term of certain officers appointed to fill vacancies."

House Bill No. 925, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to accept and place in the corridor of the Capitol a plaque commemorating the services of Dr. Joseph Kalbfuss.

House Bill No. 1235, entitled:

An Act to amend section four hundred seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law" by providing the method of designating, and the qualifications of the depositories selected for the deposit of funds of counties of the second class.

House Bill No. 1335, entitled:

An Act regulating the employment and hours of employment of the officers and members of the uniformed Fire protection forces of the Cities of the first class and repealing existing laws.

House Bill No. 921, entitled:

An Act to enable cities of the first, second and second class A, incorporated towns, borough, and townships of the second class to govern and regulate by ordinance the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings used for human habitation and land appurtenant thereto; providing for the enforcement of such ordinances; and repealing existing laws.

House Bill No. 999, entitled:

An Act providing for the appointment of a Commission to draft a report on a plan for the future government of the City of Philadelphia, in accordance with a proposed amendment to the Constitution, consolidating the City and County governments of the said City; providing for the employment of certain persons by the Commission; giving the Commission the power to subpoena witnesses, books, papers and records; to hold hearings; and making an appropriation.

House Bill No. 1309, entitled

A Supplement to the act, approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20), entitled "Second Class City Law," creating the position of solicitor for the department of city controller.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEE

Mr. HOMSHER, from the Committee on State Boards, reported as committed, Senate Bill No. 770, entitled:

An Act to re-enact and amend the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 1046), entitled "An act appropriating the moneys in the Motor License Fund," as amended, by making the moneys in the Motor License Fund available to the Pennsylvania Motor Police to defray all expenses required by such agency in the proper conduct of its work.

Also, from the Committee on State Boards, reported as committed, Senate Bill No. 769, entitled:

An Act to amend the title and the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (P. L. 414), entitled "An act providing for a system of recording the identification of persons convicted of crime, and of fugitives from justice, and habitual criminals; conferring powers and imposing duties upon the Pennsylvania State Police, district attorneys, police officers, wardens or keepers of jails, prisons, workhouses, or other penal institutions, and sheriffs; providing for the payment of certain expenses by the counties; and imposing penalties," by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act.

Mr. HOMSHER. Mr. President, Senate Bill No. 770 and Senate Bill No. 769 have been reported from Committee with the recommendation that the same be re-referred to the Committee on State Government, for the reason that there are several bills of a similar nature in that Committee which should be considered with these two bills.

The PRESIDENT. Senate Bill No. 770 and Senate Bill No. 769 are re-referred to the Committee on State Government.

Mr. WOODWARD, from the Committee on Public Health, reported as committed, Senate Bill No. 507, (House Bill No. 1054), entitled:

An Act to amend section seven as amended sections nine and thirteen sections fourteen and eighteen as amended section nineteen and sections twenty-one and twenty-two as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by further regulating the contents and registration of birth certificates and death certificates and the giving of certified copies thereof providing for the registration of birth certificates of children of citizens born beyond the limits of the United States and of special certificates for adopted children and fixing fees for certified copies thereof imposing additional duties upon the local registrars and providing compensation therefor payable by the Commonwealth authorizing the Department of Health to issue certified copies of the records of local registrars in cities of the first class and increasing existing penalties and imposing new penalties

Mr. OWLETT, from the Committee on County Government, re-reported as committed, Senate Bill No. 79, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," requiring all county officers hereafter appointed or elected upon the expiration of their terms to pay over to the county treasurer all moneys in their possession for which they are liable to account under their respective bonds together with a statement thereof and providing for the payment out of such moneys, providing for the escheat of certain moneys held in the county treasury and releasing such county officers.

Mr. REED, from the Committee on State Boards, reported as amended, Senate Bill No. 341, entitled:

An Act to re-enact and further amend the title and the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of fees; and imposing penalties;" further regulating the manufacture, sale, importation, use and traffic in liquors, alcohol and malt and brewed beverages; conferring additional powers and imposing additional duties on the Pennsylvania Liquor Control Board; further regulating those licensed under this act; imposing additional filing fees and increasing fees for certain permits, and providing for the dispositon thereof; further regulatng the establishment of State liquor stores and the employment and use of personnel by the board; regulating and providing the procedure for the granting, transfer, revocation and suspension of licenses and for compromises in certain cases and the disposition of moneys arising therefrom; providing for the forfeiture of certain property; regulating the jurisdiction of courts and local option procedure; prohibiting certain interlocking business; and providing penalties.

Also, from the Committee on State Government, reported as committed, Senate Bill No. 610, entitled:

An Act providing for the creation of a legal holiday on September 17, 1937, to be known and observed as "Constitution Day."

Mr. HALUSKA, from the Committee on State Boards, reported as amended, Senate Bill No. 342, entitled:

An Act to re-enact and amend the act, approved the nineteenth day of February, one thousand nine hundred twety-six (Pamphlet Laws, sixteen), entitled, as amended, "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits;also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act;" further regulating the manufacture, sale, use and traffic in alcohol and alcoholic liquids; conferring additional powers and imposing additional duties upon the Pennsylvania Liquor Control Board; further regulating those licensed under this act; imposing filing fees; changing the method of calculating certain license fees; providing for the use of the word "license" instead of "permit"; regulating and providing the procedure for the granting, suspension and revocation of licenses, and for compromises in certain cases; providing for the disposition of fees, compromise penalties and forfeitures; regulating the jurisdiction of courts; and providing penalties.

Also, from the Committee on State Boards, reported as committed, Senate Bill No. 417, entitled:

An Act to amend section four hundred and eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34) entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties

upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of fees; and imposing penalties," as re-enacted and amended, changing the hours during which liquors may be sold by hotel, restaurant and public service licensees.

Mr. JASPAN, from the Committee on Public Health, reported as committed, Senate Bill No. 766, (House Bill No. 1053), entitled:

An Act to amend section one as re-enacted, sections two and three as amended, sections four and five, and section six as amended, of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies," by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania; providing further for the distribution and use of unclaimed human bodies; fixing the time for the claiming and distribution of bodies, and the duties of carriers of bodies; requiring those receiving bodies to give bond; and providing penalties.

Mr. RUTH, from the Committee on Municipal Government, reported as amended, Senate Bill No. 181 (House Bill No. 232), entitled:

An Act validating municipal claims of cities and boroughs where not filed within the time specified by law.

Mr. WOLFENDEN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 182 (House Bill No. 233), entitled:

An Act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since original claims were filed or a prior revival thereof made.

Mr. MUNDY, from the Committee on Public Health, reported as amended, Senate Bill No. 388, entitled:

An Act to further amend sections two three and four of the act, approved the eighth day of May, one thousand nine hundred and nine (P. L. 470), entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs; defining the word "drug"; prescribing penalties for violation of this act, and the method of its enforcement," by further defining the standards for drugs and adulteration of drugs.

Also from the Committee on County Government, reported as committed, Senate Bill No. 810, entitled:

An Act to amend section eight hundred twenty-four and section nine hundred and five as amended, of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by changing certain provisions relating to the borrowing of money for the acquiring and rebuilding of certain bridges, and for the purchase and improvement or construction of public highways, bridges, tunnels, subways and underground roads.

Mr. HENNEY, from the Committee on Public Health, reported as committed, Senate Bill No. 516, entitled:

An Act making an appropriation to the Department of Health for the purchase and distribution of vitamin products.

Mr. RANKIN, from the Committee on County Government, reported as amended, Senate Bill No. 732 (House Bill No. 1344), entitled:

An Act to amend sections five hundred and fifty-one. six hundred and seventy-five and six hundred and seventy-six of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," by extending authority therein granted to include leasing of real property."

Mr. RICE, from the Committee on State Boards, reported as amended, Senate Bill No. 343, entitled:

An Act to re-enact and further amend the title and the act, approved the third day of May one thousand nine hundred and thiry-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Pennsylvania Liquor Control Board, quarter sessions court, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts;" defining and further defining and regulating licensees, application for licenses and sales by licensees; and providing for the licensing of package retailers, and fixing fees for such licenses, and for amusement permits; regulating the granting, suspension, revocation and transfer of licenses and the procedure therefor; and conferring jurisdiction on certain courts; providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the county treasurer, and prescribing the powers and duties of said board; providing for compromises where licenses are suspended and for the disposition of application, license, permit fees, forfeitures and penalties; and providing penalties.

Mr. RICE. Mr. President, Senate Bill No. 343 is reported with the understanding that after two readings it will be recommitted to the Committee from which it came.

Also from the Committee on State Boards, reported as committed Senate Bill No. 681, entitled:

An Act to amend section five of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (1933-1934 P. L. 13), entitled "An act creating and dependent administrative board to be known as the Pennsylvania Liquor Control Board," by making further provision with respect to the fidelity bonds of the members, secretary and employes of the board.

BILLS INTRODUCED

Mr. MALLERY read in his place and presented to the Chair Senate Bill No. 846, entitled:

An Act making an appropriation to the Department of Military Affairs to pay the traveling expenses of the respective Commanders of the Pennsylvania Departments of the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of

the World War, or their representatives, in accompanying the members of the United States Battle Monuments Commission to Europe to dedicate certain monuments.

Which was committed to the Committee on Appropriations.

Mr. EROE read in his place and presented to the Chair Senate Bill No. 847, entitled:

An Act to amend section five hundred thirty-eight, and sections five hundred forty and five hundred forty-one as amended, and to repeal section five hundred thirty-nine of the act, approved the eighteenth day of May, one thousand and nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for taxation in school districts of the second, third and fourth class on the basis of assessments and valuations for county purposes.

Which was committed to the Committee on Education.

Also read in his place and presented to the Chair Senate Bill No. 848, entitled:

An Act to amend section 1551 and to repeal sections 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, and 2521, of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing for taxation in such cities on the basis of assessments and valuations for county purposes.

Which was committed to the Committee on Municipal Government.

Mr. KILGALLEN read in his place and presented to the Chair Senate Bill No. 849, entitled:

An Act authorizing cities, boroughs, towns and townships to apply for the use of Work Progress Administration funds, for the construction, reconstruction and repair of buildings and structures for public use on lands not owned by them, and to provide additional funds from private or semi-private sources or by appropriations of public funds.

Which was committed to the Committee on Judiciary General.

Mr. LAW. Mr. President, in presenting these bills, I would like to make a statement. For a number of years it has been an embarrassment to attorneys that there has been no codification of the Criminal Code in this State. With that in view, the Attorneys General Crime Conference which has been working for the past four months, and previous to that time the Attorney General designated three members of the faculty of the Law School of Pennsylvania to prepare a codification of the law for presentation of the legislature. That codification is now ready for presentation.

As to the codification of the Penal Laws, it has been prepared by former Dean Michael of the Universtiy of Pennsylvania, and as to the criminal procedure, Mr. Edward R. Keating. In the main, as to the Penal Code, it is simply a codification of the law as it stands. There has been an attempt made to relate various provisions of punishment to each other, so that no longer no minor offense will be punishable with three or four times the penalty given for some grave and serious offense. However, these bills are very important to the legal profession and to all the people of Pennsylvania, and I know they will be given an extensive study and hearing before the Committee on Judiciary General.

Mr. LAW read in his place and presented to the Chair Senate Bill No. 850, entitled:

An Act to consolidate, revise and amend the penal laws of this Commonwealth.

Which was committed to the Committee on Judiciary General.

ALSO read in his place and presented to the Chair Senate Bill No. 851, entitled:

An Act establishing a Code of Criminal Procedure.

Which was committed to the Committee on Judiciary General.

ALSO read in his place and presented to the Chair Senate Bill No. 852, entitled:

An Act prohibiting the infliction of bodily harm to obtain information from persons charged with, or suspected of, the commission of crime, or with having knowledge thereof; and providing penalties.

Which was committed to the Committee on Judiciary General.

ALSO read in his place and presented to the Chair Senate Bill No. 853, entitled:

An Act defining the method of computing the aggregate minimum and maximum limits of consecutive sentences imposed upon persons convicted of crime.

Which was committed to the Committee on Judiciary General.

Mr. MUNDY read in his place and presented to the Chair Senate Bill No. 854, entitled:

An Act to protect the public health by prohibiting landlords from shutting off or causing to be shut off, the water from premises occupied by tenants.

Which was committed to the Committee on Public Health.

Mr. SIPE read in his place and presented to the Chair Senate Bill No. 855, entitled:

An Act supplementing the act approved the twenty-eighth day of July, one thousand nine hundred and thirty-six ,P. L. 79), and authorizing the Pennsylvania Historical Commission of the Department of Public Instruction to provide, plan, prepare, supervise and carry out a suitable program within and without Pennsylvania for the commemoration by the Commonwealth of Pennsylvania of the three hundredth anniversary of the earliest settlement, the first courts of law and the first capitol within what is now Pennsylvania; and making an appropriation therefor out of the Motor License Fund.

Which was committed to the Committee on Appropriations.

Mr. McCREESH read in his place and presented to the Chair Senate Bill No. 856, entitled:

An Act to amend the act, approved the eighteenth day of April, one thousand nine hundred and twenty-nine (P.

L. 549), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," by adding a new section thereto 11-A, providing that in counties of the first class, all appointments shall be equally divided between majority and minority commissioners.

Which was committed to the Committee on Elections.

Also read in his place and presented to the Chair Senate Bill No. 857, entitled:

An Act to further amend section one of the act approved the eleventh day of May, one thousand nine hundred eleven (P. L. 275), entitled "An act to provide for the appointment of county and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof," by eliminating certain conditions of removal of inspectors and providing for their appointment in counties of the first class.

Which was committed to the Committee on County Government.

Also read in his place and presented to the Chair Senate Bill No. 858, entitled:

An Act to amend subsections h and m of Section one of the act, approved the first day of June, one thousand nine hundred thirty-three (Pamphlet Laws one thousand one hundred forty-one) entitled "An act fixing and regulating the fees, commissions, mileage and other costs chargeable by sheriffs for their official acts and the services of their deputies, watchmen, appraisers and other agents; requiring prepayment of same, unless secured or chargeable to the county, and delivery of itemized receipts therefor; requiring certain payments by the counties, including the compensation of special deputies; providing for the taxation and collection of fees, commissions, mileage and other costs; requiring salaried sheriffs to account to their counties for certain fees and commissions collected; and repealing inconsistent laws, general, special or local," reducing the mileage chargeable by sheriffs for their official acts and the services of their deputies.

Which was committed to the Committee on County Government.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 859, entitled:

An Act authorizing courts in certain actions, to order the parties involved therein to submit to blood tests, and prescribing the manner in which the results of such tests may be used as evidence.

Which was committed to the Committee on Judiciary Special.

Also read in his place and presented to the Chair Senate Bill No. 860, entitled:

An Act supplementing the act of July twenty-second, one thousand nine hundred and thirty-six (P. L. 70), and authorizing the Pennsylvania Historical Commission of the Department of Public Instruction to provide, plan, prepare, supervise and carry out a suitable program throughout the Commonwealth of Pennsylvania and elsewhere for the Celebration of the 150th Anniversary of the Framing, the Signing, the Ratification by Pennsylvania and the Final Adoption and Establishment of the Constitution of the United States during the years 1937-38-39, and making an appropriation.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair Senate Bill No. 861, entitled:

An Act providing for the arrest and custody of persons folowed in fresh pursuit in this Commonwealth by peace officers of other states; and imposing certain duties on magistrates, aldermen and justices of the peace, and the Secretary of the Commonwealth.

Which was committed to the Committee on Judiciary General.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 743, entitled:

An Act to provide for the leasing of land within the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land is owned by the Commonwealth conferring powers and imposing duties upon the Water and Power Resources Board requiring lessees to establish an amortization fund for improvements placed or erected upon such land granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties.

House Bill No. 801, entitled:

An Act to amend sections one, two and four, section five as amended, and section seven of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties," by bringing proprietors within the provisions of the act; requiring effective cleaning agents and proper toilet facilities.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

RESOLUTION

DISAPPROVING THE POLICY OF WAGE CUTS AND LAY-OFFS ON W. P. A. PROJECTS

Mr. KUNKEL offered the following resolution, which was twice read:

Whereas, the cost of living in Pennsylvania has in nowise been reduced and

Whereas, private industry cannot at present absorb the unemployed and

Whereas, it is the stated objective of the Administration to assure everyone a living wage and

Whereas, wage cuts and lay offs are now taking place in Dauphin County, W. P. A. and other parts of the State.

Now therefore, be it resolved that the Senate go on record as disapproving the policy of wage cuts and lay offs of the W. P. A. in Dauphin County and in other parts of the Commonwealth of Pennsylvania and urge the immediate reversal of such policy.

Mr. KUNKEL. Mr. President, I move that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I object until I know what it is all about.

The PRESIDENT. The Chair hears objection. The resolution is referred to the Committee on Labor and Industry.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 22, as follows:

An Act to amend section one of and to add sections two and three to the act approved the nineteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" amplifying the powers of said commission to include the in-industrial and agricultural educational interest and other facilities advantages and attractions of the Commonwealth to provide for programs of information advertising and publicity to coordinate advertising activities and to provide for exhibits at fairs expositions and celebrations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the nineteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created a commission consisting of the Chairman of the Pennsylvania Historical Commission the Secretary of Forests and Waters the Secretary of Highways and four other persons appointed by the Governor to be known as the Pennsylvania State Publicity Commission whose duty it shall be to collect compile edit publish and distribute [a pamphlet or pamphlets] information and literature descriptive of points of scenic [and] historic industrial and agricultural educational interest in Pennsylvania and the other facilities advantages and attractions of the Commonwealth for the use of citizens and travelers

The sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission created by this act to pay the compensation of assistants and all costs and expenses incurred by the commission in compiling editing publishing and distributing the pamphlet or pamphlets provided for by this act

Section 2 That said act is hereby further amended by adding thereto the following sections

Section 2 The Commission shall have power to plan and conduct a program of information advertising and publicity which may include newspaper magazine outdoor and radio advertising both within and without the limits of the Commonwealth It shall encourage and co-ordinate the activities of public and private organizations societies and individuals engaged in publicizing the scenic and historic attractions and the industrial and agricultural educational interests and other facilities advantages and attractions of the Commonwealth or any subdivision thereof

Section 3 The Commission shall have full power either acting alone or in co-operation with other departments boards and commissions of the Commonwealth to advertise the scenic and historic attractions and the industrial and agricultural educational interests and other facilities advantages and attractions of Pennsylvania at fairs expositions and other celebrations within and without the Commonwealth and shall have and possess all the necessary powers to enter into leases for space or land and to enter into contracts for the construction of booths exhibits and buildings deemed necessary for the carrying out of this power and to expend appropriations made to it for any and all of said purposes

Section 3 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Lanius,	Roberts,
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Hexburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Howell,	Mundy,	Shapiro,
Dent,	Huffman,	Owlett,	Sipe,
DiSilvestro,	Jacobs,	Pierson,	Sones,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order.

The Senate resumed the consideration of Senate Bill No. 369, as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by defining professional employes and providing for and regulating the employment dismissal suspension and demotion of such employes and providing for appeal to the court of common pleas

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand two hundred and one of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania to-

gether with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 1201 The board of school directors in every school district in this Commonwealth shall employ the necessary qualified teachers to keep the public schools open in their respective districts in compliance with the provisions of this act

The term "professional employee" as used in this act shall include teachers supervisors supervising principals principals directors of vocational education dental hygienists visiting teachers school secretaries the selection of whom is on the basis of merit as determined by eligibility lists school nurses who are certified as teachers and any regular full-time employee of a school district who is duly certified as a teacher

Section 2 Section one thousand two hundred five of said act as last amended by section twenty-six of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (P. L. 243) is hereby further amended to read as follows

Section 1205 In all school districts [of the second third and fourth class] all contracts with [teachers] professional employees shall be in writing in duplicate and shall be executed on behalf of the board of school directors (or board of public education) by the president and secretary and signed by the [teacher] professional employee

[After the thirtieth day of June one thousand nine hundred and twenty-nine] Each board of school directors or board of public education in all school districts [of the second third and fourth class] in this Commonwealth shall within thirty days after the effective date of this act enter into contract in writing with all [teacher supervisors supervising principals and principals] professional employees now employed by them [and said contract] and thereafter shall in the same manner enter into contracts in writing with each professional employe at or before the time the employe first enters the service of the district Said contracts shall contain only the following

"IT IS AGREED BY and between

[Teacher] Professional Employee and the Board of Directors (or Board of Public Education) of the school district of Pennsylvania that said [teacher] professional employee shall under the authority of the said board and its successors and subject to the supervision and authority of the properly authorized superintendent of schools or supervising principals teach in the said school district for a term of months for an annual compensation of $ payable monthly or semi-monthly during the school term or year less the contribution required by law to be paid to the Teachers' Retirement Fund and less other proper deductions for loss of time

"This contract is subject to the provisions of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' and the amendments thereto [and to such regulations as the Board of School Directors of this district may impose consistent with the said act]

"And it is further agreed by the parties hereto that none of the provisions of this act may be waived either orally or in writing and that this contract shall continue in force year after year with the right of [the Board of Education or] the Board of School Directors (or Board of Public Education) to increase the compensation over the compensation herein stated from time to time as may be provided under the provisions and proper operation of the established salary schedule if any for the school district [or to change said salary] subject to the provisions of law without invalidating any other provision of this contract unless terminated by the [teacher] professional employee [at the close of the school term] by written resignation presented sixty days before [the close of the school term] resignation becomes effective or by the Board of School Directors (or Board of Public Education) by official written notice presented to the [teacher] professional employee sixty days before the close of the school term Provided That the said notice shall designate the cause for the termination and shall state that an opportunity to be heard shall be granted if the said professional employee within ten days after receipt of the termination notice presents a written request for such a hearing"

(a) The only valid causes for termination of a contract in accordance with the provisions of this section shall be Immorality incompetency intemperance cruelty wilful and persistent negligence mental derangement persistent and wilful violation of the school laws of this Commonwealth on the part of the professional employee or substantial decrease in the number of pupils or students due to natural causes Nothing within the foregoing enumeration of causes however shall be interpreted to conflict with the retirement of professional employees upon proper evidence of disability or the election by professional employees to retire during the period of voluntary retirement or the compulsion on the part of professional employees to retire at the attainment of age seventy

(b) Whenever it shall become necessary to decrease the number of professional employees by reason of substantial decrease of pupil population within the school district the Board of School Directors (or Board of Public Education) may suspend the necessary number of professional employees but only in the inverse order of the appointment of such employees No employee suspended as aforesaid shall be presented from engaging in other occupation during the period of such suspension Such professional employees shall be reinstated in the inverse order of their suspension No new appointments shall be made while there are suspended professional employees available

(c) All hearings under the provisions of this section or any other section of the school laws pertaining to the dismissal or the termination of contracts of professional employees shall be public unless otherwise requested by the party against whom the complaint is made

(d) Before any professional employee is dismissed or refused re-election by the board of school directors (or board of public education) the secretary of the school district shall furnish such professional employee with a detailed written statement of the charges upon which his or her dismissal or refusal of re-election is based together with a written notice signed by the president and attested by the secretary of the board of school directors of a time and place when and where such professional employee will be given an opportunity to be heard either in person or by counsel or both before the board of school directors (or board of public education) Such hearing shall be not sooner than ten (10) days nor later than fifteen (15) days after such written notice At such hearing all testimony offered including that of complainants and their witnesses as well as that of the accused professional employee and his or her witnesses shall be recorded by a competent disinterested public stenographer whose services shall be furnished by the school district at its expense Any such hearing may be postponed continued or adjourned by agreement by the persons charged and the board of school directors (or board of public education)

(e) The board shall have power to issue subpoenas requiring the attendance of witnesses at any hearing and shall do so at the request of the party against whom a complaint is made If any person shall refuse to appear and testify in answer to any subpoena issued by the board any party interested may petition the court of common pleas of the county setting forth the facts which court shall thereupon issue its subpoena commanding such

person to appear before it there to testify as to the matters being inquired into Any person refusing to testify before the court shall be held for contempt All testimony at any hearing shall be taken under oath and any member of the board of school directors (or board of public education shall have power to administer oaths to such witnesses

(f) After fully hearing the charges or complaints and hearing all witnesses produced by the board and the person against whom the charges are pending and after full impartial and unbiased consideration thereof the board of school directors (or board of public education) shall by a two thirds vote of all the members thereof to be recorded by roll call determine whether or not such charges or complaints have been sustained and whether the evidence substantiates such charges and complaints and in accordance with such determination shall discharge demote or refuse to reelect or retain such professional employee or shall dismiss the complaint

(g) No member of any board of school directors (or board of public education) shall vote on any roll call if he is related as father mother brother sister husband wife son daughter stepson stepdaughter grandchild nephew niece first cousin sister-in-law brother-in-law uncle or aunt to the professional employe involved or to any of the parties instituting the complaint

(h) A written notice of any decision of the board of school directors (or board of public education) discharging or refusing to re-elect a professional employee shall be sent by registered mail to such professional employee at his or her last known address within ten (10) days after such hearing is actually concluded

(i) In all cases where the final decision is in favor of the professional employee the charges made shall be physically expunged from the records of the board of school directors (or board of public education) and in all such cases there shall be no abatement of salary or compensation but a complete official transcript of the records of the hearing shall be delivered to the one against whom the charges were made

(j) In case the professional employee concerned considers him or herself aggrieved by the action of the board of school directors (or board of public education) an appeal by petition setting forth the grounds for such appeal may be taken to court of common pleas of the county wherein the school district concerned is situate Such appeal shall be filed within thirty (30) days of receipt by registered mail of the written notice of the decision of the board and a copy of such appeal shall be served by registered mail on the secretary of the school board (or board of public education) The judge of the court of common pleas to whom such petition is presented shall fix a date for a hearing by the court which shall be not sooner than ten (10) days nor more than twenty (20) days after the presentation of such petition If the professional employe aggrieved shall so request in his petition such hearing shall be de novo Upon the hearing of said petition the court shall make whatever order it considers just either affirming or reversing the action of the board of school directors and stating plainly whether the professional employe is to be discharged refused reelection or is to be retained

Section 3 That section one thousand two hundred five A of said act as last amended by section two of the act approved the seventh day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1576) is hereby further amended to read as follows

Section 1205-A The salary of any [teacher principal supervisor] district superintendent [or] assistant district superintendent or other professional employee as defined in this act in any of the school districts of the Commonwealth may be increased at any time during the term for which such person is employed whenever the board of school directors (or board of public education) of the district deems it necessary or advisable to do so but there shall be no demotion of any professional employee either in salary or in type of position without the consent of the said employee or if such consent is not received then such demotion shall be subject to the right to a hearing before the board of school directors (or board of public education) and an appeal in the same manner as hereinbefore provided in the case of the dismissal of a professional employee

Section 4 That section one thousand two hundred fourteen of said act as amended by section thirty of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1214 The board of school directors of any school district of the third or fourth class which has no district superintendent may employ [for a term not exceeding three years] a supervising principal of a part or all of the public schools of the said school district under and subject to the provisions of section one thousand two hundred five of this act Every supervising principal shall be properly certified by the Department of Public Instruction in accordance with such standards as the State Council of Education may establish

Section 5 That section one thousand two hundred fifteen of said act is hereby amended to read as follows

Section 1215 Two or more school districts may upon the nomination or joint nomination of the county superintendent or the district superintendent under whose supervision such districts may be joint in the employment of a supervising principal or of a supervisor or teacher of drawing music or other special subject for part or all of the schools of such districts such supervising principal supervisor or special teacher to be employed his compensation paid and his duties prescribed by the several districts employing him under and subject to the provisions of section one thousand two hundred five of this act

Section 6 No contract in effect at the enactment of this act shall be terminated except in accordance with the provisions of this act

Section 7 If any part or parts of this act shall be declared unconstitutional it shall not affect any other part or parts of this act

Section 8 That section one thousand two hundred four and section one thousand two hundred and eight of said act are hereby repealed All other acts and parts of acts inconsistent herewith are hereby repealed

Section 9 This act shall become effective immediately upon its passage by the General Assembly and its approval by the Governor.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Haluska,	Law,	Roberts,
Cavalcante,	Henney,	Mallery,	Rodgers,
Chapman,	Heyburn,	McCreesh,	Rupp,
Dando,	Howell,	McGinnis,	Ruth,
Deitrick,	Huffman,	Mundy,	Scarlett,
Dent,	Jacobs,	Owlett,	Shapiro,
DiSilvestro,	Jaspan,	Pierson,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gelder,	Kunkel,	Reed,	Thompson,
Gilson,	Lanius,	Rice,	Wolfenden,

NAYS—2

Buckman,	Homsher,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

REASONS FOR VOTE

Mr. LAW. Mr President, I would like to state for the record, on this bill, that while this is not a perfect bill it establishes a very essential principle; and any neces-

sary changes may be made later by amendment or otherwise taken care of. That is my reason for voting "Aye" on the bill.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 373, as follows:

An Act to amend the title and sections three four six seven eight nine ten eleven fourteen and eighteen of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred sixty-three) entitled "An act providing for a limited period of time for the incorporation as bodies corporate and politic of 'Authorities' for municipalities defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into the contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" by removing the date by which projects must be commenced removing certain restrictions against construction of projects extending the life of Authorities providing for the creation of Authorities by joint action of municipalities and townships regulating the number and terms of members of the governing boards of Authorities authorizing the Commonwealth and the political subdivision thereof to transfer certain contracts to the Authorities authorizing Authorities to accept and acquire certain contracts and limiting the powers of receivers appointed therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and sections three four six seven eight nine ten eleven fourteen and eighteen of the act approved the twenty-eight day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred sixty-three) entitled "An act providing for a limited period of time for the incorporation as bodies corporate and politic of 'Authorities' for municipalities defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" are hereby amended to read as follows

An Act providing for a limited period of time for the incorporation as bodies corporate and politic of "Authorities" for municipalities and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes

Section 3 Method of Incorporation Whenever the municipal authorities of any municipality singly or of one or more municipalities jointly shall desire to organize an Authority under this act they shall adopt a resolution or ordinance signifying their intention to do so and setting forth in full the proposed articles of incorporation thereof Thereafter the municipal authorities of such municipality or municipalities shall cause a notice of such resolution or ordinance to be published at least one time in the legal periodical of the county in which such Authority is to be organized and at least one time in a newspaper published and of general circulation in such county or counties Said notice shall contain a brief statement of the substance of said resolution or ordinance including the substance of such articles making reference to this act and shall state that on a day certain not less than three days after publication of said notice articles of incorporation of the proposed Authority will be filed with the Secretary of the Commonwealth of Pennsylvania

On or before the day specified in said notice the municipal authorities shall file with the Secretary of the Commonwealth articles of incorporation together with proof of publication of the notice as aforesaid Said articles of incorporation shall set forth

(a) The name of the "Authority"

(b) A statement that such Authority is formed under this act

(c) A statement that no other Authority organized under this act or under the act approved December twenty-seven one thousand nine hundred and thirty-three (Special Session one thousand nine hundred and thirty-three Pamphlet Laws one hundred fourteen) is in existence in or for the incorporating municipality or municipalities

(d) The name of the incorporating municipality or municipalities together with the names and addresses of its municipal authorities and

(e) The names addresses and terms of office of the first members of the board of said authority

All of which matter shall be determined in accordance with the provisions of this act Said articles of incorporation shall be executed by each incorporating municipality by its proper officers and under its municipal seal

If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the aforesaid notice endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles

Upon the issuance of such certificate of incorporation by the Secretary of the Commonwealth the corporate existence of said Authority shall begin Said certificate of incorporation shall be conclusive evidence of the fact that such Authority has been incorporated but proceedings may be instituted by the Commonwealth to dissolve any Authority which shall have been formed without substantial compliance with the provisions of this section

Any Authority heretofore created under the laws of the Commonwealth of Pennsylvania in addition to powers granted or conferred upon said authority shall possess all the powers provided in this act

Section 4 Purposes and Powers General Every Authority incorporated under this act shall be a body corporate and politic and shall be for the purpose of constructing improving maintaining and operating bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars [low cost housing] projects parks recreation grounds and facilities sewers sewer systems sewage treatment works water supply works swimming pools playgrounds lakes [low head] dams hospitals and subways (any and all the foregoing being herein called "projects") [Provided however That no authority shall be created and no project shall be begun after the expiration of two (2) years from the effective date of this act And provided further That the purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted by this act shall be exercised in the construction improvement maintenance extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes] Every Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes in-

cluding but without limiting the generality of the foregoing the following rights and powers

(a) To have existence for a term of [thirty-two] fifty years as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and to sell lease as lessor transfer and dispose of any property or interest therein at any time acquired by it

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

Provided however [that] That the Authority shall have no power at any time or in any manner to pledge the credits or taxing power of the Commonwealth of Pennsylvania or any political subdivisions nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions nor shall the Commonwealth of Pennsylvania or any political subdivision thereof be liable for the payment of principal of or interest on such obligations

Section 6 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the Authority shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the Authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to acquire the Authority to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the Authority and to require the Authority to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) bring suit upon the bonds

(c) by action or suit in equity require the Authority to account as if it were the trustee of an express trust for the bondholders

(d) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) by notice in writing to the Authority declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county shall have jurisdiction of any suit action or proceedings by the trustee on behalf of the bondholders Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the facilities of the Authority or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the Authority or the board might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the facilities of the Authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights Provided however That nothing in this section or any other section of this act shall authorize any receiver appointed pursuant to this act for the purpose of operating and maintaining any facilities of the Authority to sell assign mortgage or otherwise dispose of any of the assets of whatever kind and character belonging to the Authority It is the intention of this act to limit the powers of such receiver to the operation and maintenance of the facilities of the Authority as the court shall direct and no holder of bonds of the Authority nor any trustee shall ever have the right in any suit action or proceedings at law or in equity to compel a receiver nor shall any receiver ever be authorized or any court be empowered to direct the receiver to sell assign mortgage or otherwise dispose of any assets of whatever kind or character belonging to the Authority

Section 7 Governing Body The powers of each Authority shall be exercised by a governing body (herein called the "Board") composed as follows

If the Authority is incorporated by one municipality the board shall consist of five members each of whom shall be a citizen of [the] such municipality [for which the Authority is created] The [municipal authorities] governing body of such [municipalities] municipality shall appoint the members of the board one of whom shall serve for a year one for two years one for three years one for four years and one for five years from the January first next succeeding the date of incorporation Thereafter the [municipal authorities] said governing body shall at a meeting held [at least a] not later than one month [prior to] after January first [in each] following the year in which a vacancy occurs appoint as a member of the board a citizen of the municipality for which the Authority is created for a term of five years to succeed the member whose term expires on the January first next succeeding

If the Authority is incorporated by two or more municipalities the Board shall consist of a number of members equal to the number of municipalities incorporating the Authority but in no event less than five

The members of the board shall be appointed their terms staggered and vacancies filled in such manner as the articles of incorporation shall provide No member shall be appointed for a term longer than five years

Members may succeed themselves and shall receive such salaries as may be determined by the [municipal authorities] governing body or bodies of the municipality or municipalities but none of such salaries shall be increased or diminished during the term for which the member receiving the same shall have been appointed A member may be removed for cause by the court of quarter sessions of the county in which the Authority is located after having been provided with a copy of the charges against him for at least ten days and full hearing by the court [If a vacancy shall occur by reason of the death disqualification resignation or removal of a member the municipal authorities shall appoint a successor to fill his unexpired term]

[Three] A majority of the members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and for all other purposes and all action may be taken by vote of a majority of the members present unless in any case the by-laws shall require a larger number The board shall have full authority to manage the properties and business of the Authority and to prescribe amend and repeal by-laws rules and regulations governing the manner in which the business of the Authority may be conducted and the powers granted to it may be exercised and embodied The board shall fix and determine the number of officers agents and employes of the Authority and their respective compensation and duties and may delegate to one or more of their number or to one or more of said officers agents or employes such powers and duties as it may deem proper

Where any Authority has been created prior to the effective date of these amendments with a board composed of five members such board shall continue as the governing body of such Authority with all the powers conferred by this act The members of any such board shall hold the terms of office for which they were originally appointed and in case of a vacancy for any reason in the office of any member a successor shall be appointed for a full term of five years by the governing body of the municipality for which the Authority was created

Section 8 Moneys of the Authority All moneys of any Authority from whatever source derived shall be paid to the treasurer of the Authority Said moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies in one or more special accounts and each of such special accounts to the extent the same is not insured shall be continuously secured by a pledge of direct obligations of the United States of America of the Commonwealth or of the municipality or municipalities creating the Authority having an aggregate market value exclusive of accrued interest at all times at least equal to the balance on deposit in such account Such securities shall either be deposited with the treasurer or be held by a trustee or agent satisfactory to the Authority All banks and trust companies are authorized to give such security for such deposits The moneys in said accounts shall be paid out on the warrant or other order of the chairman of the Authority or of such other person or persons as the Authority may authorize to execute such warrants or orders The Department of Revenue of the Commonwealth and its legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of the Authority including its receipts disbursements contracts leases sinking funds investments and any other matters relating to its finances operation and affairs

Section 9 Transfer of Existing Facilities to Authority The Commonwealth the county or any city borough or township in the county may and they are hereby authorized to lease lend grant or convey to the Authority upon such terms and conditions as are mutually satisfactory to the Authority and the corporate authorities of the Commonwealth the county or any such city borough or township any existing bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars parks recreation grounds and facilities swimming pools sewers sewer systems sewage treatment works lakes or any part or parts thereof or any interest in real or personal property which may be used by the Authority in the construction improvement maintenance or operation of any project The Commonwealth the county or any city borough or township are also authorized to transfer assign and set over to the Authority any contracts which may have been awarded by said Commonwealth county city borough or township for the construction of projects not begun or if begun not completed

Section 10 Competition in Award of Contracts If any project or any portion thereof or any improvement thereof shall be constructed pursuant to a contract and the estimated cost thereof exceeds five hundred dollars such contract shall be awarded to the lowest responsible bidder after advertisement for bids The board may make rules and regulations for the submission of bids and the construction or improvement of any project or portion thereof No contract shall be entered into for construction or improvement of any project or portion thereof or for the purchase of materials unless the contractor shall give an undertaking with a sufficient surety or sureties approved by the Authority and in an amount fixed by the Authority for the faithful performance of the contract All construction contracts shall provide among other things that the person or corporation entering into such contract with the Authority will pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein provided the action is brought within one year after the time the cause of action accrued Nothing in this section shall be construed to limit the power of the Authority to construct any project or portion thereof or any addition betterment or extension thereto directly by the officers agents and employes of the Authority or otherwise than by contract

Subject to the aforesaid any Authority may (but without intending by this provision to limit any powers of such Authority) enter into and carry out such contracts or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof as the Authority may deem desirable or as may be requested by any Federal agency that may assist in the financing of such project or any part thereof Provided however That the provisions of this section shall not apply to any case in which the Authority has taken over by transfer or assignment any contract authorized to be assigned to it under the provisions of section nine of this act nor to any contract in connection with the construction of any project which the Authority may have had transferred to it by any person or private corporation

Section 11 Acquisition of Lands The Authority shall

have the power to acquire by purchase or eminent domain proceedings either the fee or such right title interest or easement in such lands as the Authority may deem necessary for any of the purposes mentioned in this act Provided however That no property devoted to a public use nor any property of a public service company property used for burial purposes places of public worship or (except in the case of a housing project) a dwelling house and the reasonable curtilage not to be less than three hundred feet appurtenant thereto shall be taken under the right of eminent domain And provided further That in event of the exercise of eminent domain for the purpose of establishing housing projects the [authorities] Authorities shall first acquire by purchase or option more than sixty-five per centum of the real property or site involved The right of eminent domain shall be exercised by the Authority in the manner provided by law for the exercise of such right by municipalities of the same class as the municipality or one of the municipalities by which such Authority was organized

Section 14 Termination of Authority When any Authority shall have finally paid and discharged all bonds which together with the interest due thereon shall have been secured by a pledge of any of the revenues or receipts of a project it may (subject to any agreements concerning the operation or disposition of such project) convey such project to the municipality or municipalities creating the Authority When any Authority shall have finally paid and discharged all bonds issued and outstanding and the interest due thereon and settled all other claims which may be outstanding against it it may convey all its property to the municipality or municipalities and terminate its existence A certificate requesting the termination of the existence of the Authority shall be filed in the office of the Secretary of the Commonwealth who if he approve shall note the termination of existence on the record of incorporation and return the certificate with his approval shown thereon to the board which shall cause the same to be recorded in the office of the recorder of deeds of the county Thereupon the property of said Authority shall pass to the municipality or municipalities and the Authority shall cease to exist

Section 18 If a project shall have been established under this act by a board appointed by a municipality or municipalities which project is of a character which the municipality or municipalities [has] have power to [itself] establish maintain or operate and such municipality [desires] or municipalities desire to acquire the same it or they may by appropriate resolution or ordinance adopted by the proper Authorities signify its or their desire to do so and thereupon the Authorities shall convey by appropriate instrument said project to such municipality or municipalities upon the assumption by the latter of all the obligations incurred by the Authorities with respect to that project

Section 2 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47.

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Scarlett,
Dando,	Howell,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	Woodward,
Gilson,	Lanius,	Roberts,	

NAYS—1

Ealy,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 626 as follows:

An Act to amend section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws 38) entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A and the removal of policemen in cities of the second class" further regulating the suspension and dismissal of policemen and firemen in cities of the second class A

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws 38) entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A and the removal of policemen in cities of the second class" which title and section were amended by the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1048) is hereby further amended to read as follows

Section 1 Be it enacted etc That no regularly appointed policeman in cities of the second class and no regularly appointed policeman or fireman in cities of the second class A shall be removed or dismissed without his written consent except by the decisions of court either of trial or inquiry duly determined and certified in writing to the mayor which court shall be composed of three persons belonging to the police or fire force equal or superior in official position therein to the accused Such decisions shall only be determined by trial of charges with plain specifications made by or lodged with the director of the department of public safety of which trial the accused shall have due notice and at which he shall have the right to be present in person and also by a brother officer to act as his counsel The persons composing such court shall be appointed as hereinafter provided and shall be sworn by the director of the department of public safety to perform their duties impartially and without fear or favor and the person of highest rank in such court shall have the same authority to issue and enforce process to secure the attendance of witnesses and to administer oaths to witnesses as is possessed by any jutice of the peace of this Commonwealth

Such charges may be of disability for service in which case the court shall be one of inquiry whose decisions may be for the honorable discharge from the service of the person concerned or of neglect or violation of law or duty inefficiency intemperance disobedience of orders [or] unbecoming official or personal conduct and in cities of the second class A intoxication while on duty in which cases the court shall be one of trial and its decision may authorize the director of the department of public safety to impose fines and pecuniary penalties to be stopped from pay or to suspend from pay or duty or both for a period fixed by them not exceeding one year or to dismiss from the service Provided That in cities of the second class A where the charge is intoxication while on duty and a trial court finds the defendant guilty the mayor shall suspend the convicted officer for a period of thirty days without pay Provided That the dependant has not been convicted of any similar offense within a period of five years last preceding the effective date of this statute

If the said fireman or policeman shall be convicted a second time on a charge of intoxication while on duty after the effective date of this act then the mayor shall suspend him for a period of six months without pay and upon the third conviction for intoxication while on duty

after the effective date of this act the mayor shall dismiss said fireman or policeman from the service

If the accused shall have been convicted once within five years last preceding the effective date of this act on a charge of intoxication while on duty then his first conviction after the effective date of this act on a charge of intoxication while on duty he shall be suspended for a period of six months without pay and upon his second conviction after the effective date of this act on a charge of intoxication while on duty the mayor shall suspend him for one year without pay and upon the third conviction after the effective date of this act on a charge of intoxication while on duty he shall be dismissed by the mayor from the service

If the accused shall have been convicted twice within five years last preceding the effective date of this act on charges of intoxication while on duty then upon his first conviction after the effective date of this act on a charge of intoxication while on duty he shall be suspended from the service without pay for a period of one year and upon his second conviction after the effective date of this act on a charge of intoxication while on duty he shall be dismissed from the service

If the accused shall have been convicted three or more times within five years last preceding the effective date of this act on charges of intoxication while on duty then upon his conviction after the effective date of this act on a charge of intoxication while on duty he shall be dismissed from service

In all cases involving intoxication while on duty the sentence shall be imposed by the mayor of said city of the second class A and a plea of guilty shall be considered a conviction for the purposes of this amendment and shall be in writing

It shall be lawful for the director of the department of public safety at his discretion to suspend from duty before trial any person charged as aforesaid until such trial can be had with or without pay as such court shall afterwards determine but no trial shall be delayed for more than one month after charge has been made

The finding of the court of trial or inquiry as aforesaid shall be of no effect until approved by the mayor except in cases of conviction for intoxication while on duty in cities of the second class A upon conviction of intoxication while on duty in such cities the trial board shall immediately certify its findings to the mayor who shall thereupon impose sentence on the convicted in the manner herein set forth

Section 2 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47.

Bean,	Gilson,	Lanius,	Roberts,
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Howell,	Mundy,	Shapiro,
Dent,	Huffman,	Owlett,	Sipe,
DiSilvestro,	Jacobs,	Pierson,	Sonas,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	

NAYS—0

A majority of all Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. SHAPIRO Mr. President, I ask unanimous consent that Senate Bill No. 49. on third reading, entitled:

An Act to amend clause one of section one of the act, approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred thirty-three (entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto" defining the Family Court of Philadelphia as a court having jurisdiction with respect to the care guidance control placement and commitment of delinquent neglected and dependent children' under sixteen years of age and eliminating the Municipal Court in the County of Philadelphia as a court having such jurisdiction.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 58 on third reading, entitled:

An Act to amend section eleven as amended and to repeal section ten of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 711), entitled "An act establishing a court for the county of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein, and appeals therefrom; and providing for the expenses thereof," taking from said court jurisdiction in civil and criminal actions and in equity.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 78 on third reading, entitled:

An Act to amend the act, approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" as amended, conferring jurisdiction on the Family Court of Philadelphia in proceedings for divorce and the annulment of marriages.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator if there is not a hearing to be held on these three bills.

Mr. SHAPIRO. Mr. President, that is correct.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator further if he does not think it proper, when the hearing is held, that the bills should be in the hands

of the Committee, and, therefore, that they should be recommittee so that they will be before the Committee, for this purpose.

Mr. SHAPIRO. Mr. President, I do not think so; I do not think it proper or necessary that they should be in the hands of the Committee at that time, because these bills transfer jurisdiction from the Municipal Court to an independent court to be created; and, inasmuch as the bill, the important bill, by which it is to be created is in the hands of the Committee, and this is a joint hearing, and the bill to abolish the existing court is also in the hands of the Committee, I see no reason why these bills on jurisdiction should be.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator if the hearing is not to be held on the subject matter of these bills as well as on the subject matter of the bills by which the new court is to be established.

Mr. SHAPIRO. Mr. President, I suppose, whether or not there should be a new court created, the question of jurdiction might become the subject of a discussion, but in a collateral way only.

Mr. BUCKMAN. Mr. President, inasmuch as the Senator admits these bills may become the subject of discussion, does he object to having the bills recommitted, so they will be in the hands of the Committee at the time of the hearing?

Mr. SHAPIRO. Mr. President, I do, because I do not think it is essential to the hearing for the bills to be before them; otherwise I would not have asked that they go over in their order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN. Mr. President, I ask unanimous consent that Senate Bill No. 235 (House Bill No. 50), on third reading, entitled:

An Act to amend Article twenty-four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN. Mr. President, I ask unanimous consent that Senate Bill No. 236 (House Bill No. 51), on third reading, entitled:

An Act to amend Article thirty-two of the act, approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for and regulating and issuance of non-debt revenue bonds to finance sewer improvements.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS OVER IN ORDER

Mr. KILGALLEN. Mr. President, I ask unanimous consent that Senate Bill No. 237 (House Bill No. 52) on third reading, entitled:

An Act to amend Article fifteen of the act, approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN. Mr. President, I ask unanimous consent that Senate Bill No. 238 (House Bill No. 53) on third reading, entitled:

An Act to amend Article twenty-one of the act, approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN. Mr. President, I ask unanimous consent that Senate Bill No. 239 (House Bill No. 60) on third reading, entitled:

An Act to amend the title and sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thouand two hundred eighty-six) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amorization of indebtedness and interest thereon" extending the provisions thereof to cities of the first class providing for the charging and collection of annual rentals for the use of sewers sewage system and sewage treatment works constructed or acquired jointly with other municipalities or furnished under contract by any authority.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EROE. Mr. President, I ask unanimous consent that Senate Bill No. 266 on third reading, entitled:

An Act creating in counties of the fourth, fifth, sixth, seventh and eighth classes a board for the assessment and revision of taxes, consisting of the county commissioners; defining the powers and duties of such board; regulating the assessment of persons, property, and occupations for county, city, borough, town, township, school, and poor purposes; authorizing the appointment of subordinate assessors, a solicitor, engineers, and clerks; providing for their compensation, payable by such counties; abolishing the office of city, ward, borough, and township assessors, so far as the making of assessments and valuations for taxation is concerned.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 384 (House Bill No. 476), entitled:

An Act abating certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the non-payment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years and all penalties imposed on such taxes for the tax years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six assessed and levied against any parcel or parcels of real estate and on delinquent poll occupation and per capita taxes levied for any of such years are hereby abated without the necessity of further action by the authority levying the tax if said delinquent taxes are paid as hereinafter provided This section shall not be construed to abate the interest accrued on the taxes for the years of one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six but no further interest shall be imposed on such taxes after the payment of the first installment as hereafter provided so long as the taxpayer complies with the provisions of this act

In order to receive the benefits of the installment system of payment provided by this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-six and for all previous years and of the accrued interest due on the one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six taxes shall be paid on or before the first day of November one thousand nine hundred and thirty-seven twenty per centum on or before the first day of November one thousand nine hundred and thirty-eight twenty per centum on or before the first day of November one thousand nine hundred and thirty-nine twenty per centum on or before the first day of November one thousand nine hundred and forty and the final twenty per centum on or before the first day of November one thousand nine hundred and forty and the final twenty per centum on or before the first day of November one thousand nine hundred and forty-one And provided That the respective current taxes on such parcel or parcels of real estate for the years subsequent to the year one thousand nine hundred and thirty-seven during such installment periods assessed and levied by such taxing authority shall be paid before they become delinquent for the purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event there shall become due and payable for such year a sum equal to one-fifth of the total amount of the abated penalties and interest in addition to the other payments required to be paid under this act during that year which said additional sum shall be payable and must be paid at the time the next succeeding installment payment becomes due under this act If such additional sum is not so paid then the total amount of the abated penalties and interest less the aggregate of any such additional sums theretofore paid shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act

Section 2 Any taxpayer may anticipate the payment of such delinquent taxes for the tax year one thousand nine hundred and thirty-six and previous years at any time on or before November first one thousand nine hundred and thirty-seven by paying the entire amount of such delinquent taxes and interest due on the one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six taxes and receive the benefit of this act and in such cases payment of the taxes assessed and levied for the year one thousand nine hundred and thirty-seven shall not be required at the time of such payment

Section 3 This act shall be construed to apply to all such taxes whether or not liens for such taxes had been returned for non-payment or have been filed in the office of the prothonotary of the county or proceeding for the collection of such taxes have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a tax sale or on a tax lien and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at a tax sale or on a tax lien and where the period of redemption has not expired The taxpayer shall be liable for the payment of all costs incurred except the solicitor's fees where liens for such taxes have been returned for nonpayment or have been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court

Section 4 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grantee transferee mortgagee or other party in interest in the parcel or parcels of real estate against which the above mentioned taxes have been assessed and levied

Section 5 Any taxpayer shall have the right to pay the delinquent taxes assessed and levied against any parcel or parcels of real estate without being required to pay the delinquent taxes assessed and levied against any other parcel or parcels of real estate in the same ward district or other municipal subdivision

Upon application either in person or in wrting by any taxpayer the tax levying authorities the tax collector the receiver or receivers of taxes or the person or persons charged with the collection of such delinquent taxes or the person or persons in whose custody the records of such delinquent taxes are kept shall furnish to such delinquent taxpayer a statement of the delinquent taxes owed by him to such municipal subdivision showing the face amount the penalty if any the interest if any and any costs or other charges in detail against such real property as shown by the records in his custody

Every collector of taxes whose duty it is to send to the respective taxpayers any notice or statement of their annual taxes shall include in each such notice or statement an additional notice or the date when the next installment payment is due under the provisions of this act

Section 6 In order to enable the taxpayer to receive the full benefits of this act no real property shall be sold for non-payment of taxes before November first one thousand nine hundred and thirty-seven and any tax sale shall be adjourned or re-adjourned as often as may be necessary for this purpose If any tax sale is adjourned or re-adjourned after advertisement no additional advertisement or notice shall be necessary for the adjourned or re-adjourned sale No such adjournment or re-adjournment failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act Provided however That in every case where a taxpayer avails himself of the privileges or benefits of this act the period during which payment of the said delinquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the said tax levying and assessing authorities to file preserve or maintain the lien of the said taxes

Section 7 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted

had such unconstitutional provision not been included herein

Section 8 The act approved the first day of May one thousand nine hundred and thirty-five (P. L. 129) as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-five (P. L. 444) and the act approved the fourth day of June one thousand nine hundred and thirty-six (P. L. 10) shall continue in full force and effect as to any and all taxpayers who have taken advantage of and are not in default in the provisions thereof All other acts and parts of acts general local and special inconsistent herewith be and the same are hereby suspended during the time this act shall be in effect

Section 9 Nothing in this act shall be so construed as to prevent any taxpayer who has heretofore taken advantage and accepted the benefits of any of the acts referred to in section eight and who at the time this act becomes effective has lost all future rights benefits privileges and opportunities under such act from taking advantage and receiving the benefits of this act in the same manner as if such person had never attempted to comply with the provisions of such previous abatement act

Section 10 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. THOMPSON. Mr. President, I ask unanimous consent to amend Section 1, page 2, line , by striking out the words S "occupation and per capita"; amend Section 1, page 3, line 7, by inserting after the word "estate" the following: S "and on delinquent poll taxes levied"; amend Section 1, page 3, line 12, by striking out the word S "for" and inserting in lieu thereof: "For"; amend Section 2, page 4, line 4, by inserting after the word "taxpayer" the following: S "or owner having the right of redemption"; amend Section 4, page 5, line 9, by inserting after the word "mortgagee" the following: S "or owner having the right of redemption under a tax sale"; amend Section 4, page 5, line 12, by inserting after the word "levied" the following: S "whether separated or not"; amend Section 5, page 5, line 16, by inserting after the word "taxpayer" the following: S "or owner having the right of redemption"; amend Section 5, page 5, line 23, by inserting after the word "taxpayer" the following: S "or owner"; amend Section 5, page 5, line 28, by inserting after the word "taxpayer" the following: S "or owner"; amend Section 6, page 6, line 9, by inserting after the word "taxpayer" the following: S "or owner having the right of redemption under a tax sale"; amend Section 6, page 6, line 13, by inserting after the word "re-adjourned" the following: S "or right of redemption extended"; amend Section 5, page 5, by inserting between lines 21 and 22 the following: S "The county commissioners of each county may at their discretion and at the cost of the county cause to be published two times in not more than two newspapers of general circulation throughout the couny a notice to the taxpayers, giving a synopsis of the terms of this act, setting forth the benefits provided by the act and the necessary conditions required by the taxpayers in order to receive the same."; amend Section 5, page 6, line 15, by inserting after the word "re-adjourned" the following: S "or right of redemption extended"; amend Section 6, page 6, line 15, by inserting after the word "advertisement" the following: S "or sale"; amend Section 6, page 6, line 17, by inserting after the word "sale" the following: S "or right of redemption"; amend Section 6, page 6, line 17, by inserting after the word "re-adjournment" the following: S "or redemption"; amend Section 6, page 6, line 19, by inserting after the word "unpaid" the following: S "or sale had subject to redemption".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS RECOMMITTED

Mr. RUTH. Mr. President, I move that Senate Bill No. 405, on third reading, entitled:

An Act to amend sections three hundred forty-five three hundred forty-six and three hundred sixty-one as amended of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" further regulating reports of controllers to the Department of Internal Affairs and the preparation of annual budgets

be recommitted to the Committee on County Government for the purpose of further study.

Mr. KUNKEL. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELDER. Mr. President, I move that Senate Bill No. 408, on third reading, entitled:

An Act fixing a uniform fiscal year for counties (other than counties of the first and second classes) cities of the third class boroughs towns townships school districts (other than school districts of the first class) and poor districts and providing such necessary tax tax auditing and financial report provisions as required for the fixing of such uniform ycar and as result from the change of the fiscal year

be recommitted to the Committee on County Government.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

Mr. JACOBS. Mr. President, I move that Senate Bill No. 409, on third reading, entitled:

An Act to amend section one thousand and thirty-five as amended, and section one thousand and sixty-two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," further regulating reports of auditors and controllers.

be recommitted to the Committee on County Government.

Mr. JASPAN. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. KILGALLEN. Mr. President, I ask unanimous consent that Senate Bill No. 462 (House Bill No. 32) on third reading, entitled:

An Act to amend clause (b) of section three thousand two hundred and forty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended providing for compensation for members of joint sewer boards

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN. Mr. President, I ask unanimous consent that Senate Bill No. 465 (House Bill No. 679) on third reading, entitled :

An Act authorizing the abatement of certain interest charges, expenses and fees added to county city borough town township school district or poor district claims imposed or assessed for improvements or for the abatement of nuisances prohibiting the sale of real property for the non-payment of such claims for a certain period preserving the liens of such claims and providing for the extension thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 465 (House Bill No. 679), entitled:

An Act authorizing the abatement of certain interest charges, expenses and fees added to county city borough town township school district or poor district claims imposed or assessed for improvements or for the abatement of nuisance prohibiting the sale of real property for the non-payment of such claims for a certain period preserving the liens of such claims and providing for the extension thereof

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. KILGALLEN. Mr. President, I ask unanimous consent to amend Section 5, page 5, lines 16 and 17 by striking out the following: S "effective date of this Act" and inserting in lieu thereof "acceptance of the provisions of this act by any political subdivision" amend Section 5, page 5, lines 18, 19 and 20 by striking out the following: S "county commis-" in line 18 all of line 19 and the following: "newspaper published within such county" in line 20, and inserting in lieu thereof: "corporate authorities of the political subdivision shall have published in their official newspaper or newspapers and in the legal newspaper, if any"; amend Section 5, page 5, line 23 by striking out the following: S "Delinquent Taxpayers" and inserting in lieu thereof: "Property Owners"; amend Section 5, page 5, line 27 by inserting after the word "claims" the following: S "(such as street and sewer delinquent municipal claims)"; amend Section 5, page 6, lines 8 and 9 by striking out the following: S "any tax collector" and inserting in lieu thereof: "the undersigned".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. HENNEY. Mr. President, I ask unanimous consent that Senate Bill No. 526 (House Bill No. 1027) on third reading, entitled:

An Act regulating the recordation of assignments of mortgages in counties of the second class fixing the fees therefor and imposing certain powers and duties on the recorders of deeds of such counties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 539, entitled:

An Act to amend the act, approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by further regulating the affairs of such counties with respect to roads and providing that in certain cases county roads shall become and be maintained as city and borough streets and township roads.

And said bill having been read at length the third time, and agreed to,

On the question

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Lanius,	Roberts,
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Howell,	Mundy,	Shapiro,
Dent,	Huffman,	Owlett,	Sipe,
DiSilvestro,	Jacobs,	Pierson,	Sones,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 540, entitled:

An Act establishing certain public roads and streets as a State highway and providing for their construction re-

construction and maintenance by the Department of Highways subject to certain terms and conditions.

And said bill having been read at length the third time, and agreed to,

On the question

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Lanius,	Roberts,
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Howell,	Mundy,	Shapiro,
Dent,	Huffman,	Owlett,	Sipe,
DiSilvestro,	Jacobs,	Pierson,	Sones,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye' the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 558, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public schol system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the method of computing reimbursement to be made to school districts for the payment of high school tuition.

And said bill having been read at length the third time, and agreed to,

On the question

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Lanius,	Roberts,
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Howell,	Mundy,	Shapiro,
Dent,	Huffman,	Owlett,	Sipe,
DiSilvestro,	Jacobs,	Pierson,	Sones,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye' the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 559, entitled:

An Act to amend Article ten of the act, approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith, by requiring the Superintendent of Public Instruction to withhold appropriations from school districts until all reports required by law are filed and making permissive the withholding of appropriations from school districts failing to comply with health and safety regulations.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bean,	Gilson,	Lanius,	Rice,
Buckman,	Haluska,	Law,	Roberts,
Cavalcante,	Henney,	Mallery,	Rodgers,
Chapman,	Heyburn,	McCreesh,	Rupp,
Dando,	Howell,	McGinnis,	Ruth,
Deitrick,	Jacobs,	Mundy,	Scarlett,
Dent,	Jaspan,	Pierson,	Shapiro,
DiSilvestro,	Kahle,	Pytko,	Sipe,
Ealy,	Kilgallen,	Rankin,	Sones,
Eroe,	Kunkel,	Reed,	Stiefel,
Frey			

NAYS—3

Gelder,	Homsher,	Wolfenden,

A majority of all the Senators having voted "aye' the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 571, entitled:

An Act to amend section sixteen of an act, approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highway solely, at the expense of the Commonwealth and relieving the several townships of counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of author-

ity over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injury or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and all of acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as amended by empowering viewers appointed to ascertain and assess damages upon petition of the county commissioners or property owners to also assess any benefits

And said bill having been read at length the third time, and agreed to,

On the question

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Gilson,	Lanius,	Roberts,
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Howell,	Mundy,	Shapiro,
Dent,	Huffman,	Pierson,	Sipe,
DiSilvestro,	Jacobs,	Pytko,	Sones,
Ealy,	Jaspan,	Rankin,	Stiefel,
Eroe,	Kahle,	Reed,	Thompson,
Frey,	Kilgallen,	Rice,	Wolfenden,
Gelder	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye' the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 574 (House Bill No. 1183), entitled:

An Act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Lanius,	
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Salus,
Deitrick,	Howell,	Mundy,	Scarlett,
Dent,	Huffman,	Pierson,	Shapiro,
DiSilvestro,	Jacobs,	Pytko,	Sipe,
Eroe,	Jaspan,	Rankin,	Sones,
Ealy,	Kahle,	Reed,	Stiefel,
Frey,	Kilgallen,	Rice,	Thompson,
Gelder,	Kunkel,	Roberts,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 625, entitled:

An Act to add section four hundred and ninety-six to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" requiring counties to place in good condition and to care for neglected cemeteries.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. RUPP. Mr. President, I ask unanimous consent to amend title, page 1, line 7 of title, by striking out the word S "requiring" and inserting in lieu thereof "authorizing".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 696 (House Bill No. 1292), entitled:

An Act authorizing council in cities of the second class to make appropriations for the use of the Director of the Department of Supplies and his assistant providing for the deposit of such moneys from time to time in a special fund which may be drawn upon for certain purchases without prior approval.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Lanius,	Rodgers,
Buckman,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Howell,	Mundy,	Shapiro,
Dent,	Huffman,	Pierson,	Sipe,
DiSilvestro,	Jacobs,	Pytko,	Sones,
Ealy,	Jaspan,	Rankin,	Stiefel,
Eroe,	Kahle,	Reed,	Thompson,
Frey,	Kilgallen,	Rice,	Wolfenden,
Gelder,	Kunkel,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 697 (House Bill No. 1295), entitled:

An Act to amend sections one and two of the act, approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred sixty-seven) entitled "A supplementing to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March one thousand nine hundred and one regulating the certification recording advertising and proof of passage of legislative acts of councils and prescribing the effect of the production thereof when required as evidence" by allowing council to shorten the publications provided for.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. PYTKO. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. KAHLE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 698 (House Bill No. 1296), entitled:

An Act to amend section one of Article fifteen of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of cities of the second class" as amended furher regulating the giving of contracts relating to city affairs.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. PYTKO. Mr. President, I move that the question together with the further consideration of bill be postponed for the present.

Mr. KAHLE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 701 (House Bill No. 1311), entitled:

An Act to authorize cities of the second class to sue out writs of scire facias on certain tax liens to revive writs of scire facias on such liens or to revive judgments on such liens where more than five years have elapsed since said liens were filed or such judgments were entered or revived and to reduce such liens to judgment or to revive such judgments and providing for the revival and collection of such judgments

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rodgers,
Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Howell,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows

Senate Bill No. 22, entitled:

An Act to amend section one of and to add sections two and three to the act, approved the nineteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" amplifying the powers of said commission to include the industrial and agricultural educational interest and other facilities advantages and attractions of the Commonwealth to provide for programs of information advertising and publicity to co-ordinate advertising activities and to provide for exhibits at fairs expositions and celebrations.

Senate Bill No. 369, entitled:

An Act to further amend the act, approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commnowealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by defining professional employes and providing for and regulating the employment dismissal suspension and demotion of such employes and providing for appeal to the court of common pleas.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, April 5, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 12th, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 12th, at nine o'clock.

BILL OVER IN ORDER

Mr. THOMPSON. Mr. President, I ask unanimous consent that Senate Bill No. 372 on second reading, entitled:

An Act to amend section two hundred fourteen section two hundred sixteen as amended and section two hundred seventeen of the act, approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shal be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof, that are or may be inconsistent therewith" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 450, (House Bill No. 537), enittled:

An Act to amend section four hundred and eleven of the act, approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added providing for the attendance of pupils at certain exhibitions and places of interest at the expense of school districts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 506, (House Bill No. 1051), as follows:

An Act to amend section one section two and section five of an act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entitled "An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof" further defining water obstructions and enlarging the powers and duties of the Water and Power Resources Board by further providing for the regulation of any changes that in any manner diminish the cross current or cross section of any stream or body of water

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fifth day of June one thousnad nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entitled "An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof" is hereby amended to read as follows

Section 1 That the term "water obstruction" as used

in this act includes any dam wall wing-wall wharf embankment abutment projection bridge or similar or analogous structure or any other obstruction whatsoever in along across or projecting into or being in any stream or body of water wholly or partly within or forming part of the boundary of this Commonwealth except the tidal waters of the Delaware River and of its navigable tributaries

The word "construct" shall be taken to mean construct erect build place or deposit

Section 2 That section two of said act is hereby amended to read as follows

Section 2 From and after the passage of this act it shall be unlawful for any person or persons partnership association corporation county city borough town or township to construct any dam or other water obstruction or to make or construct or permit to be made or constructed any change therein or addition thereto or to make or permit to be made any change in or addition to any existing water obstruction It shall also be unlawful in any manner to change or diminish the course current or cross section of any stream or body of water wholly or partly within or forming a part of the boundary of this Commonwealth except the tidal waters of the Delaware River and its navigable tributaries without the consent or permit of the Water and Power Resources Board in writing previously obtained upon written application to said Commission therefore

Section 3 That section five of said act is hereby amended to read as follows

Section 5 Upon complaint or upon its own initiative the Water and Power Resourses Board shall have power to cause an investigation or examination to be made of any dam or other water obstruction now existing or hereafter constructed If the Board shall determine that such dam or water obstruction is unsafe or needs repair alteration or change in its structure or location or should be removed as being unsafe and not susceptible of repair or for any reason is derogatory to the regimen of the stream the Board shall in writing notify the owner or owners thereof of the repair alter change its structure or location or remove the same as the exigencies of the case may require such work to commenced and proceeded with to completion within such reasonable time as may be prescribed in such notice by the Board And it shall thereupon be and become the duty of such owner or owners to comply with the provisions of such notice

If said owner or owners notified as aforesaid shall neglect or refuse to make such repairs alterations change or changes in structure or location or to cause such removal or if said owner or owners cannot be found or determined then the Board may make such repairs alterations change or changes in structure or location or cause such removal and the Board may thereafter recover in the name of the Commonwealth from the owner or owners the said cost or expense in the same manner as debts are now by law recoverable

It is the Legislative intent that the provisions of this amendment shall extend to and include all types of water obstruction regardless of the date when they were constructed and whether or not the same were constructed by permission express or implied of the Commonwealth or of any authorized agency thereof and whether temporary or permanent and to all changes in the course current or cross section of any stream or body of water whether such change be temporary or permanent The Water and Power Resources Board is authorized and empowered to hold hearings subpoena witnesses perform any and all such acts make and enforce such rules and regulations and issue such orders not inconsistent with this act as it may deem necessary and proper for carrying out the purposes of this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 637, as follows:

An Act to further amend Article twenty of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by designating the type of contract which shall be used for certain employes in the Teachers Colleges and in the Cheyney Training School for Teachers in this Commonwealth and specifying the means whereby they may be dismissed

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Article twenty of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by section one of the act approved the twenty-fifth day of April one thousand nine hundred and twenty-nine (Pamphlet laws 712) is hereby further amended by adding at the end thereof a new section to read as follows

Section 2013 (a) All employes whose duties are definitely related to the instructional work of the State Teachers Colleges and the Cheyney Training School for Teachers including teachers supervisors advisers deans and similar employes shall be tendered contracts in writing in duplicate which shall be executed on behalf of the Board of Trustees by the president and secretary of said Board and signed by the employee The form of such contract shall be as follows

"IT IS AGREED by and between employee and the Board of Trustees of College that said employee shall under the authority of the said Board and its successors and subject to the supervision and authority of the properly authorized president serve in the said institution for a term of ..... months for an annual compensation of $..... payable monthly or semi-monthly during the school term or year less the contribution required to be paid to the teacher retirement fund

"IT IS FURTHER AGREED by the parties hereto that this contract shall continue in force year after year with the right of the Board of Trustees to increase the compensation over the compensation herein stated from time to time as may be provided under the provisions and proper operation of the established salary schedule if any for such institution or institutions without invalidating any other provision of this contract unless terminated by the employee by written resignation presented sixty days before the resignation becomes effective or by the Board of Trustees by official written notice presented to the employee sixty days before the date designated in the notice for termination of service Provided That the said notice shall designate the cause for the termination and shall state that an opportunity to be heard shall be granted before the Board of Trustees if the said employee within ten days after receipt of the termination notice presents a written request for such hearing"

(b) The only valid causes for termination of a contract in accordance with the provisions of this section shall be Immorality incompetency intemperance cruelty wilful negligence mental derangement persistent and wilful violation of law or the regulation of the Board on the part of the employee or substantial decrease in the number of pupils or students Nothing within the foregoing enumera-

tion of causes however shall be interpreted to conflict with the retirement of employees upon proper evidence of disability or the election by employees to retire during the period of voluntary retirement or the compulsion on the part of employees to retire at the attainment of age seventy

(c) All hearings under the provisions of this section pertaining to the dismissal or the termination of contracts of employees shall be public unless otherwise requested by the party against whom the complaint is made

(d) Before any employee is dismissed or refused reelection by the Board of Trustees the secretary of the Board shall furnish such employee with a detailed written statement of the charges upon which his or her dismissal or refusal of reelection is based together with a written notice signed by the president and attested by the secretary of the Board of a time and place when and where such employee will be given an opportunity to be heard either in person or by counsel or both before the Board of Trustees Such hearing shall not be sooner than ten (10) days nor later than fifteen (15) days after such written notice At such hearing all testimony offered including that of complainants and their witnesses as well as that of the accused employee and his or her witnesses shall be recorded by a competent disinterested stenographer whose services shall be furnished at no expense to the employee against whom the complaint is made Any such hearing may be postponed continued or adjourned by agreement by the persons charged and the Board of Trustees

(e) The Board shall have power to issue subpoenas requiring the attendance of witnesses at any hearing and shall do so at the requisition of the party against whom a complaint is made If any person shall refuse to appear and testify in answer to any subpoena issued by the board any party interested may petition the court of common pleas of the county setting forth the facts which court shall thereupon issue its subpoena commanding such person to appear before it there to testify as to the matters being inquired into Any person refusing to testify before the court shall be held for contempt All testimony at any hearing shall be taken under oath and any member of the Board of Trustees shall have power to administer oaths to such witnesses

(f) After fully hearing the charges or complaints and hearing all witnesses produced by the Board and the person against whom the charges are pending and after full impartial and unbiased consideration thereof the Board of Trustees shall by a two-thirds vote to be recorded by roll call determine whether or not such charges or complaints have been sustained and whether the evidence substantiates such charges and complaints and in accordance with such determination shall discharge demote or refuse to reflect or retain such employee or shall dimsiss the complaint

(g) A written notice of any decision of the Board of Trustees discharging or refusing to continue the services of said employee shall be sent by registered mail to such employee at his or her last known address within ten (10) days after such hearing is actually concluded

(h) In all cases where the final decision is in favor of the employee the charges made shall be physically expunged from the records of the Board of Trustees but a complete official transcript of the records of the hearing shall be delivered to the one against whom the charges were made and in all such cases there shall be no abatement of salary or compensation

(i) In case the employee considers himself or herself aggrieved by the action of the Board of Trustees an appeal by petition setting forth the grounds for such appeal may be taken to the State Council of Education Such appeal shall be filed within thirty (30) days of receipt by registered mail of the written notice of the decision of the Board and a copy of such appeal shall be served by registered mail on the secretary of the Board of Trustees The State Council of Education shall fix a date for a hearing de novo by the said Council or such other hearing group as it may designate for such purpose which shall be not sooner than ten (10) days nor more than twenty (20) days after the presentation of such petition Upon the hearing de novo of said petition the State Council of Education or hearing body designated by it shall make whatever orders it considers just either affirming or reversing the action of the Board of Trustees which order shall be in writing and shall be final

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 638, as follows:

An Act to further amend section four of the act approved the eighteenth day of June one thousand nine hundred and nineteen (Pamphlet Laws 498) entitled "An act defining consolidation of schools providing for the establishment and regulation of consolidated schools and providing for the transportation of pupils to and from consolidated schools" by making certain changes in the provisions for reimbursements by the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the second and third paragraphs of section four of the act approved the eighteenth day of June one thousand nine hundred and nineteen (Pamphlet Laws 498) entitled "An act defining consolidation of schools providing for the establishment and regulation of consolidated schools and providing for the transportation of pupils to and from consolidated schools" as last amended by section four of the act approved on the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 634) are hereby further amended to read as follows

Section 4

The Commonwealth in order to encourage the establishment and maintenance of approved consolidated elementary schools or approved consolidated junior high schools or approved joint consolidated schools shall as provided in this act pay annually from the treasury to school districts and unions of school districts maintaining or transporting pupils to and from such schools an amount determined by (a) the true valuation per teacher per district as provided by law and (b) a given per centum of the sum which has been expended during the previous school year by such a school district or union of school districts for transporting pupils of said schools to and from said schools as follows

The amount paid by the Commonwealth to a school district which has a true valuation per teacher of assessable property of fifty thousand dollars ($50,000) or less shall be seventy-five (75) per centum more than fifty thousand dollars ($50,000) to one hundred thousand dollars ($100,000) sixty (60) per centum and more than one hundred thousand dollars ($100,000) fifty (50) per centum After the first day of July one thousand nine hundred and thirty-nine if the Department of Public Instruction approves the transportation as to methods and means and the contracts provided therefor the Commonwealth will pay annually to the school district furnishing such transportation according to the following schedule of reimbursement To a school district which has a true valuation per teacher of assessable property of twenty-five thousand dollars ($25,000) or less ninety per centum (90%) more than twenty-five thousand dollars ($25,000) but not more than fifty thousand dollars ($50,000) eighty per centum (80%) more than fifty thousand dollars ($50,000) but not more than seventy-five thousand dollars ($75,000) seventy per centum (70%) more than seventy-five thousand dollars ($75,000) but not more than one hundred thousand dollars ($100,000) sixty per centum (60%) more than one hundred thousand dollars ($100,-

000) fifty per centum (50%) Provided That in case any of said school districts or union of said school districts has purchased or shall hereafter purchase an approved conveyance which is used exclusively for the transportation of school children to and from said schools said sum may include a reasonable charge for depreciation and repairs not to exceed in any year fifteen (15%) per centum of the cost of said approved school conveyance Provided That the State's share of depreciation and repairs shall not exceed two hundred dollars ($200) [one hundred dollars ($100)] per vehicle per year Provided further That the State's share for transportation shall not exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is transported to and from school Provided further That districts receiving reimbursement on the basis of seventy-five (75%) per centum and sixty (60%) per centum shall not receive more than four thousand dollars ($4,000) in any one school year from the State for transportation Provided further That districts receiving reimbursement on the basis of fifty (50%) per centum shall not receive more than three thousand dollars ($3,000) in any one year from the State for tranpsortation

After the first day of July one thousand nine hundred and thirty-nine the provision heretofore limiting reimbursement for transportation to a maximum of four thousand dollars ($4,000) in districts reimbursed on the basis of seventy-five per centum (75%) and sixty per centum (60%) and three thousand dollars ($3,000) in districts reimbursed on the basis of fifty per centum (50%) shall no longer apply but no district shall receive from the Commonwealth in any one year more than eight thousand dollars ($8,000) as reimbursement for transportation

The State Council of Education may for cause specified by it direct the withholding of such reimbursement in any given case permanently or until the school district has complied with the law or regulations of the State Council of Education

It shall be unlawful for any driver or owner of a vehicle transporting pupils under a contract with a school district or for any member of or board of school directors to demand request or accept any compensation for transporting pupils other than the compensation stipulated in the contract filed with and approved by the Department of Public Instruction

Section 2 Except as hereinbefore otherwise provided the provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 808, as follows:

An Act to amend section one of the act approved the twenty-eighth day of April one thousand nine hundred and fifteen (Pamphlet Laws 197) entitled "An act regulating the manner and time of payment of employes of cities of the first class" by eliminating the provision requiring the payment of employes on the first and fifteenth day of each month

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-eighh day of April one housand nine hundred and fifteen (Pamphlet Laws 197) entitled "An act regulating the manner and time of payment of employes of cities of the first class" ,is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That employes of cities of the first class shall be paid semi-monthly [on the first day and the fifteenth day of the month Provided That act shall not go into effect until January first one thousand nine hundred and sixteen]

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 831, entitled:

An Act authorizing the Secretary of the Commonwealth to publish a proposed amendment to Article fourteen of the Constitution to abolish the County of Philadelphia as a municipal corporation separate and distinct from the City of Philadelphia

The first section of the bill was read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Secretary of the Commonwealth shall publish once in each of the three months next preceding the municipal election of November one thousand nine hundred and thirty-seven in at least two newspapers in every county in which such newspapers shall be published the proposed amendment to article fourteen of the Constitution providing for the abolition of the County of Philadelphia as a municipal corporation separate and distinct from the City of Philadelphia in the form proposed by joint resolutions adopted by the General Assembly in its general sessions of 1935 and 1937 respectively

The second section of the bill was read as follows:

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I move to amend Section 2, page 2, by striking out the following: "This act shall become effective immediately upon final enactment" and inserting in lieu thereof the following: SC "The Secretary of the Commonwealth is hereby authorized and directed to certify the said question and proposed amendment to the various county election boards to be printed upon the ballots or to be placed on the voting machines so that the said question and proposed amendment shall be voted upon at the municipal election of November one thousand nine hundred and thirty-seven."

Mr. McCREESH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Mr. SHAPIRO. Mr. President, I move to amend by adding a new section as follows: "Section 3. This act shall become effective immediately upon final enactment".

Mr. McCREESH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the section?

It was agreed to.

The title of the bill was read as follows:

An Act authorizing the Secretary of the Commonwealth to publish a proposed amendment to article fourteen of the Constitution to abolish the County of Philadelphia as a municipal corporation separate and distinct from the City of Philadelphia

On the question,

Will the Senate agree to the title?

Mr. SHAPIRO. Mr. President, I move to amend line 5 of the title by adding after the word "Philadelphia" the following: SC "and authorizing and directing the Secretary of the Commonwealth to certify the question and proposed amendment to the county election boards so that the question and amendment shall be voted upon at the municipal election of one thousand nine hundred and thirty-seven".

Mr. McCREESH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RESOLUTION

URGING CONGRESS TO ENACT LEGISLATION TO PROVIDE PERMANENT FEDERAL AID FOR EDUCATION

Mr. HALUSKA. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA offered the following resolution which was twice read:

In the Senate, April 6, 1937.

Whereas, It is a primary function of a nation to offer equal educational opportunities to the nation's children whenever they may live and,

Whereas, The continued lack of progress in improvement of school conditions throughout numerous States indicates their inability to maintain an adequate standard of education and,

Whereas, Nationally known educators favor Federal aid to Education and,

Whereas, Under Federal aid legislation now being considered in Congress, the State of Pennsylvania would benefit by approximately eight million dollars in the first year after enactment to twenty-three and a half million dollars in the fifth year and thereafter, therefore

Be It Resolved, That the State Legislature urges the Congress of the United States to enact such legislation as will provide permanent federal aid for education.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. WOODWARD. Mr. President, I object.

The PRESIDENT. The Chair hears objection, and under the Rules of the Senate the resolution will be referred to the Committee on Federal Relations.

MOTION TO READ BILLS THE FIRST TIME

Mr. ROBERTS. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. HALUSKA. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 181 (House Bill No. 232), entitled:

An Act validating municipal claims of cities and boroughs where not filed within the time specified by law.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 182 (House Bill No. 233), entitled:

An Act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since original claims were filed or a prior revival thereof made.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 341, entitled:

An Act to re-enact and further amend the title and the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (Pamphlet Laws fifteen, 1933-34), entitled as amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of fees; and imposing penalties;" further regulating the manufacture, sale, importation, use and traffic in liquors, alcohol and malt and brewed beverages; conferring additional powers and imposing additional duties on the Pennsylvania Liquor Control Board; further regulating those licensed under this act; imposing additional filing fees and increasing fees for certain permits, and providing for the disposition thereof; further regulating the establishment of State liquor stores and the employment and use of personnel by the board; regulating and providing the procedure for the granting, transfer, revocation and suspension of licenses and for compromises in certain cases and the disposition of moneys arising therefrom; providing for the forfeiture of certain property; regulating the jurisdiction of courts and local option procedure; pro-

hibiting certain interlocking business; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 342, entitled:

An Act to re-enact and amend the act, approved the nineteenth day of February, one thousand nine hundred twenty-six (Pamphlet Laws sixteen) entitled, as amended, "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act;" further regulating the manufacture, sale, use and traffic in alcohol and alcoholic liquids; conferring additional powers and imposing additional duties upon the Pennsylvania Liquor Control Board; further regulating those licensed under this act; imposing filing fees; changing the method of calculating certain license fees; providing for the use of the word "license" instead of "permit"; regulating and providing the procedure for the granting, suspension and revocation of licenses, and for compromises in certain cases; providing for the disposition of fees, compromise penalties and forfeitures; regulating the jurisdiction of courts; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 343, entitled:

An Act to re-enact and further amend the title and the act, approved the third day of May, one thousand nine hundred and thirty-three (Pamphlet Laws two hundred fifty-two) entitled as amended, "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers providing penalties: and repealing existing acts;" defining and further defining and regulating licensees, application for licenses and sales by licensees; and providing for the licensing of package retailers, and fixing fees for such licenses, and for amusement permits; regulating the granting, suspension, revocation and transfer of licenses and the procedure therefor; and conferring jurisdiction on certain courts; providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the county treasurer, and prescribing the powers and duties of said board; providing for compromises where licenses are suspended, and for the disposition of application, licensing, permit fees, forfeitures and penalties; and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 388, entitled:

An Act to further amend sections two, three and four of the act, approved the eighth day of May, one thousand nine hundred and nine (Pamphlet Laws four hundred seventy) entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs; defining the word 'drug'; prescribing penalties for violation of this act, and the method of its enforcement," by further defining the standards for drugs and adulteration of drugs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 417, entitled:

An Act to amend section four hundred and eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (Pamphlet Laws fifteen, 1933-34) entitled, as amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of fees; and imposing penalties," as reenacted and amended, changing the hours during which liquors may be sold by hotel, restaurant and public service licensees.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 507 (House Bill No. 1054), entitled:

An Act to amend section seven as amended, sections nine and thirteen, sections fourteen and eighteen as amended, section nineteen and sections twenty-one and twenty-two as amended of the act, approved the seventh day of June, one thousand nine hundred and fifteen (Pamphlet Laws nine hundred) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits, requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births, marriages, deaths and diseases of practitioners of medicine and surgery by midwives, nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating

the Department of Health and defining its powers and duties' approved the twenty-seventh day of April, nineteen hundred and five and providing penalties for violations of this act," by further regulating the contents and registration of birth certificates and death certificates and the giving of certified copies thereof, providing for the registration of birth certificates of children of citizens born beyond the limits of the United States and of special certificates for adopted children and fixing fees for certified copies thereof, imposing additional duties upon the local registrars and providing compensation therefor payable by the Commonwealth, authorizing the Department of Health to issue certified copies of the records of local registrars in cities of the first class and increasing existing penalties and imposing new penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 516, entitled:

An Act making an appropriation to the Department of Health for the purchase and distribution of vitamin products.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 610, entitled:

An Act providing for the creation of a legal holiday on September 7, 1937, to be known and observed as "Constitution Day."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 681, entitled:

An Act to amend section five of the act approved the twenty-ninth day of November, one thousand nine hundred thirty-three (One thousand nine hundred thirty-three-one thousand nine hundred thirty-four—Pamphlet Laws, thirteen) entitled, "An act creating an independent administrative board to be known as the Pennsylvania Liquor Control Board," by making further provisions with respect to the fidelity bonds of the members, secretary and employes of the board.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 732 (House Bill No. 1344), entitled:

An Act to amend sections five hundred and fifty-one, six hundred and seventy-five and six hundred and seventy-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," by extending authority therein granted to include leasing of real property.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 766 (House Bill No. 1053), entitled:

An Act to amend section one as re-enacted sections two and three as amended, sections four and five and section six as amended, of the act approved the thirteenth day of June, one thousand eight hundred and eighty-three (Pamphlet Laws, one hundred nineteen) entitled, "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania, providing further for the distribution and use of unclaimed human bodies, fixing the time for the claiming and distribution of bodies and the duties of carriers of bodies, requiring those receiving bodies to give bond and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 769, entitled:

An Act to amend the title and the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (P. L. 414), entitled "An act providing for a system of recording the identification of persons convicted of crime, and of fugitives from justice, and habitual criminals; conferring powers and imposing duties upon the Pennsylvania State Police, district attorneys, police officers, wardens or keepers of jails, prisons, workhouses, or other penal institutions, and sheriffs; providing for the payment of certain expenses by the counties; and imposing penalties," by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 770, entitled:

An Act to re-enact and amend the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 1046), entitled "An act appropriating the moneys in the Motor License Fund," as amended, by making the moneys in the Motor License Fund available to the Pennsylvania Motor Police to defray all expenses required by such agency in the proper conduct of its work.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 810, entitled:

An Act to amend section eight hundred twenty-four and section nine hundred and five as amended, of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by changing certain provisions relating to the borrowing of money for the acquiring and rebuilding of certain bridges, and for the purchase and improvement or construction of public highways, bridges, tunnels, subways and underground roads,

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Finance will meet immediately upon adjournment, in Room 400.

The Committee on Military Affairs will meet at 2:45 p. m. today, in Room 265.

The Committee on Labor and Industry will meet on Wednesday, April 7th, at 10:00 a. m., in Room 402.

There will be a Public Hearing of the Committee on Game and Fisheries at 3:00 p. m. today, in the Senate Caucus Room.

The Hearing will be restricted to one hour.

The Committee on City Government will hold a Public Hearing in the Senate Caucus Room today at 4:00 p. m.

There will be a Public Hearing by the Committee on Finance tonight, at 8:00, in the Senate Chamber, on House Bill No. 228, Senate Bill No. 265.

The Committee on Public Health will hold a Public Hearing in the Senate Caucus Room on Tuesday, April 13th at 10:00 a. m., on Senate Bill No. 534.

The Committee on County Government will meet on Tuesday, April 13th, 10:30 a. m., in Room 402.

The Public Health Committee will hold a Public Hearing in the Senate Caucus Room on Tuesday, April 13th, at 2:30 p. m., on Senate Bill No. 703, the Pure Food and Drug Act.

PUBLIC HEARINGS ON PUBLIC UTILITY REAL ESTATE TAX

Mr. RUPP. Mr. President, I want to call the attention of the Members of the Senate that there will be held in this Room on Tuesday evening, April 13th, at 8:00 o'clock, a Hearing on the Public Utility Tax on Real Estate.

MEETING OF THE COMMITTEE ON LAW AND ORDER

Mr. EROE. Mr. President, there will be a meeting of the Committee on Law and Order, tomorrow (Wednesday) morning at 11:30 a. m., in Room 200.

ADJOURNMENT

Mr. ROBERTS. Mr. President, I move that the Senate do now adjourn until twelve o'clock noon tomorrow.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:15 p. m. until twelve o'clock noon, Wednesday, April 7th, 1937.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 6, 1937.

The House met at 1:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Oh Lord, our God, Thou who art from everlasting to everlasting, omnipresent, omnipotent, omniscient, the Alpha and Omega, Whither shall we go from Thy spirit? If we ascend up into heaven, Thou art there; if we make our bed in hell, behold Thou art there; if we take the wings of the morning, and dwell in the uttermost parts of the world, even there shall Thy hand lead us, and Thy right hand shall hold us.

Lord may we trust in Thy sufficiency through Christ, our Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. WHALEN, the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 1. (HOUSE BILL No. 2137).

An Act to amend section three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 920), entitled "An act providing for the relocation and changes of width, grades and lines of State highways in boroughs by the Secretary of Highways, with the approval of the Governor and commissioners of the proper county, and for the payment of damages occasioned thereby by the county; and repealing certain acts," as amended; by providing for payment by the Commonwealth, out of the Motor License Fund, of damages for land or property taken, injured or destroyed by the change of width, lines and locations of State highways in boroughs and incorporated towns, and the cost of removal of structures, where the county does not agree to such changes or removals; requiring approval of the court of quarter sessions to certain agreements made by the county commissioners with property owners; and fixing the time when the Secretary of Highways may begin work.

Referred to the Committee on Highways.

SENATE BILL No. 429. (HOUSE BILL No. 2138).

An Act to amend sections two three four and six of the act, approved the fifth day of June one thousand nine hundred thirteen (Pamphlet Laws four hundred forty-three) entitled "An act for the prevention of blindness by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of each case of said disease and fixing a penalty for violation thereof" by imposing duties on public health nurses social workers county medical directors and physicians and increasing penalties for violation of said act.

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 476. (HOUSE BILL No. 2139).

An Act authorizing boroughs and townships of the first and second class to enter into agreements with the Federal Works Progress Administration for sponsoring and carrying out projects for making and distributing free clothing to the poor and needy in such municipalities and validating agreements heretofore made.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 481. (HOUSE BILL No. 2140).

An Act to amend a part of section three of the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 73) entitled "An act to provide for the incorporation and regulation of certain corporations" vesting discretion in the Governor with respect to the approval of the charter of certain corporations.

Referred to the Committee on Corporations.

SENATE BILL No. 515. (HOUSE BILL No. 2141).

An Act authorizing county commissioners in counties of the seventh and eighth classes to transfer surplus county moneys to the poor district and providing for the expenditure of the moneys so transferred for poor district purposes.

Referred to the Committee on Counties.

SENATE BILL No. 568. (HOUSE BILL No. 2142).

An Act to amend sections one two three and section nine as amended of the act, approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 888) entitled "An act to safeguard human life and health throughout the Commonwealth by providing for the reporting quarantining and control of diseases declared communicable by this act or by regulation of the Department of Health providing for the prevention of infection therefrom and prescribing penalties" by eliminating list of communicable diseases and giving authority to the Department of Health to declare by regulation what diseases are communicable or communicable and quarantinable shortening reports required of physicians in such cases clarifying the duration of placarding and empowering the Department of Health to obtain additional information from local health authorities.

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 607. (HOUSE BILL No. 2143).

An Act providing for the fixing of the salaries and compensation of officers clerks stenographers and employes appointed by judges of the courts of this Commonwealth in counties of the second class where salary boards exist by law.

Referred to the Committee on Counties.

SENATE BILL No. 651. (HOUSE BILL No. 2144).

An Act to amend sections one two and three of article seventeen of the act, approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" advancing the dates for the submission of budget estimates the adoption of financial program and the fixing of the tax rate and providing for the ascertainment of the tax rate where the same is not fixed within the time specified.

Referred to the Committee on Cities.

BILL INTRODUCED AND REFERRED

By Messrs. WESTRICK and WHITENIGHT.

HOUSE BILL No. 2145.

An Act making an appropriation to the Department of Agriculture to advance the potato interests of this Commonwealth.

Referred to the Committee on Appropriations.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

BILLBOARDS

A communication addressed to W. P. Gallagher, Chief Clerk, from the State Federation of Pennsylvania Women, endorsing House Bill No. 1448, prohibiting erection of bill boards.

Referred to the Committee on Highways.

MINE CAVES

A resolution from 1108 Z. M. P. urging passage of mine-cave, cash payment for damage to property, slushing worked-out mines and State or Federal control of mines legislation.

Referred to the Committee on Mines and Mining.

INTERSTATE COOPERATION

A certified copy of Senate Bill No. 168, State of South Dakota, creating a committee on Interstate Cooperation.

Referred to the Committee on State Government.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 743.

An Act to provide for the leasing of land within the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land is owned by the Commonwealth conferring powers and imposing duties upon the Water and Power Resources Board requiring lessees to establish an amortization fund for improvements placed or erected upon such land granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties.

HOUSE BILL No. 801.

An Act to amend sections one two and four section five as amended and section seven of the act, approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 437) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" by bringing proprietors within the provisions of the act requiring effective cleaning agents and proper toilet facilities.

Whereupon,

The SPEAKER, in the presence of the House, signed the same,

LEAVES OF ABSENCE

Mr. MELLOTT asked and obtained leave of absence for himself for the remainder of the week.

Mr. O'CONNOR asked and obtained leave of absence for himself for the remainder of the week on account of serious illness in the family.

REPORTS FROM COMMITTEES

Mr. COAKLEY, from the Committee on Cities, reported as committed House Bill No. 2053, entitled:

An Act abolishing poll taxes in cities of the second class A.

Mr. McFALL, from the Committee on Agriculture, reported as amended, House Bill No. 1508, entitled:

An Act making an appropriation to the Department of Agriculture for a suitable exhibit at the Seventh World's Poultry Congress.

Mr. JIROLANIO, from the Committee on Cities, reported as committed, House Bill No. 809, entitled:

An Act to amend sections four thousand four hundred and one and four thousand four hundred and two of the act, approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by placing under civil service truck drivers and truck drivers' helpers in cities of the third class.

Mr. BROWN, from the Committee on Cities, reported as committed, House Bill No. 369, entitled:

An Act to amend section one of article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," as amended, by reducing the number of newspapers for official advertising.

Mr. LOPRESTI, from the Committee on Judiciary General, reported as committed, House Bill No. 877, entitled:

An Act to amend section one of the act, approved the twentieth day of March, one thousand nine hundred and thirtten (P. L. 6), entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof," by extending the provisions of the act to statements and assertions made by radio broadcast and providing certain exceptions to the application of the act.

Mr. STANK, from the Committee on Judiciary General, reported as committed, House Bill No. 185, entitled:

An Act to provide for an additional law judge of the court of common pleas in the twenty-first judicial district.

Mr. OMINSKY, from the Committee on Judiciary General, reported as committed, House Bill No. 1358, entitled:

An Act abolishing the Municipal Court of Philadelphia, and transferring actions, books, records, documents and papers in the possession of said court to other courts of the County of Philadelphia.

Mr. MELCHIORRE, from the Committee on Cities, reported as committed, House Bill No. 1783, entitled:

An Act fixing the compensation of the Officers and members of the Fire Protection Force of the Cities of the first class.

Mr. DeNOTE, from the Committee on Judiciary General, reported as amended, House Bill No. 1330, entitled:

An Act relating to magistrates and magistrates' courts in the City of Philadelphia; imposing certain duties upon, and prohibiting certain practices by, magistrates; imposing certain duties on the City Controller in regard thereto; authorizing the employment by him of additional clerks and fixing their compensation; regulating the practice in magistrates' courts, the entering of bail, and the issuance of discharges in criminal cases in the County of Philadelphia; conferring certain powers over magistrates and magistrates' courts, and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the County of Philadelphia; providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates; fixing salaries of persons employed by authority of this act; providing penalties for violations of the provisions thereof and repealing certain prior acts.

Mr. FLANAGAN, from the Committee on Cities, reported as amended, House Bill No. 1001, entitled:

An Act to amend the title and sections one and two of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 1011), entitled "A supplement to an act entitled 'An act for the government of cities of the second class,' approved the seventh day of March, Anno Domini one thousand nine hundred and one, creating a department of city planning; providing for its organization and powers; regulating the platting of ground; prohibiting the recording of plans and sales of lots therein before their approval, under penalties; making it a misdemeanor for the recorder of deeds to record an unapproved plan; restricting accepting, laying out, opening and improving private streets; prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat; transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land, the reservation of locations of mapped streets for future use, and authorizing the assessment of damages for same, the preparation and compilation of an official street map; providing penalties for the violation of this act; and repealing certain statutes," by extending the provisions of the act to cities of the first class and by changing the provisions as to the number and qualifications of the personnel of the commission.

Mr. FLANNERY, from the Committee on Cities, reported as committed, House Bill No. 2047, entitled:

An Act to amend section two thousand five hundred fifty-six of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto;" as amended, requiring fidelity bonds of deputies and clerks of city treasurers, the premiums thereof to be paid jointly by the county, city and school district.

Mr. BURROWS, from the Committee on Agriculture, reported as amended, House Bill No. 1129, entitled:

An Act for the protection of producers of farm produce; providing for the licensing, the bonding or holding collateral of, and the regulation of, certain dealers in farm produce, and herein defined, within this Commonwealth; conferring powers and imposing duties on the Department of Agriculture; providing for appeals and injuctions; and prescribing penalties.

Mr. RICHTER, from the Committee on Agriculture, reported as committed, House Bill No. 1565, entitled:

An Act to amend the act, approved the thirteenth day of May, one thousand nine hundred and nine (P. L. 520), entitled "An act relating to food; defining food, providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioners in reference thereto; and providing penalties for the violation thereof," as amended; further regulating the adulteration and misbranding of food; providing for injunctions against the sale of food in certain cases; and changing penalties.

Mr. PERRY, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 732, entitled:

An Act providing for and regulating the appointment, promotion and reduction in rank and removal of paid members of the Bureau of Police, Bureau of Detectives, Police Women, Bureau of Electricity in connection with police departments, Police Telephone Operators and their assistants and Police Radio Operators and their assistants in counties, cities, boroughs, towns and townships; creating a county civil service commission in each county, the members thereof to receive salaries to be payable by the counties, defining the powers and duties of such civil service commissions; imposing certain duties and expenses on the counties, cities, boroughs, towns and townships; imposing penalties, and repealing inconsistent laws.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 5, 1937.

Resolved (if the Senate concur) That House Bill No. 742, Printer's No. 419, entitled "A Supplement to the act approved the twentieth day of July one thousand nine hundred thirty-five (Appropriation Acts page seventy-one) entitled 'An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five' providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-seven and making appropriations to the Legislative Department for the legislative session of one thousand nine hundred and thirty-seven," be recalled from the Governor for the purpose of amendment.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 742.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 6, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that, I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 742, Printer's No. 419, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. OMINSKY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from York, Mr. Cohen, vote on the final passage of this bill?

Mr. HERBERT B. COHEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Ominsky, vote on the final passage of this bill?

Mr. OMINSKY. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 1, page 9, line 26 by striking out after the word "To" and before the word "Commission" the following: "[The Public Service]" and inserting in lieu thereof the following: "the Pennsylvania Utility"

Amend section 1, page 9, line 27 by inserting at the end of the line after the word "appropriation" the following: "previously made to The Public Service Commission and transferred and appropriated by law to its sucessor the Pennsylvania Public Utility Commission"

Amend section 1, page 10, line 6 by inserting after "priation" the following: "previously to The Public Commission and transferred and appropriated by law to its successor the Pennsylvania Public Utility Commission"

Amend section 1, page 10, line 9 by inserting after the word "revaluations" and before the word "instituted" the word: "previously".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 5, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 12th, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 12th, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk as follows:

EXECUTIVE DEPARTMENT

AUSTIN, TEXAS

April 2, 1937.

House of Representatives,
Commonwealth of Pennsylvania,
Harrisburg, Pennsylvania
My dear Sirs:

It was most thoughtful of the Pennsylvania Legislature to pass the resolution of March 24th upon learning of the terrible disaster at New London.

It hit at the heart of every Texan, and we needed the consolation of our fellow citizens.

With every good wish, I am

Sincerely yours,

(Signed) JAMES V. ALLRED,
Governor of Texas.

JVA:EN

STATEMENT BY MR. ALLEN

Mr. ALLEN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, on March 14, I made a request of the Legislative Reference Bureau to prepare a bill. There was a delay occasioned in the preparation of that bill due to the fact that Mr. Hershey of the Legislative Reference Bureau could not secure the necessary information at that time from the Highway Department to complete its preparation. On last Wednesday a week the bill was completed, upon the receipt of the information, and it was sent to my desk last week. I happened to be absent from the House last week and due to that fact I am now asking unanimous consent to present the bill at this time.

BILL INTRODUCED

Mr. ALLEN asked and obtained unanimous consent to introduce a bill, the title of which was read as follows:

An Act requiring the extension and completion of the modern form of construction of the Lincoln Highway through its entire length within three years of the passage of this act.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2118, entitled:

An Act to further amend section six of the act approved the second day of May one thousand eight hundred ninety-nine (Pamphlet Laws one hundred eighty-four) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods, wares and merchandise, and providing for the collection of said tax" by clarifying the provisions relating to appeals

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 270, entitled:

An Act to amend the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," regulating and limiting the use of revenues derived from the operation of water-works.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. STOCKHAM. Mr. Speaker, I move that this bill be recommitted to the Committee on Boroughs for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1692, entitled:

An Act requiring the consent of the electors of a township of the first or second class when such township or any part thereof is to be annexed to a contiguous borough or city

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2128, (Senate Bill No. 371), entitled:

An Act to amend section twenty-one of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws five twenty-six) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" by providing for the filing of bond with the Department of Revenue and by limiting the amount to be retained by registers of wills for their own use for collection of inheritance taxes as agents of the Commonwealth

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1058, (Senate Bill No. 151), entitled:

An Act relating to the protection of agriculture and horticulture including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts or products thereof from plant pests, and revising, consolidating, and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; providing penalties and repealing present laws.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1603, as follows:

An Act to amend further section one of the act approved the twentieth day of July one thousand nine hundred seventeen (Pamphlet Laws one thousand one hundred fifty-eight Number four hundred one) entitled "An act to fix regulate and establish the fees to be charged and received by constables in this Commonwealth" reducing the mileage chargeable by constables

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twentieth day of July one thousand nine hundred seventeen (Pamphlet Laws one thousand one hundred fifty-eight Number four hundred one) entitled "An act to fix regulate and establish the fees to be charged and received by constables in this Commonwealth" which was amended by section one of the act approved the twenty-third day of May one thousand nine hundred nineteen (Pamphlet Laws two hundred seventy-four) is hereby further amended to read as follows

Section 1 From and after the passage of this act the fees to be charged and received by constables in this Commonwealth shall be as follows

For executing a warrant on behalf of the Commonwealth for each defendant one dollar

For conveying defendants except vagrants to jail on mittimus or warrants for each defendant one dollar and in addition thereto the actual costs of transportation of such defendant or defendants

For arresting persons guilty of a breach of the peace rioutous or disorderly conduct drunkenness or who may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens or violating any ordinance of any borough for the violation of which a fine or penalty is imposed or offending or suspected of offending against the laws of this Commonwealth protecting timberlands or the violation of any other law of this Commonwealth authorizing arrest by constable without process and bringing such offender before a justice of the peace for each defendant one dollar and for every act in or about the arrest or commitment of vagrants one dollar for each vagrant so arrested or arrested and committed and mileage as hereinafter provided

For levying a fine or forfeiture on a warrant fifty cents

For taking the body of a defendant into custody on a mittimus where bail is afterwards entered before delivery of body to the jailer one dollar

For executing bail-piece one dollar

For executing a search-warrant and making return thereon one dollar

For making returns to the court of quarter sessions two dollars and fifty cents

For serving summons notices on referees suitor or tenant either personally or by leaving copy fifty cents for each person served

For serving subpoena in all cases fifty cents for the first witness and twenty-five cents for each additional witness served

For executing attachment fifty cents for each defendant and garnishee served

For arresting on a capias one dollar for each person arrested

For taking bail on a capias or for delivery of goods fifty cents

For notifying plaintiff where defendant has been arrested on capias to be paid by plaintiff twenty-five cents

For serving capias execution one dollar

For executing landlord's warrant one dollar

For taking inventory of goods each item two cents

For levying or distraining goods one dollar

For advertising personal property to public sale two dollars and fifty cents

For selling goods levied or distrained one dollar and when the same continues longer than three hours three dollars per day

For clerk hire at said sales when necessary two dollars per day

For watchman taking charge of property levied on when necessary two dollars per day also reasonable expenses of insurance arranging goods for sale heat light storage rent transportation feeding livestock and similar expenses incurred in caring for and keeping goods and chattels levied upon when the same is necessary and advantageous or when requested by the plaintiff or defendant to incur such expense

For receiving and paying ever money paid after a levy without sale one dollar and fifty cents

For copy of vendue paper when demanded each item two cents

For putting up notice of distress at mansion-house or at any other place on the premises fifty cents

For serving scire facias either personally or by leaving a copy for each person served fifty cents

For executing order of removal of a pauper or paupers one dollar for each pauper

For making return of nulla bona or non est inventus on any writ fifty cents

For executing writ of restitution two dollars

For executing writ of possession two dollars

For serving summons in landlord and tenant proceedings fifty cents

For taking inventory of goods on an execution each item two cents

For holding appraisement where exemption is claimed by defendant four dollars out of which the constable shall pay to each appraiser one dollar

For attending general special township ward or borough election five dollars which sum shall include pay for serving notices in writing to the persons elected at such special township ward or borough elections Provided That where any such election be held in any township ward or borough in which there are more than one election districts or precincts and a deputy constable is appointed to attend an election held at each of such districts or precincts said deputy constables shall each receive the sum of five dollars

For traveling expenses in the performance of any duty or service hereinbefore set forth or in the performance of any other duty or service required by law each mile going and returning [ten] six cents to be computed by the route usually traveled in going from points and places where said constables may reside or where he receives any paper to be executed to the points or places required to be traveled whether that route be by highways railroads or otherwise Provided That in no case shall more mileage be demanded or received than for the miles actually traveled

For services not herein specially provided for the same fee may be charged and received as for similar services

Section 2 The provisions of this act shall become effective immediately upon its approval by the Governor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ELPERN. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. STACKPOLE. Mr. Speaker I would like to interrogate the gentleman from Westmoreland, Mr. Elpern.

The SPEAKER. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. ELPERN. I will, Mr. Speaker.

Mr. STACKPOLE. Mr. Speaker, may ask the gentleman to what committee he wishes to commit this bill.

Mr. ELPERN. Mr. Speaker, the same committee that brought it out.

Mr. STACKPOLE. Mr. Speaker, what is the purpose of the recommittment?

Mr. ELPERN. Mr. Speaker, for the purpose of further study and possible amendment.

Mr. STACKPOLE. Mr. Speaker, may I make a statement?

The SPEAKER. Does the gentleman wish to discuss the motion before the House?

Mr. STACKPOLE. Yes, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. STACKPOLE. Mr. Speaker and members of the House, it seems to me that the motion to recommit this bill is unnecessary at the present time. The bill itself is perfectly obvious. It merely is to cut the expenses, the county expenses of constables from ten cents a mile to six cents a mile. The present milage allowance of members of this House is only five cents a mile, and this bill would allow a constable one cent a mile more than is allowed the members of this House. I cannot see where this recommittment is anything but a desire to kill this particular bill or to table it. I think in line with our policy of cuting down expenditures in this State, when it has been proven that five cents a mile is adequate for members of the House, that it is not to much to ask that this motion be voted down.

Mr. ELPERN. Mr. Speaker and members of the House, this bill ought to be recommitted. I think the gentleman from Elk is out of order.

Mr. SPROUL. Mr. Speaker, I rise to oppose this motion. I think that the House ought to have an opportunity to vote on the merits of this bill, and I ask for a roll call if the gentleman from Westmoreland still wishes to have the bill recommited.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. SPROUL and Mr. McDEVITT and were as follows:

YEAS—70

Arnold,	Dubbs,	McElroy,	Shepard,
Baine,	Finnerty,	McFall,	Shoemaker,
Baker, J. J.,	Fitch,	McGee,	Smith, James A.,
Balthaser	Flannery,	McShane,	Stank,
Bierly,	Ganser,	Mellott,	Thompson,
Bohn,	Hagerty,	Mihm,	Toole,
Boles,	Hering,	Mooney,	Tronzo,
Boltz,	Hetrick,	Moran,	Tumelty,
Boose,	Hindman,	Ominsky,	Valibus,
Brancato,	Hirsch,	Ostroff,	Walsh,
Brigerman,	Holmes,	Powers,	Weiss, D. H.,
Burrows,	Hontz,	Readinger,	Welsh,
Coakley,	Jirolanio,	Richter,	Westrick,
Cohen, R. E.,	Keenan,	Ruffennach,	Whalen,
Corrigan,	Kelso,	Rush,	Wright,
Costanzo,	Long,	Scanlon,	Zappala,
Donohoe,	Lopresti,	Shaw,	Furman,
Downey,	Lovett,	Shea,	

NAYS—67

Alexander,	Hamilton, R. S.,	Pearson,	Stackpole,
Aukerman,	Harmuth,	Perry,	Stewart,
Boose,	Huntley,	Piole,	Stockham,
Cadwalader,	Imbrie,	Preston,	Strode,
Caesar,	Kline,	Reising,	Trout,
Caputo,	Leisey,	Royer,	Turner,
Davies,	Longaker,	Schrock,	VanAllsburg,
Dickinson,	Marino,	Schrope,	Wagner,
Dyson,	Matthews, H. T.,	Schumacher,	Wall,
Eckels,	Matthews, J. F.,	Serrill,	Watkins,
Fiss,	McDevitt,	Shugarts,	Weidemann,
Flanagan,	McKinney,	Simpson,	Weiss, S. A.,
Gillette,	Merrell,	Sloan,	Wilson,
Gorski,	Moomaw,	Smith, John A.,	Winner,
Habbyshaw,	Murrin,	Snyder,	Wood,
Hall,	Patterson, J. W.,	Sollenberger,	Yeakel,
Hamilton, F. P.,	Peale,	Sproul,	

So the question was determined in the affirmative and the motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1793 as follows:

An Act to amend section four of the act approved the thirteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws 286) entitled "An act to provide for the health safety and welfare of minors By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Supreintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" as amended further limiting the days and hours during which minors under eighteen years of age may be employed.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the thirteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws 286) entitled "An act to provide for the health safety and welfare of minors By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Suprrintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforceing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for violation of the provisions thereof and re-

pealing all acts or parts of acts inconsistent therewith" as amended by the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1335) is hereby further amended to read as follows

Section 4 No minor under eighteen years of age shall be employed or permitted to work in about or in connection with any establishment or in any occupation for more than [six] five and one-half consecutive days in any one week or more than [forty-four] forty hours in any one week or more than eight hours in any one day except messenger boys employed by telegraph companies at offices where only one such minor is employed as a messenger in which case such minor shall not be employed for more than six consecutive days in any one week or more than fifty-one hours in any one week or more than nine hours in any one day

No minor under sixteen years of age shall be employed or permitted to work in about or in connection with any establishment or in any occupation before seven o'clock in the morning or after seven o'clock in the evening of any day Provided That male minors over the age of fourteen may be employed in the distribution sale exposing or offering for sale any newspaper magazine periodical or other publication for not more than fifty-one hours in any one week or more than nine hours in any one day and after six o'clock in the morning and before eight o'clock in the evening In computing the maximum number of hours per day or per week permitted under this act the hours spent in school by said minors shall be considered part of the working day or working week

No minor under eighteen years of age shall be employed or permitted to work for more than five hours continuously in about or in connection with any establishment without an interval of at least thirty minutes for a lunch period and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1761, as follows:

An Act creating a commission to study certain conditions relating to municipal ordinances defining its powers and duties and making an appropriation

Whereas Residents of this State are frequently held for the violation of municipal ordinances enacted under authority granted by the Legislature and

Whereas In many cases the ordinances under which prosecutions are brought are not available for consultation and the terms thereof or their existence are unknown and

Whereas The fines and penalties for the same offense differ widely in various municipalities even in neighboring municipalities therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the same That there is hereby established a commission composed of nine members all of whom shall be citizens of this Commonwealth five to be appointed by the Governor two by the President Pro Tempore of the Senate and two by the Speaker of the House of Representatives whose duty it shall be to survey the conditions recited in the preamble hereof and to devise ways and means by which the penal ordinances of a municipality may be made available for consultation by citizens attorneys and magistrates and to ascertain what steps may be taken to provide for uniform penal ordinances among the various municipalities through the intervention of some State agency or otherwise The members of the commission shall serve without compensation but shall be reimbursed for all expenses incurred in the performance of their duties The commission shall organize by electing a chairman and secretary The commission shall make a report to the General Assembly of one thousand nine hundred and thirty-seven or to the next regular session of the legislature containing such recommendations and drafts of legislation as it deems desirable to accomplish the purposes for which it was created

Section 2 The commission shall have the right to ask the assistance of the Legislative Reference Bureau and the Department of Internal Affairs in performing its work

Section 3 The sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the payment of the expenses of the members of the commission for clerical hire for postage telephone and telegraph charges for compiling and printing its report and for such other incidental expenses as the commission deems necessary to carry out the purposes of this act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1125, as follows:

An Act to amend sections one two and six of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 492) entitled "An act to provide for the equalization of educational opportunity and the encouragement of the study of citizenship by recognition of extension education for boys and girls who are employed and for adults as a function of the public schools of this Commonwealth and to facilitate the proper organization and administration of such extension education" by providing educational recreational and social opportunities for out-of-school youth who are not employed by reducing the number of petitioners required for applications for extension classes and by requiring certain qualifications for teachers and leaders in extension education

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two and six of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 492) entitled "An act to provide for the equalization of educational opportunity and the encouragement of the study of citizenship by recognition of extension education for boys and girls who are employed and for adults as a function of the public schools of this Commonwealth and to facilitate the proper organization and administration of such extension education" are hereby amended to read as follows

Section 1 The following words and phrases as used in this act shall unless a different meaning is plainly required by the context have the following meaning

"Extension education" shall designate any [instruction] instructional recreational or social service provided and administered by the board of school directors of any school district which is organized primarily for [boys and girls who are employed] out-of-school youth and for adults [whose earlier educational opportunity has been restricted] but shall not include the school work of continuation and other vocational schools which are subsidized under the prvisions of Federal enactment

"Curricular course of study or activity" shall designate and subject of study or activity included in the programs of study of the regular elementary and secondary public day schools of the district

"Extra-curricular course of study or activity" shall designate any elementary or secondary course of study or activity not so included

Section 2 [That] The board of school directors of any school district may and upon written application signed by [twenty] fifteen or more residents of such district above the age of sixteen years who are not in attendance at any public or private day school shall provide free extension education for [the instruction of] said applicants in any curricular course of study or activity so requested or in English and citizenship for immigrants and native illiterates or in parent education or in citizenship for adults and may provide [in] such other extracurricular courses of study and activities as said board may deem advisable Provided That any such board of school directors may refuse to provide or continue such extension education whenever less than [twenty] fifteen of its said applicants are [unfitted] fitted to pursue with reasonable profit the course of study or activity requested

Section 6 [Schools and classes for] Extension education shall be [a] an integral part of the public schools of the Commonwealth and of the districts in which [they are] it is organized and shall be under the supervision of the superintendent of the county or of the district as are other public schools of that district The State Council of Education shall adopt standards for the qualifications and certification of extension teachers and leaders and all other matters pertaining to extension education not inconsistent with this act or other acts pertaining to the public schools of the Commonwealth

Section 2 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1516, as follows:

An Act to amend sections two three four five and six of the act approved the thirteenth day of April one thousand nine hundred and twenty-one (Pamphlet Laws 129) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture the sale the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated or deleterious butter defining butter and prescribing the penalty for the violation thereof" further defining butter and the adulteration of butter conferring powers on the Department of Agriculture and the courts of quarter sessions and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two three four five and six of the act approved the thirteenth day of April one thousand nine hundred and twenty-one (Pamphlet Laws 129) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture the sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated or deleterious butter defining butter and prescribing the penalty for the violation thereof" are hereby amended to read as follows

Section 2 Butter for the purpose of this act shall be [deemed to be the fatty product obtained from milk or cream by the usual processes of churning and working with or without the addition of salt] understood to mean the food product usually known as butter and which is made exclusively from milk or cream or both with or without common salt and with or without additional coloring matter and which shall contain not less than eighty (80) per centum by weight of milk fat all tolerances having been allowed for

Section 3 Butter shall be deemed to be adulterated within the meaning of this act

First If it contains [more than sixteen (16) per centum by weight of water or] less than eighty (80) per centum by weight of [butter fat] milk fat all tolerances having been allowed for

Second If it contains any foreign fat starchy matter added flavor except such flavor as is naturally developed during the manufacture of butter by ageing or ripening the milk or cream from which it is churned with or without culture or [other] any substance which [injuriously] affects its quality or purity and if it fails to conform to the standards of the definition for butter set forth in section two hereof

Third If it be rancid mouldy or decomposed so as to make it unfit for human consumption

Fourth If it be made in whole or part from any filthy putrid or decomposed milk or cream or from milk or cream that has been contaminated by filth or dirt

Fifth If it contains artificial coloring matter used to conceal damage or inferiority

Section 4 That any person who shall violate any of the foregoing provisions of this act shall [be guilty of a misdemeanor and] upon conviction thereof in a summary proceeding [shall] be sentenced for a first offense to pay a fine of [not less than] one hundred ($100) dollars [nor more than two hundred ($200) dollars] and the costs of prosecution or in default of the payment of such fine and costs to undergo an imprisonment of not [less] more than thirty (30) days [nor more than sixty (60) days or both or either at the discretion of the court] for a second offense shall be sentenced to pay a fine of not less than two hundred ($200) dollars nor more than three hundred ($30) dollars and the costs of prosecution or to undergo an imprisonment of not more than thirty (30) days or both or either and for a third or subsequent offense shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than three hundred ($300) dollars nor more than five hundred ($500) dollars or to undergo imprisonment for a term not exceeding sixty (60) days or both or either in the discretion of the court Provided That in any case where the violation consists in the manufacture sale offering for sale exposing for sale or having in possession with intent to sell butter containing less than eighty (80) per centum by weight of milk fat and such butter actually contains seventy-nine and five-tenths (79.5) per centum or more by weight of milk fat the person convicted shall be sentenced to pay a fine not exceeding twenty-five ($25) dollars only for each such offense

Section 5 That the [Director of the Bureau of Foods] Department of Agriculture shall be charged with the enforcement of the provisions of this act The department shall have power to make adopt promulgate and enforce rules and regulations for the purpose of carrying into effect the provisions of this act The department by its agents shall have full access egress and ingress to all places of business factories farm buildings cars and vehicle used in the manufacture transportation and sale of butter

When any agent of the department shall find any butter which he believes to be adulterated the department shall petition the court of quarter sessions of the county in which such butter was found for an order permitting it to seize such butter and to direct its re-churning destruction or such other disposition thereof as the court shall determine Such petition shall be returnable in ten days or such other time as the court shall allow The hearing on such petition shall be given precedence over all other matters and hearings before the court Until such petition is disposed of it shall be unlawful for any person to dispose of the butter involved in such petition in any manner whatsoever The courts of quarter sessions are hereby empowered in all proper cases to order the seizure of any adulterated butter and to direct its rechurning destruction or other disposition thereof Provided That such order shall not apply to butter which is adulterated in no other way except that its weight of milk fat is be-

tween seventy-nine and five-tenths (79.5) per centum and eighty (80) per centum

Any person who shall hinder or interfere with any agent of the department engaged in the administration and enforcement of this act or who shall dispose of any butter after a petition for its seizure has been presented shall upon conviction in a summary proceeding be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment of such fine and costs shall be sentenced to imprisonment for a period of thirty (30) days

Section 6 That all fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid to the [Director of the Bureau of Foods or his agent] Department of Agriculture and when so collected and paid shall thereafter be by the [Director of the Bureau of Foods] department paid into the State Treasury through the Department of Revenue for the use of the Commonwealth

On the question,

Will the House agree to the section?

Mr. RICHTER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1 (sec. 3), page 3, line 7, by striking out the words "or dirt"

Amend sec. 1 (sec. 5), page 4, line 22, by striking out the words "he believes to be" and inserting in lieu thereof: "is"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not effect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included

The third section was read as follows:

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

On the question,

Will the House agree to the section?

Mr. RICHTER. Mr. Speaker, I desire to offer the following amendment:

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 6, by inserting after line 11, the following section: "Section 4. This act shall become effective immediately upon final enactment."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend sections two three four five and six of the act approved the thirteenth day of April one thousand nine hundred and twenty-one (Pamphlet Laws one hundred twenty-nine) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture the sale the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated or deleterious butter defining butter and prescribing the penalty for the violation thereof" further defining butter and the adulteration of butter conferring powers on the Department of Agriculture and the courts of quarter sessions and providing penalties

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1188, as follows:

An Act to amend section eight hundred two of the act approved the first day of May one thousand nine hundred thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for competitive bidding on contracts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Gneral Assembly met and it is hereby enacted by the authority of the same That section eight hundred two of the act approved the first day of May one thousand nine hundred thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto' is hereby amended to read as follows

Section 802 Letting Contracts All purchases of materials equipment and/or machinery for the construction reconstruction and improvement of roads and bridges involving an expenditure in excess of two hundred dollars shall be by contract in writing and shall be made only after competitive bidding The secretary of the board shall advertise once a week for two weeks in one or more newspapers of general circulation in the township for competitive bids It shall be unlawful for the supervisors to evade the provisions of this section by making two or more contracts for small amounts which should have been in one If the auditors find there has been any such evasion they shall refuse to approve the same

All such contracts and contracts for the construction reconstruction and improvement of roads and bridges shall be valid only when approved by the Department of Highways of the Commonwealth

A record of all purchases of material equipment and/or machinery for road purposes involving an expenditure of less than two hundred dollars shall be kept by the supervisors and furnished to the Department of Highways in the annual report

Section 2 This act shall become effective immediately upon approval by the Governor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 881, entitled:

An Act to amend part of section one of the act approved the fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 170) entitled "An act to regulate and establish the fees to be charged by justices

of the peace and aldermen in this Commonwealth and imposing liability for costs upon the county in certain cases" eliminating the liability of the county for costs in discharged summary conviction cases

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That part of section one of the act approved the fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 170) entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth and imposing liability for costs upon the county in certain cases" is hereby amended to read as follows

In all cases of summary conviction in which the evidence is not sufficient to convict and the defendant is dismissed the costs of the suit shall be [paid by] imposed on the [county] prosecutor or defendant

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. JIROLANIO. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for the purpose of further study.

Mr. SAMUEL A. WEISS. Mr. Speaker, I would like to interrogate the gentleman from Northampton, Mr. Jirolanio.

The SPEAKER. Will the gentleman from Northampton permit himself to be interrogated?

Mr. JIROLANIO. I will Mr. Speaker.

Mr. SAMUEL A. WEISS. Mr. Speaker, will the gentleman from Northampton, Mr. Jirolanio tell the House the purpose of this motion.

Mr. JIROLANIO. Mr. Speaker, the purpose of this motion is to give the bill further study.

Mr. SAMUEL A. WEISS. Mr. Speaker, does the gentleman from Northampton know that this bill only contains four lines and that it has been in committee since February 16?

Mr. JIROLANIO. Mr. Speaker, in answer to the gentleman from Allegheny, I do know that the bill contains four lines but those four lines contain a very, very wide implication.

Mr. SAMUEL A. WEISS. Mr. Speaker, I wish to say that I oppose the motion to recommit this bill. This is as simple a bill as has been introduced in this House regardless of the purpose sought.

The bill simply says this, "In all cases of summary conviction in which the evidence is not sufficient to convict and the defendant is dismissed the costs of the suit shall be imposed on the prosecutor or defendant."

POINT OF ORDER

Mr. JIROLANIO. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. JIROLANIO. Mr. Speaker, the gentleman from Allegheny is now discussing the merits of the bill.

The SPEAKER. The point of order is well taken. The gentleman will discuss the motion before the House.

Mr. SAMUEL A. WEISS. Mr. Speaker, in opposing the motion to recommit this bill I say that it is an attempt upon the part of the gentleman from Northampton to continue the present racket practiced by the justices of the peace and constables in this State and in opposing this motion—

POINT OF ORDER

Mr. JIROLANIO. Mr. Speaker, I again rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. JIROLANIO. Mr. Speaker, the gentleman is debating the merits of the bill.

The SPEAKER. The point of order is well taken. The gentleman will confine himself to the motion before the House.

Mr. SAMUEL A. WEISS. Mr. Speaker and members of the House, I never believed—

POINT OF ORDER

Mr. JIROLANIO. Mr. Speaker, I again rise to a point of order.

The SPEAKER. The gentleman from Northampton is now out of order. The gentleman from Allegheny will now proceed.

Mr. SAMUEL WEISS. Mr. Speaker and members of the House, I bitterly oppose this motion to recommit this bill. The gentleman from Northampton says that the primary purpose of his motion to recommit the bill is for the purpose of further study. Let me say, Mr. Speaker and members of the House that this bill was introduced on February 16 and was in Committee on Counties from February 16 until it was reported out to this House last week. Every member has had an opportunity to study this bill and a motion to recommit this bill at this time is an attempt by this House, whether Democrat or Republican, to pickle the bill, and, as I said I oppose the motion. I think the taxpayers of this Commonwealth are entitled to this opportunity. I, therefore, oppose the motion to recommit the bill, which will save the taxpayers of this Commonwealth annually a million dollars.

POINT OF ORDER

Mr. JIROLANIO. Mr. Speaker, I again rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. JIROLANIO. Mr. Speaker, at this time the gentleman is not even discussing the bill, but he is discussing what might happen or what might possibly happen if this bill, as he would like to have it passed, is not enacted into law. He is still out of order and is not discussing the merits of the bill in its entirety.

The SPEAKER. The Chair has already ruled on the point of order. The gentleman will confine his remarks to the motion before the House.

Mr. SAMUEL A. WEISS. Mr. Speaker and members of the House, I ask that the members of the House for the particular reasons I have enumerated oppose the motion to recommit this bill to the Committee on Counties for further study. I regard the motion purely and simply as an attempt to pickle the bill.

On the question recurring

Will the House agree to the motion?

The yeas and nays were required by Mr. SAMUEL A. WEISS and Mr. MOOMAW.

Mr. SAMUEL A. WEISS. Mr. Speaker, I ask for a verification of the roll.

(During the verification of the roll.)

Mr. HARKINS. Mr. Speaker, I was not in the Hall of the House when the roll was called. I ask unanimous consent to be recorded as voting "no."

The SPEAKER. Will the House give its unanimous consent?

Mr. TURNER. Mr. Speaker, did I understand the gentleman to say that he was not in the Hall of the House and asks unanimous consent to be recorded as voting "no?"

Mr. SPEAKER. The gentleman is correct.

Mr. TURNER. Mr. Speaker, I will have to object.

The SPEAKER. The Chair hears objection and consent is not granted.

Mr. ROTHENBERGER. Mr. Speaker, I ask that my name be stricken from the negative roll and be placed on the affirmative roll.

The SPEAKER. The affirmative roll has been verified,

Will the House give its unanimous consent to the gentleman to change his vote? Is there objection?

Mr. TURNER. Mr. Speaker, much as I dislike to object I feel that I must.

The SPEAKER. The Chair hears objection and consent is not granted.

Does the gentleman wish to have his name stricken from the negative roll.

Mr. ROTHENBERGER. I do, Mr. Speaker.

YEAS—127

Alexander,	Eckels,	Matthews, H. T.,	Shugarts,
Allen,	Elpern,	Matthews, J. F.,	Simon,
Arnold,	Falkenstein,	McArdle,	Simpson,
Aukerman,	Finnerty,	McCullough,	Sloan,
Baker, F. T.,	Fiss,	McDermott,	Smith, John A.,
Baker, J. J.,	Fitch	McElroy,	Snyder,
Balthaser,	Flannery,	McFall,	Sollenberger,
Bierly,	Ganser,	McGee,	Spengler,
Bohn,	Gillette,	Melchiorre,	Stackpole,
Boies,	Gorski,	Merrell,	Stewart,
Boltz,	Habbyshaw,	Muir,	Terry,
Boose,	Haberlen,	Munley,	Thomas,
Boyer,	Hagerty,	Ominsky,	Thompson,
Brancato,	Hall,	Ostroff,	Toole,
Brown,	Hamilton, F. P.,	Patterson, C. S.,	Trout,
Burrows,	Hamilton, R. S.,	Peale,	Tumelty,
Cadwalader,	Hays,	Pearson,	Turner,
Caesar,	Hering,	Perry,	Valibus,
Chervenak,	Hess,	Pershing,	Vogt,
Coakley,	Hetrick,	Piole,	Wagner,
Cohen, H. B.,	Hindman,	Readinger,	Wall,
Cohen, R. E.,	Hirsch,	Reese,	Watkins,
Coleman,	Hontz,	Richter,	Webster,
Corrigan,	Horting,	Royer,	Weiss, D. H.,
Costanzo,	Huntley,	Sarraf,	Welsh,
Davies,	Jirolanio,	Schor,	Westrick,
Dickinson,	Keenan,	Schrock,	Whalen,
Donohoe,	Kelso,	Schumacher,	Winner,
Dougherty,	Kline,	Serrill,	Wood,
Downey,	Lewis,	Shea,	Woodside,
Dubbs,	Longaker,	Shepard,	Wright,
Dyson,	Lopresti,	Shoemaker,	Yeakel,

NAYS—35

Baine,	McShane,	Patterson, J. W.,	Sproul,
Blank,	Mellott,	Powers,	Stockham,
Broad,	Mihm,	Reising,	Tronzo,
Flanagan,	Moomaw,	Robinson,	Walsh,
Harmuth,	Mooney,	Ruffennach,	Weiss, S. A.,
Holland,	Murrin,	Scanlon,	Wilson,
Lovett,	Nagel,	Schrope,	Zappala,
Marino,	O'Brien,	Shaw,	Furman,
McDevitt,	O'Keefe,	Smith, James A.,	

So the question was determined in the affirmative and the motion was agreed to.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1361, as follows:

An Act to amend section five hundred and fifty-three of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred and three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the lay relating thereto" extending the time within which appeals from auditors' reports may be taken

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and fifty-three of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred and three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 553 Appeals from Report The township or any taxpayer thereof on its behalf or any officer whose account is settled or audited by the township auditors may appeal from any settlement or audit of the township auditors to the court of common pleas within [thirty] sixty days after the settlement has been filed in the court of quarter sessions

Section 2 This act shall become effective immediately upon its passage and approval by the Governor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1359, as follows:

An Act to amend section one thousand and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred and six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto extending the time within which appeals from auditors' reports may be taken

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred and six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 1009 Appeals from Report The township or any taxpayer thereof on its behalf or any officer or person whose account is settled or audited by the township auditors may appeal from any settlement or audit to the court of common pleas within [thirty] sixty days after the settlement has been filed in the court of quarter sessions

Section 2 This act shall become effective immediately upon its passage and approval by the Governor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1715, as follows:

An Act to prevent fraud and deception regulating the feights and measures in the sale or offering for sale of fruits and vegetables in this Commonwealth regulating sales of fruits and vegetables in original unbroken standard containers imposing certain powers and duties on the Department of Internal Affairs and county and city inspectors of weights and measures and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "original unbroken standard container" as used in this act shall be construed to mean any barrel box basket bag or similar container approved by any proper Federal agency as a standard container for fruits and vegetables under or in accordance with any act of the Congress of the United States or approved under or in accordance with the laws of this Commonwealth or under the authority of this act by the Department of Internal Affairs of this Commonwealth and the contents of which have not been removed or repacked by any person whatever

Section 2 Hereafter it shall be lawful for any person copartnership association or corporation to sell or offer for sale at wholesale or retail in this Commonwealth fruits and vegetables in original unbroken standard containers as herein defined but sales in such original unbroken standard containers shall be lawful only if there shall appear thereon a plain and conspicuous statement showing correctly the quantity of fruits and vegetables contained therein in terms of weight measure in cubicle content or numerical count and only if the containers shall have been filled or packed in accordance with good commercial practice If the contents of an original standard container are broken for resale at wholesale or retail or if fruits and vegetables are sold in any other manner than in original unbroken standard containers then such sales shall be lawful only if made by weight or numerical count and in no other manner whatever

Whenever the contents of any original unbroken standard container of fruits and vegetables are stated in terms of a bushel or subdivision of a bushel the bushel shall contain at least 2150.42 cubic inches struck measure and the subdivisions thereof shall contain the proper fractional parts of the number of cubic inches to the bushel as herein fixed

Section 3 The Department of Internal Affairs shall have power to adopt tolerances allowing reasonable variations of the provisions of this act

Section 4 The Department of Internal Affairs and the county and city inspectors of weights and measures are hereby charged with the enforcement of this act

Section 5 Any person copartnership association or corporation or his or its servants agents or employes who shall violate any of the provisions of this act shall upon conviction thereof in a summary proceeding be sentenced for a first offense to pay a fine not more than twenty-five dollars or in default of the payment of such fine and costs of prosecution shall be sentenced to imprisonment for not more than ten days and for conviction in a summary proceeding for a second offense shall be sentenced to pay a fine not less than fifty dollars nor more than one hundred dollars or in default of such fine and costs of prosecution shal be sentenced to imprisonment for not more than twenty days and any person copartnership association or corporation or his or its servants agents or employes who shall violate any of the provisions of this act for a third or subsequent time shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than two hundred and fifty dollars nor more than five hundred dollars or to undergo imprisonment for sixty days or both at the discretion of the court

Section 6 All acts and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2067 as follows:

An Act to amend section five hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" prohibiting auditors from becoming surety for certain officers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 502 Bonds When any officer or employe of any township is required to give bond for the faithful performance of his duties and such bond is required to be executed by a surety company the township may pay the premium on such bond No auditor of the township shall become a surety on the bond of the tax collector or treasurer of the township

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1349 (Senate Bill No. 98), entitled:

An Act to amend section fourteen of the act, approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes dening the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and udicial process and providing penalties" as amended extending the retirement provisions relating to former teachers to those who returned to service only temporarily.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1449 as follows:

An Act providing for the creation incorporation organization and government of County Public Utility Administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such Administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by The Public Service Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such Administrations imposing certain duties and functions in connection with such Administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in any county of the second class in this Commonwealth a County Public Utility Administration (hereinafter in this act called the "Administration") may be created as herein provided and when so created shall exercise an essential governmental function for the public purposes herein set forth and in accordance with the powers herein granted "Public Utility" or "Utility" as used in this act means any or all of the property facilities franchises rights and any other thing material or abstract of value used and useful within this Commonwealth for the transportation or conveyance by any means of passengers for hire as a common carrier or the production transmission distribution or furnishing of power light heat or water or the disposition of garbage sewage or refuse matter either directly or indirectly to or for the public

Section 2 The procedure for organizing and creating an Administration under the provisions of this act shall be as follows

(a) A resolution shall first be passed by the county commissioners of the county in which it is desired to create the Administration declaring that in their opinion public interest or necessity demands the creation and maintenance of an Administration to be known as "The County Public Utility Administration" Said resolution may state the kind of utility proposed to be first acquired but failure to acquire such utility shall not affect the validity of the Administration

(b) In lieu of said resolution a petition may be filed with the county commissioners of said county signed by not less than two thousand (2,000) qualified electors of said county who have been resident therein for a period of two (2) years immediately prior thereto Said petition shall declare that in the opinion of the petitioners public interest or necessity demands the creation and maintenance of an Administration Such petition shall be executed in ink or indelible pencil and each elector signing the same shall give his or her occupation place of residence and date of signing No signature shall be valid unless affixed thereto within thirty (30) days of the filing thereof Any number of such petitions may be circulated among the electors contemporaneously All separate original petitions when filed shall be treated together as one original petition Each separate petition so filed shall be verified by the affidavit of the person who circulated it certifying that each name signed thereto is the true signature of the person whose name it purports to be

(c) Upon the passage of the resolution aforementioned or the filing of a petition as aforesaid the county commissioner shall call an election for the purpose of determining whether the proposed Administration shall be created and established Said election shall be held not less than sixty (60) days nor more than six (6) months after the passage of the resolution of the filing of the petition The question shall only be submitted at a general or municipal election unless the resolution designates or the petition requests the holding of a special election on another day herein specified Provided however That a special election shall not be designated to be held within the thirty (30) days period immediately preceeding or following the day fixed for any primary general or municipal election Any request made for a special election in violation of the provisions hereof shall be disregarded and the petition shall be filed with the same force and effect as if no request had been made for the holding of a special election If definite times for a special election are set forth in the petition or petitions so filed the date contained in the petition first filed complying with the provisions hereof shall be the date chosen A special election may be held on the same day as a primary election In such case the special election shall be held and conducted during the same hours during which and by the same election officers by whom the primary is held and conducted and the votes shall be cast computed and returned in the manner and under the regulations provided by law for the submission of constitutional amendments or other questions to a vote of the people at a general or municipal election The ballot for said election shall contain such instructions as are required by law to be printed thereon in addition thereto shall appear thereon the following

Shall The ..... County Public Utility Administration be created and established?	Yes	
	No	

(d) In case such question is adopted by the electors of a county of the second class the county commissioners shall within thirty (30) days of said adoption deliver to the Secretary of the Commonwealth articles of incorporation together with a certificate showing the result of the vote on said question Said articles of incorporation shall set forth

(1) The name of the Administration

(2) A statement that an Administration is created under this act

(3) The name of the incorporating county together with the names and addresses of its county commissioners and the chief clerk of the board of county commissioners

Said articles of incorporation shall be executed by the county commissioners and under the county seal If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles The certificate of incorporation shall be conclusive evidence of the fact that such Administration has been incorporated but proceedings may be instituted by the Commonwealth to dissolve any Administration which shall have been formed without substantial compliance with the provisions of this act

Section 3 (a) The Administration shall be composed of three members who shall be known as Administrators who shall be designated and appointed by the county commissioners and each shall continue to hold office until his successor is appointed and qualified Each Administrator at the time of his appointment shall be a citizen of the United States and a resident and qualified elector in the county in which said Administrator is created and established for a period of at least two (2) years next preceding his appointment The Administrators shall not engage in any other business vocation or employment and shall profess a belief in the advisability and wisdom of this act.

(b) The Administrators shall have entire charge of the property services and affairs of the Administration and they shall determine all questions of policy Said Administrators shall for the purpose of doing business con-

stitute a board but no action of the board shall be binding unless a majority of the Administrators shall vote in favor thereof.

(c) The salary or compensation of the Administrators shall be fixed and determined by the county commissioners The salary or compensation of all employes of the Administration shall be fixed and determined by the Administrators

(d) The county commissioners shall by appointment fill any vacancy in the office of Administrator The Administrators shall by election fill any vacancy in the office of president vice-president secretary or treasurer and shall appoint a general manager and such other subordinate officers and employes as they may deem necessary and fix and determine their compensation and duties

Section 4 No person shall be appointed as an Administrator general manager or other officer or employe to engage in the performance of any duties connected either directly or indirectly with the conduct of the affairs of the Administration who has any financial interest in any public utility engaged in the business of the transportation or conveyance by any means of passengers for hire as a common carrier or the production transmission distribution or furnishing of power light heat or water or the disposition of garbage sewage or refuse matter nor any person having any interest in any business that may be adversely affected by the success of the Administration

Section 5 The Administration shall manage supervise and regulate every utility owned and operated by the Administration including the fixing and determining of rates rentals charges and classifications and the making and enforcement of rules regulations contracts practices and schedules for or in connection with any service product or commodity owned or controlled by such Administration

Section 6 Any Administration incorporated as herein provided shall have power

(a) To continue as a body corporate perpetually

(b) To sue and be sued complain and defend in its own name

(c) To adopt a corporate seal and alter it at pleasure

(d) To acquire purchase establish construct lease own hold or operate within or without or partly within or partly without the county works or parts of works and property and facilities used and useful for supplying the inhabitants of said county with transportation or conveyance by any means as a common carrier and the production transmission distribution or furnishing of power light heat or water and the disposition of garbage sewage or refuse matter and to do all things necessary or convenient to the full exercise of the powers herein granted Whenever there is a surplus of power light heat or water above that which may be required by the inhabitants within the county such Administration shall have authority to sell or otherwise dispose of such surplus outside of the county to persons firms and public or private corporations or municipalities outside of said county

(e) To do all things necessary and convenient for the purpose of carrying into effect the powers herein granted without the consent of any department bureau or commission and no certificate of public convenience from any commission or other department of the Commonwealth shall be required as a condition precedent to the construction by the Administration of any public utility where one engaged in the same service already exists

(f) To have and exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use To take any property necessary or convenient to the exercise of the powers herein granted whether such property be already devoted to the same use or otherwise In the proceedings relative to the exercise of such right the Administration shall have all the rights powers and privileges of a political subdivision of the Commonwealth or a municipal corporation and all the rights powers and privileges herein conferred

(g) To use in carrying out the powers herein granted any street or public highway or any lands which are now or may be the property of this Commonwealth and to have the same rights and privileges appertaining thereto as have been or may be granted to political subdivisions of the Commonwealth or to municipalities or any person copartnership association or corporation

(b) To enter into contracts and agreements with the United States or any department corporation or instrumentality thereof the Commonwealth of Pennsylvania or any department corporation or instrumentality thereof stipulating for the purchase transmission distribution or furnishing of electric power generated by a hydroelectric power plant or plants established in the interests of the National Defense or for agriculture or industrial development or to improve navigation or to control destructive flood waters in the rivers

(i) To borrow money for any or all of the purposes for which it is organized to issue its promissory notes bonds or other forms of certificates of indebtedness with interest as evidence thereof and to secure any of the obligations by mortgage pledge or deed of trust of or on any of its property and income to refund or retire any indebtedness that may exist against or be assumed by the Administration to pledge its rates rentals charges and other revenues or any part thereof either presently received or to be received in the future or both as security for the repayment with interest of any money borrowed by it or advanced to it for any of its authorized purposes and as security for the satisfaction of any obligation assumed by it in conection with such loans or advances

(j) To elect a president vice-president secretary and treasurer and to adopt suitable by-laws for the management of its affairs

(k) To have and exercise all of the powers and means necessary or convenient to effect the purpose or purposes for which the administration is organized and to make rules and regulations for the management of its affairs and in conection with its property and affairs and property within its control To exercise any and all powers which might be exercised by a natural person or private corporation in connection with similar property and affairs

(l) To enter upon any land or facilities of any public utility or any property within or without the county or examine the records papers books and ledgers of any public utility for the purpose of making such surveys maps or other examinations thereof as the Administration may deem necessary or convenient for the purposes set forth herein

(m) To enter into contracts and agreements with counties and with cities boroughs and townships within or without the county for the sale and furnishing of any service product or commodity owned or controlled by such Administration

Section 7 Whenever an Administration shall adopt a resolution to acquire by purchase or to lease erect establish construct hold and operate as the case may be a public utility the Administration shall ascertain the fair and reasonable value of such public utility that it desires to purchase and shall submit the same to the owners of such utility If the Administration and the owners of such utility are unable to agree upon the price to be paid therefor the Administration shall transmit to The Public Service Commission of the Commonwealth a transcript of its entire proceedings concerning such purchase Such proceeding so certified shall be docketed as a cause pending before The Public Service Commission and The Public Service Commission shall issue to such utility a summons returnable within thirty (30) days from the date of such summons Upon the return of such notice showing service of thirty (30) days and The Public Service Commission or a commissioner thereof being satisfied with the regularity of the proceedings and the service The Public Service Commission shall appoint one of its members who shall view and make a fair appraisement of the properties sought to be purchased and report the same to The Public Service Commission The Public Service Commission shall then proceed to fix and determine the fair and reasonable value of such utility and enter a decree to that effect and upon payment of such compensation by the Administration to the owner or owners of such utility title to the utility shall vest in the Administration

and all claims for compensation shall be deemed paid and satisfied Upon appeal of any interested party to the Superior or Supreme Court the Court shall accept the findings of fact and appraisement made by The Public Service Commission as conclusive and shall confine the appeal only to an examination into whether the proceedings were in conformity with this act

If any person or persons shall claim adversely to each other any estate or interest in the utility to be purchased the Administration shall pay into the court of common pleas of the county where the utility is situated the whole of the appraisement money The court shall by rule process or motion require all said claimants to appear and may by an issue framed between them to be tried by a jury or by reference to a master determine the estates and interests of each claimant in said appraisement money Upon the final determination of such proceedings the court shall direct said appraisement money to be paid to the person or persons ascertained to be entitled thereto After verdict and final judgment any party may have an appeal to the Superior Court or Supreme Court as in other cases

Section 8 The Administration shall classify all the positions of employment in or under the Administration with reference to the examinations hereinafter provided for except such positions as general manager and heads of departments The positions so classified shall constitute the classified civil service of the Administration and no appointment to any such position shall be made except upon merit and according to the rules hereinafter mentioned The Administration shall make rules to carry out the purposes of this section and for examinations appointments promotions and removals and may from time to time make changes in existing rules

The examinations shall be practical in character and shall relate to those matters only which will fairly test the relative capacity of the person examined to discharge the duties of the position to which he or she seeks to be appointed and shall include appropriate tests of manual or professional skill

No person shall be appointed to any position in the Administration who holds office in any political party and election to such office shall be sufficient ground for his immediate removal

Section 9 Any person elected by the people or appointed according to law to any public office in this Commonwealth or any person having any financial interest in any public utility engaged in the business of the transportation or conveyance by any means of passengers for hire as a common carrier or the production transmission distribution or furnishing of power light heat or water or disposition of gabage sewage or refuse matter who shall in any manner influence or attempt to influence the Administration in the making of any appointment contract or agreement or in the purchase of supplies shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court and in the case of a public official either elected or appointed conviction under this section shall work a forfeiture of his office

Section 10 In the conduct of the policies of employment of the Administration the letter and spirit of the National Labor Relations Act enacted by the Congress of the United States shall be observed and it shall be the duty of the Administration to bargain collectively with the duly authorized representatives of the employes thereof with reference to wages hours and conditions of employment and to enter into contracts or agreements with said representatives with reference to matters of employment Th Administration shall not organize or cause to be organized a company union but shall at all times recognize for purposes of collective bargaining such existing bona fide labor unions covering the trade or industry relating to such Administration No person shall be employed in any capacity by the Administration who is not a member of such labor union so recognized

Section 11 All contracts shall be let and purchases made by the Administration in the manner now provided by law relating to contracts and purchases by county commissioners in counties of the second class

Section 12 All bonds issued by the Administration shall be legal investments for all trust funds and for the funds of all insurance companies banks both commercial and savings and trust companies and for the State Workmen's Insurance funds and for the sinking funds of counties cities boroughs or townships and whenever any moneys or funds may by any law now or hereafter enacted be invested in bonds of counties cities or school districts in the Commonwealth such moneys or funds may be invested in the bonds of the said Administration and whenever bonds of counties cities or school districts may by any law now or hereafter enacted be issued as security for performance of any act or as security for the deposit of public funds of the Commonwealth or of any county city municipality or other public corporation or political subdivision in any state or national bank or banks bonds of said Administration may be so used

Section 13 The bonds and other securities and obligations issued by an Administration created and established under this act their transfer and the income therefrom the property and facilities used and useful in the operation of said Administration shall at all times be free from taxation within the Commonwealth of Pennsylvania

Section 14 The bonds and other securities and obligations of said Administration shall be a lien upon and payable solely and exclusively from the assets and revenues of said Administration and shall not be nor be deemed to be an indebtedness of the Commonwealth of Pennsylvania or of any county city borough township or other political subdivision or municipality within the Commonwealth The Administration shall have no power to pledge the credit or to create any debt of the Commonwealth or of any county city borough township or other political subdivision or municipality within the Commonwealth

Section 15 All matters and things necessary for the proper conduct of the affairs of said Administration which are not provided for in this act shall be provided for by the board of Administrators of the Administration

Section 16 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 17 All acts or parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1766, as follows:

An Act to amend sections one thousand four hundred and forty-one and one thousand seven hundred and sixteen as added of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further defining cost of tuition

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the first paragraph of section one thousand four hundred and forty-one of the act approved the eighteenth day of May one thousand nine hun-

dred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added by section one of the act approved the first day of May one thousand nine hundred and twenty-five (Pamphlet Laws 435) is hereby amended to read as follows

Section 1441 Definition of cost of tuition The term "cost of tuition" or the term "cost of tuition text-books and school supplies" as used in article fourteen of the act to which this is an amendment shall after the first day of July [one thousand nine hundred and twenty-five] one thousand nine hundred and thirty-seven include the cost of the following items (1) instruction including salaries of members of the teaching and supervisory staff and attendance of teachers at institutes (2) text-books including library books furnished to school libraries and school supplies limited to the repair and replacement of typewriters and school apparatus and such supplies as are by section seven hundred and six of this act designated school supplies of the second class and (3) fuel light water and janitor service and shall also include ten per centum (10%) of the total cost of said items Calculation of the cost of tuition in any district shall be made separately for elementary and high school pupils respectively

Section 2 Section one thousand seven hundred and sixteen of said act as added by section two of the act approved the first day of May one thousand nine hundred and twenty-five (Pamphlet Laws 435) is hereby amended to read as follows

Section 1716 Definition of cost of tuition The term "cost of tuition" or the term "cost of tuition text-books and school supplies" as used in article seventeen of the act to which this is an amendment shall after the first day of July [one thousand nine hundred and twenty-five] one thousand nine hundred and thirty-seven include the cost of the following items and no others (1) instruction including salaries of members of the teaching and supervisory staff and attendance of teachers at institutes (2) text-books including library bookss furnished to school libraries and school supplies limited to the repair and replacement of typewriters and school apparatus and such supplies as are by section seven hundred and six of this act designated school supplies of the second class and (3) fuel light water and janitor service and shall also include ten per centum (10%) of the total cost of said items Calculation of the cost of tuition in any district shall be made separately for elementary and high school pupils respectively The per capita cost of tuition herein specified shall be computed upon the basis of average daily attendance for the entire school term

And said bill having been read at length the second time to as amended.

Ordered. To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1640, entitled:

A Supplement to the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing a compulsory system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as amended and re-enacted providing for the inclusion of occupational diseases within the scope thereof and providing definitions provisions and procedure related to such diseases and making an appropriation

The first section was read as follows:

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 This act shall be known and be cited as the "Occupational Disease Compensation Act"

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. SCHOR. Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for the purpose of a public hearing.

The motion was agreed to.

RESOLUTION

RECALLING HOUSE BILL No. 1128 FROM THE GOVERNOR

Mr. SHAW offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 6, 1937.

Resolved (if the Senate concur), that House Bill No. 1128, Printer's No. 260, entitled "An Act requiring unemployment relief orders to be presented for payment within a certain period otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation for unemployment relief purposes," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

RECALLING HOUSE BILL No. 257 FROM THE GOVERNOR

Mr. MELCHIORRE offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 6, 1937.

Resolved (if the Senate concur), that House Bill No. 257, Printer's No. 402, entitled "An Act to amend clause (b) of section four article two of the act approved the twenty-fifth day of June one thousand nine hundred and and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth' as amended changing the order in which officers of such cities shall act as mayor in case of a vacancy or disability of the mayor to act." be recalled from the Governor for the purposes of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

RECALLING HOUSE BILL No. 1161 FROM THE GOVERNOR

Mr. BLANK offered the following resolution which was was twice read, considered and adopted:

In the House of Representatives April 6, 1937.

Resolved (if the Senate concur), that House Bill No. 1161, Printer's No. 252, entitled "An Act to amend section four hundred six of the act approved the ninth day fo April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled 'An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus

and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth' by making further provisions for the appointment of mercantile appraisers", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

RECALLING HOUSE BILL No. 916 FROM THE GOVERNOR

Mr. BLANK offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 6, 1937.

Resolved (if the Senate concur), that House Bill No. 916, Printer's No. 401, entitled "An Act to amend section one of the act approved the seventeenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand twenty-five) entitled 'A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred and eighty-four) entitled "An act to provide revenue by imposing a mercantile license tax on vendors or dealers in goods wares and merchandise and providing for the collection of said tax' by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORTS FROM COMMITTEES

Mr. ZAPPALA, from the Committee on Cities, reported as committed, House Bill No. 1176, entitled

An Act to amend Article three of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," as amended removing the authority of the Superintendent of Police to appoint additional patrolmen at the expense of persons asking such appointment.

Mr. SCHOR, from the Committee on Judiciary General, reported as committed, House Bill No. 1299, entitled

An Act to establish a separate orphans' court in and for the County of York.

Mr. HARKINS, from the Committee on Judiciary General, reported as committed, House Bill No. 412, entitled

An Act providing for the establishment of a judicial council to make a continuous study of the organization, procedure and practice of the courts and to make recommendations based on such study, imposing duties on the prothonotaries, clerks and other officers of the various courts; and making an appropriation.

Mr. SCHROCK, from the Committee on Agriculture, reported as amended, House Resolution No. 62.

BILL INTRODUCED AND REFERRED

By Mr. ALLEN. HOUSE BILL No. 2146.

An Act requiring the extension and completion of the modern form of construction of the Lincoln Highway through its entire length within three years of the passage of this act.

Referred to the Committee on Highways.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 678, entitled:

An Act to amend paragraph I of section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three, (P. L. 103), entitled "An act concerning townships of the second class and amending, revising, consolidating, and changing the law relating thereto;" authorizing township supervisors to enter into ten year contracts for the purpose of lighting and illuminating the streets, highways and other public places.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SPROUL. Mr. Speaker and members of the House, at the request of certain townships who are able by a ten year contract to get a better price for their lighting and thereby save money for the taxpayers, I have introduced Bill No. 678. Certain objections were voiced against this bill and by agreement with the gentleman from York, Mr. Cohen, he took it over to the Legal Department of the Public Service Commission. I wish to read a portion of a letter from them as regards the bill: "It has been the policy of the Public Service Commission not to approve a ten year contract unless there was some advantage in the rate to the party contracting with the utility. The extension of the period from five to ten years, I deem, would give a bargaining power for securing a better rate to the township for lighting and illuminating its streets and highways."

In order to remove a further objection which I have heard against the bill in case a rate was reduced, if a township had signed up for a period of ten years, we found, in accordance with my own views, that that rate would be reduced to all regardless of the contract, otherwise it would be discrimination. In other words, any contract that might be signed for this period could obtain a better rate if such a rate were on file. Another objection, in case a municipal utility were purchased by the township, this contract would be set aside, inasmuch as the purchase of a municipal utility would have to be approved by the Public Utility Commission. I, therefore, ask the members of this House to support this bill which will enable cer-

tain townships to obtain better lighting contracts for their taxpayers.

On the question recurring

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the years and nays were taken and were as follows, viz:

YEAS—128

Alexander,	Hagerty,	Mihm,	Snyder,
Allen,	Hall,	Moomaw,	Sollenberger,
Arnold,	Hamilton, F. P.,	Mooney,	Sproul,
Aukerman,	Hamilton, R. S.,	Moran,	Stackpole,
Baker, F. T.,	Harkins,	Muir,	Stewart,
Baker, J. J.,	Hays,	O'Neill,	Stockham,
Balthaser	Hess,	Patterson, C. S.,	Strode,
Boltz,	Hetrick,	Patterson, J. W.,	Terry,
Boose,	Hindman,	Peale,	Thompson,
Boyer,	Hirsch,	Pearson,	Tronzo,
Brancato,	Holland,	Perry,	Trout,
Broad,	Hontz,	Pershing,	Tumelty,
Brown,	Huntley,	Piole,	Turner,
Cadwalader,	Imbrie,	Powers,	Valibus,
Coakley,	Jirolanio,	Preston,	VanAllsburg,
Coolahan,	Keenan,	Readinger,	Vogt,
Davies,	Kelso,	Reese,	Wagner,
Decker,	Kilroy,	Richter,	Wall,
DeNote,	Kline,	Robinson,	Watkins,
Donohoe,	Leisey,	Rothenberger,	Webster,
Downey,	Longaker,	Royer,	Weidemann,
Dyson,	Lyons,	Sarraf,	Weiss, D. H.,
Eckels,	Matthews, H. T.,	Schrock,	Weiss, S. A.,
Elpern,	Matthews, J. F.,	Schrope,	Welsh,
Finnerty,	McCullough,	Schumacher,	Westrick,
Fiss,	McDevitt,	Serrill,	Wilson,
Fitch,	McFall,	Shaw,	Winner,
Flanagan,	McKinney,	Shepard,	Wood,
Flinchbaugh,	McShane,	Shugarts,	Woodside,
Gillette,	Melchiorre,	Simpson,	Yeakel,
Gorski,	Merrell,	Sloan,	Zappala,
Habbyshaw,			

NAYS—26

Achterman,	Flannery,	McGee,	Thomas,
Baine,	Harmuth,	Nagel,	Toole,
Bierly,	Holmes,	O'Brien,	VanSickle,
Caesar,	Levy,	Reising,	Walsh,
Chervenak,	Lewis,	Schor,	Whalen,
Corrigan,	Lopresti,	Siegel,	Furman,
Costanzo,	Marino,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

RESOLUTION

TWENTIETH ANNIVERSARY OF ENTRY INTO WORLD WAR

Mr. ELPERN offered a resolution which was twice read by the Clerk as follows:

In the House of Representatives, April 6, 1937.

Resolved, That on this 20th Anniversary of the date on which the United States entered into the World War with the Allies this House shall, at the time appointed by the Speaker, stand attention facing the West for one minute in memory of, and in tribute to, those who made the supreme sacrifice on the battlefield in order to make the world safe for democracy.

On the question,

Will the House adopt the resolution?

The resolution was unanimously adopted by a rising vote of the members facing the West.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1201 (Senate Bill No. 366), entitled:

An Act to amend sections three, four and six of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act", by providing for additional projects; removing the date by which projects must be commenced; removing certain restrictions against the construction of projects; extending the life of such Authority; clarifying the powers of a receiver appointed pursuant to such act so as to prohibit such receiver from selling, assigning, mortgaging, or otherwise disposing of any of the assets belonging to the Authority; and clarifying certain provisions of said act.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

The Chief Clerk, WILLIAM P. GALLAGHER, in the Chair.

RESOLUTION

CONGRATULATING HON. ROY E. FURMAN

Mr. CLIFF S. PATTERSON offered a resolution which was twice read by the Clerk as follows:

In the House of Representatives, April 6, 1937.

This is the natal day of one who is known to each member of this house for his charm, poise, personality, general disposition and native ability. Arriving thirty-six years ago in the southwestern corner of the State, without much comment other than a wimper, he has since pursued a steady course, without blare of trumpets, until his colleagues decided they could safety invest him with powers of public office, secure in the knowledge that such powers would be wisely employed for the good of the Commonwealth and the benefit of its people. So they elected Roy E. Furman as their Speaker, a position he has graced throughout this session and the two preceding special sessions;

Resolved, That the members of the House of Representatives extend to their beloved Speaker Honorable Roy E. Furman their best wishes and wish for him many happy returns on this his birthday and many happy and prosperous future years;

Resolved, That a copy of this resolution, suitably engrossed, be presented to the Speaker by the Chief Clerk of this House in behalf of every member of this House.

On the question,

Will the House adopt the resolution?

Mr. HERBERT B. COHEN. Mr. Chairman, it is with a great deal of pleasure that I rise to second this motion. Personally I think that the tribute is far too short. Our

Speaker is a real perfect thirty-six. To us he exemplifies the ideals of leadership, youth in government, intelligent application to his work and a personality that is engrossing, and I join with the sponsor of this resolution, as I feel sure the other members of the House do, in extending congratulations from this House to the esteemed gentleman who wields the gavel.

Mr. TURNER. Mr. Chairman, as one perfect thirty-six to another, I arise from that group whose heads are bloody but unbowed, to also ask for the opportunity to second this resolution. I think at the beginning of this session I had the distinct pleasure of moving that the nomination of the gentleman from Greene be made unanimous. At that time I said, as I have said before upon the floor of this House, that I think we have been particularly fortunate in the men we have been chosen to preside over us. I think that there exists in the hearts of each one of us a great respect and admiration for the men who have sat in that Chair. I have seen them rise and grow with their occupation of that office.

I was interested in the statement in this resolution that the Speaker of this House had arrived thirty-six years ago without comment, and as evidence of his growth and of the fact that he has progressed, I might say that on that occasion he arrived without either teeth or hair, that he was unable to speak, but today we hear from his lips from time to time some of the best repartee that has ever been put forward in this House. So, I too on this day want to wish him happiness, want to wish that he may go on to higher service, and I want to wish that he may have the opportunity as long as his party is in the majority in this House to preside over it, and I am sure that you have, Mr. Speaker, the very best wishes of all the members on our side of the House.

On the question recurring,

Will the House adopt the resolution?

It was unanimously adopted by a rising vote.

THE SPEAKER (Roy E. Furman) in the Chair.

The SPEAKER. The recipient of all these nice things that have been said this afternoon might, in the words of his good friend from Delaware, Mr. Turner, say that he was flabbergasted, had he not seen certain actions by a few of the members around the desk this morning and last night. Not being a very adroit politician, I did surmise what was going to happen, and for that reason I did not wish to recognize the gentleman from Washington. I again wish to say to these members and to those members who have spoken today that I appreciate more than words can express this sentiment and this recognition of the anniversary of my life. I feel that the greatest thing that I have received during my term as a member of the Legislature in Harrisburg is the friendship of the various members of the House, and I will never forget the association with all of the members here in the House during all of my terms. I appreciate that friendship and I hope to be able to return to them in some measure the friendship and the cooperation towards me and especially the cooperation of the members in this session and the two previous Special sessions. I again thank each and every one of you for this expression today on this anniversary of my life.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2021, entitled:

An Act to amend clause (b) of section five hundred one of the act, approved the first day of May, one thousand nine hundred and twenty nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissable as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by providing for the issuance of special registration plates to members of the General Assembly.

On the question,

Will the House agree to the bill on third reading?

Mr. WOODSIDE. Mr. Speaker and members of the House, some time ago Mr. Habbyshaw and I introduced a bill providing for the issuance of special license numbers upon payment of certain fees. It was not limited to the members of the House of Representatives particularly, but included the Legislature, the Judiciary, the National Guard and any other person of the Commonwealth who through any reason desired to have a special number and was willing to pay for it. We felt if a person was willing to pay to have a particular type of license number, he should be entitled to have that number and we agree with that principle. But in consideration of the limitation of that principle to the Legislature alone, and then not providing for any special fee for this, we think that we cannot vote for this bill. We think that it should be extended to include everybody in this Commonwealth who desires to have a special license and is willing to reimburse the Commonwealth for the privilege of having that license.

BILL POSTPONED

Mr. HERBERT B. COHEN. Mr. Speaker, there was an agreement which will necessitate this bill being passed over in its order, and I therefore move that this bill be placed on the third reading postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1419, (Senate Bill No. 316), as follows:

An Act providing a method through payroll deductions for the payment of delinquent taxes penalties and interest and costs due to political subdivisions by public officers and employes paid from moneys in the treasury thereof and conferring powers and imposing duties on the city controller city treasurer receiver of taxes and bonded paymasters exempting cities of the first class

and school districts in such cities from the provisions of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any political subdivision of this Commonwealth shall have the right to collect delinquent taxes due to such political subdivision by any public officer and employe whose compensation is paid from moneys in the treasury of the political subdivision by deducting from the salary or compensation of such officer or employe semi-monthly or periodically an amount not in excess of twenty per centum of the amount of any current salary or compensation due such officer or employe as shown by the payroll from which such deduction is made as hereinafter provided

Section 2 It shall be the duty of the collector of taxes of any such political subdivision to certify from time to time to the corporate authorities thereof the names of all public officers and employes by whom delinquent taxes are due to such political subdivision together with a statement of the years for which such delinquent taxes are due and the amount thereof together with penalties interest and costs thereon The corporate authorities of any political subdivision may also ascertain the delinquent taxes owing by any officer or employe which have been returned for non-payment or for which liens have been filed in the office of the prothonotary

The term "corporate authorities" as used in this act shall mean the body which levies the taxes for any political subdivision

Section 3 The corporate authorities of any such political subdivisions shall certify the name of any officer or employe whose taxes are delinquent to the paymaster or requisitioning officer or clerk of any department board office or agency of the political subdivision and direct such paymaster officer or clerk in submitting any subsequent payroll to deduct from the salary or compensation of such officers or employe such amount as the corporate authorities shall fix not however exceeding twenty per centum of the amount of such salary or compensation payable at one payroll period and to submit an additional warrant voucher or requisition drawn against the appropriation for the payment of the salary or compensation of such officer or employe in favor of the collector of taxes equal to the amount by which such salary or compensation was so reduced The paymaster officer or clerk shall accompany such warrant voucher or requisition in favor of the collector of taxes with his statement showing against whose delinquent taxes the amount of such warrant voucher or requisition shall be credited The treasurer of the political subdivision shall make payments to the officer or employe and to the collector of taxes in accordance with such warrants vouchers or requisitions The statement of the paymaster officer or clerk shall accompany each such payment to the collector of taxes

Section 4 Upon the receipt of any payment under this act it shall be the duty of the collector of taxes to credit the amount thereof on the tax duplicates in his office against the delinquent taxes penalties interest and costs due by such officer or employe crediting payments from time to time against the taxes for the earliest years still due and owing and he shall transmit to such officer or employe a receipt for the amount of the delinquent taxes penalties interest and costs so paid by deduction from his salary or compensation

Section 5 Any public officer or employe whose taxes are paid by payroll reductions as in this act provided shall be entitled to the benefits of any law which may have been or may hereafter be enacted abating penalties on delinquent taxes paid within a time specified in such law whether such payments are required to be made in lump sum or any installment plan

Section 6 The corporate authorities of any palitical subdivision shall before any such payroll deductions are made notify in writing any public officer or employe of their intention to direct the making of payroll deductions for delinquent taxes unless such taxes and the penalties interest and costs thereon are paid within a specified time it shall have power to enter into such agreements with public officers and employes as it may deem necessary to secure payment thereof by such officer or employe and apply the provisions of this act in any case where the terms of such agreement are not complied with

Section 7 The provisions of this act are severable and if any provision thereof is held to be unconstitutional the decision so holding shall not be construed to affect or impair any other provision of this act It is hereby declared as the intent of the Legislature that this act would have been adopted had such unconstitutional provision not been included therein

Section 8 This act shall not apply to cities of the first class and school districts in such cities

Section 9 All acts and parts of acts inconsistent herewith are hereby repealed

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. REISING. Mr. Speaker and members of the House, I would like some one to explain in detail the provisions of this bill. Perhaps Mr. Cohen or Mr. Turner can do so.

Mr. TURNER. Mr. Speaker and members of the House, my understanding of this bill is that it is exactly of the same character as the bill which we passed for the City of Philadelphia which would provide for the deduction from the pay of municipal employes presented for the payment of taxes which they owe.

Mr. REISING. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I will, Mr. Speaker.

Mr. REISING. Mr. Speaker, do I understand that this bill applies to municipalities or townships, employes of the political subdivisions?

Mr. TURNER. That is as I understand it, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Arnold,	Gillette,	Merrell,	Sloan,
Aukerman,	Gorski,	Mihm,	Smith, James A.,
Baine,	Habbyshaw,	Moomaw,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mooney,	Snyder,
Baker, J. J.,	Hagerty,	Moran,	Sollenberger,
Balthaser	Hall,	Moul,	Spengler,
Bierly,	Hamilton, F. P.,	Muir,	Sproul,
Blank,	Hamilton, R. S.,	Munley,	Stackpole,
Bohn,	Harkins,	Murrin,	Stank,
Boles,	Harmuth,	Nagel,	Stewart,
Boltz,	Hays,	O'Brien,	Stockham,
Boose,	Hering,	O'Connor,	Strode,
Boyer,	Hess,	O'Keefe,	Terry,
Bradley,	Hetrick,	Ominsky,	Thomas,
Brancato,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Hering,	Perry,	Vallbus,
Caesar,	Huntley,	Pershing,	VanAllsburg,
Caputo,	Imbrie,	Piole,	VanSickle,
Chervenak,	Jirolanio,	Powers,	Vogt,
Coakley,	Keenan,	Preston,	Wagner,

Cohen, H. B.,	Kelso,	Readinger,	Wall,
Cohen, R. E.,	Kilroy,	Reese,	Walsh,
Coleman,	Kline,	Reising,	Watkins,
Coolahan,	Kroll,	Richter,	Webster,
Corrigan,	Leisey,	Robinson,	Weidemann,
Costanzo,	Levy.	Rothenberger,	Weiss, D. H.,
Davies,	Lewis,	Royer,	Weiss, S. A.,
Decker,	Long,	Ruffennach,	Welliver,
DeNote,	Longaker,	Rush,	Welsh,
Dickinson,	Lopresti,	Sarraf,	Westrick.
Donohoe,	Lovett,	Scanlon,	Whalen,
Dougherty,	Lyons,	Schor,	Whitenight,
Downey,	Marino,	Schrock,	Wilson,
Dubbs,	Matthews, H. T.,	Schrope,	Winner,
Dyson,	Matthews, J. F.,	Schumacher,	Wood,
Eckels,	McArdle,	Serrill,	Woodside,
Elpern,	McCullough,	Shaw,	Wright,
Falkenstein,	McDermott,	Shea,	Yanoshat,
Finnerty,	McDevitt,	Shepard,	Yeakel,
Fiss,	McElroy,	Shoemaker,	Yourishin,
Fitch	McFall,	Shugarts,	Zappala,
Flanagan,	McGee.	Siegel,	Furman,
Flannery,	McKinney,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1779, as follows:

An Act to amend section three hundred and fifty-four of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to include contracts pertaining to pure endowments and annuities policies of fire marine and title insurance and contracts issued by assessment insurance corporations and all other forms of insurance contracts issued in Pennsylvania.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred and fifty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds Associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 354 Prohibiting the use of policies contracts etc unless approved Penalty It shall be unlawful for any insurance company association or exchange doing business in this Commonwealth to issue sell or dispose of any policy contract or certificate covering life health accident personal liability fire marine title and all forms of casualty insurance or contracts pertaining to pure endowments or annuities or any other contracts of insurance or use applications riders or endorsements in connection therewith until the forms of the same have been submitted to and formally approved by the Insurance Commissioner and copies filed in the Insurance Department except riders and endorsements relating to the manner of distribution of benefits under any such policy and used at the request of the individual policyholder and except any forms of marine Credit fidelity surety or reinsurance contracts which in the opinion of the Insurance Commissioner do not require his approval

Such approval granted by the Insurance Commissioner shall become void upon any subsequent notice from the Insurance Commissioner or upon any subsequent withdrawal of license or refusal of the Insurance Commissioner to relicense any such company association or exchange or upon the subsequent passage of an act which would no longer make such contracts or related forms a fit subject for approval except that this provision shall not affect contracts issued prior thereto

Any person corporation insurance company exchange order or society that shall either as principal or agent issue or cause to be issued any policy or contract of insurance within the Commonwealth contrary to this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00)

Upon satisfactory evidence of the violation of this section by any such person corporation insurance cmpany exchange order or society the Insurance Commissioner may in his discretion pursue any one or more of the following courses of action (1) Suspend or revoke the license of such offending person corporation insurance company exchange one order or society (2) refuse for a period of not to exceed one year thereafter to issue a new license to such person corporation insurance company exchange order or society (3) impose a fine of not more than one thousand dollars ($1,000.00) for each and every act in violation of this act When the Insurance Commissioner shall take action in any of the ways above recited the person corporation insurance company exchange order or society aggrieved may appeal therefrom to the court of common pleas of Dauphin County

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flinchbaugh,	McShane.	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson.
Allen,	Gerard,	Mellott,	Skale,
Arnold,	Gillette,	Merrell,	Sloan,
Aukerman,	Gorski,	Mihm,	Smith, James A.,
Baine,	Habbyshaw,	Moomaw,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mooney,	Snyder.
Baker. J. J.,	Hagerty,	Moran,	Sollenberger,
Balthaser,	Hall,	Moul,	Spengler,
Bierly.	Hamilton, F. P.,	Muir.	Sproul,
Blank,	Hamilton, R. S.,	Munley,	Stackpole,
Bohn,	Harkins,	Murrin,	Stank,
Boles,	Harmuth,	Nagel,	Stewart,
Boltz,	Hays,	O'Brien,	Stockham,
Boose,	Hering,	O'Connor,	Strode,
Boyer,	Hess,	O'Keefe,	Terry,
Bradley,	Hetrick,	Ominsky,	Thomas,
Brancato,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, S.,	Tronzo,
Brown,	Holmes,	Patterson, W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry.	Valibus,
Caesar,	Huntley,	Pershing,	VanAllsburg,
Caputo,	Imbrie,	Piole,	VanSickle,
Chervenak,	Jirolanio,	Powers,	Vogt,
Coakley,	Keenan,	Preston,	Wagner,
Cohen, H. B.,	Kelso,	Readinger,	Wall,
Cohen, R. E.,	Kilroy,	Reese,	Walsh,
Coleman,	Kline,	Reising,	Watkins,
Coolahan,	Kroll,	Richter,	Webster,
Corrigan,	Leisey,	Robinson,	Weidemann,
Costanzo,	Levy,	Rothenberger,	Weiss, D. H.,
Davies,	Lewis,	Royer,	Weiss, S. A
Decker,	Long,	Ruffennach,	Welliver,
DeNote,	Longaker,	Rush,	Welsh,

Dickinson,	Lopresti,	Sarraf,	Westrick,
Donohoe,	Lovett,	Scanlon,	Whalen,
Dougherty,	Lyons,	Schor,	Whitenight,
Downey,	Marino,	Schrock,	Wilson,
Dubbs,	Matthews, H. T.,	Schrope,	Winner,
Dyson,	Matthews, J. F.,	Schumacher,	Wood,
Eckels,	McArdle,	Serrill,	Woodside,
Elpern,	McCullough,	Shaw,	Wright,
Falkenstein,	McDermott,	Shea,	Yanoshat,
Finnerty,	McDevitt,	Shepard,	Yeakel,
Fiss,	McElroy,	Shoemaker,	Yourishin,
Fitch,	McFall,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,	McKinney,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER. The Chair calls to the desk the Gentleman from York, Mr. Cohen.

Mr. HERBERT B. COHEN in the Chair.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1172, entitled:

A Joint Resolution proposing an amendment to section one Article nine of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Arnold,	Gillette,	Merrell,	Sloan,
Aukerman,	Gorski,	Mihm,	Smith, James A.,
Baine,	Habbyshaw,	Moomaw,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mooney,	Snyder,
Baker, J. J.,	Hagerty,	Moran,	Sollenberger,
Balthaser	Hall,	Moul,	Spengler,
Bierly,	Hamilton, F. P.,	Muir,	Sproul,
Blank,	Hamilton, R. S.,	Munley,	Stackpole,
Bohn,	Harkins,	Murrin,	Stank,
Boles,	Harmuth,	Nagel,	Stewart,
Boltz,	Hays,	O'Brien,	Stockham,
Boose,	Hering,	O'Connor,	Strode,
Boyer,	Hess,	O'Keefe,	Terry,
Bradley,	Hetrick,	Ominsky,	Thomas,
Brancato,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Valibus,
Caesar,	Huntley,	Pershing,	VanAllsburg,
Caputo,	Imbrie,	Piole,	VanSickle,
Chervenak,	Jirolanio,	Powers,	Vogt,
Coakley,	Keenan,	Preston,	Wagner,
Cohen, H. B.,	Kelso,	Readinger,	Wall,
Cohen, R. E.,	Kilroy,	Reese,	Walsh,
Coleman,	Kline,	Reising,	Watkins,
Coolahan,	Kroll,	Richter,	Webster,
Corrigan,	Leisey,	Robinson,	Weidemann,
Costanzo,	Levy,	Rothenberger,	Weiss, D. H.,
[illegible]	Lewis,	Royer,	Weiss, S. A.,
[illegible]er,	Long,	Ruffennach,	Welliver,
DeNote,	Longaker,	Rush,	Welsh,
Dickinson,	Lopresti,	Sarraf,	Westrick,
Donohoe,	Lovett,	Scanlon,	Whalen,
Dougherty,	Lyons,	Schor,	Whitenight,
Downey,	Marino,	Schrock,	Wilson,
Dubbs,	Matthews, H. T.,	Schrope,	Winner,
Dyson,	Matthews, J. F.,	Schumacher,	Wood,
Eckels,	McArdle,	Serrill,	Woodside,
Elpern,	McCullough,	Shaw,	Wright,
Falkenstein,	McDermott,	Shea,	Yanoshat,
Finnerty,	McDevitt,	Shepard,	Yeakel,
Fiss,	McElroy,	Shoemaker,	Yourishin,
Fitch,	McFall,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,	McKinney,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 253, entitled:

An Act to amend section nine of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred thirty-three) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care and guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto" authorizing juvenile courts to make orders on the county to maintain children in their homes.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Arnold,	Gillette,	Merrell,	Sloan,
Aukerman,	Gorski,	Mihm,	Smith, John A.,
Baine,	Habbyshaw,	Moomaw,	Smith, James A.,
Baker, F. T.,	Haberlen,	Mooney,	Snyder,
Baker, J. J.,	Hagerty,	Moran,	Sollenberger,
Balthaser,	Hall,	Moul,	Spengler,
Bierly,	Hamilton, F. P.,	Muir,	Sproul,
Blank,	Hamilton, R. S.,	Munley,	Stackpole,
Bohn,	Harkins,	Murrin,	Stank,
Boles,	Harmuth,	Nagel,	Stewart,
Boltz,	Hays,	O'Brien,	Stockham,
Boose,	Hering,	O'Connor,	Strode,
Boyer,	Hess,	O'Keefe,	Terry,
Bradley,	Hetrick,	Ominsky,	Thomas,
Brancato,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Valibus,
Caesar,	Huntley,	Pershing,	VanAllsburg,
Caputo,	Imbrie,	Piole,	VanSickle,
Chervenak,	Jirolanio,	Powers,	Vogt,
Coakley,	Keenan,	Preston,	Wagner,
Cohen, H. B.,	Kelso,	Readinger,	Wall,
Cohen, R. E.,	Kilroy,	Reese,	Walsh,
Coleman,	Kline,	Reising,	Watkins,
Coolahan,	Kroll,	Richter,	Webster,
Corrigan,	Leisey,	Robinson,	Weidemann,
Costanzo,	Levy,	Rothenberger,	Weiss, D. H.,

Davies,	Lewis,	Royer,	Weiss, S. A.,
Decker,	Long,	Ruffennach,	Welliver,
DeNote,	Longaker,	Rush,	Welsh,
Dickinson,	Lopresti,	Sarraf,	Westrick,
Donohoe,	Lovett,	Scanlon,	Whalen,
Dougherty,	Lyons,	Schor,	Whitenight,
Downey,	Marino,	Schrock,	Wilson,
Dubbs,	Matthews, H. T.,	Schrope,	Winner,
Dyson,	Matthews, J. F.,	Schumacher,	Wood,
Eckels,	McArdle,	Serrill,	Woodside,
Elpern,	McCullough,	Shaw,	Wright,
Falkenstein,	McDermott,	Shea,	Yanoshat,
Finnerty,	McDevitt,	Shepard,	Yeakel,
Fiss,	McElroy,	Shoemaker,	Yourishin,
Fitch,	McFall,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,	McKinney,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1978, entitled:

A Supplement to the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts and authorizing the suspension of this supplement in certain cases.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, am I correct in understanding that we are now on House Bill No. 1978?

The SPEAKER. You are.

Mr. TURNER. Mr. Speaker, I desire to interrogate the lady from Lancaster, Mrs. Horting.

The SPEAKER. Will the lady from Lancaster permit herself to be interrogated?

Mrs. HORTING. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, this bill is for an increase in the pay of teachers in fourth class school districts, is it not?

Mrs. HORTING. That is correct, Mr. Speaker.

Mr. TURNER. Mr. Speaker, is this not the bill to which I offered an amendment last night to strike out section 3 which would provide that the increased payment was to come from the chain store tax?

Mrs. HORTING. That is correct, Mr. Speaker.

The SPEAKER. Will the gentleman from Delaware please repeat his interrogation?

Mr. TURNER. Mr. Speaker, is this not the same bill as to which I offered an amendment last night to strike out section 3 which provides that the chain store tax is to pay the increased amounts to the teachers in the fourth class school districts?

Mrs. HORTING. It is, Mr. Speaker.

Mr. TURNER. Mr. Speaker, therefore, under this bill will the State pay all of the moneys which are necessary to pay the increased amounts to the teachers in the fourth class school districts, or will the fourth class school districts themselves have to pay a part of the increase?

Mrs. HORTING. Mr. Speaker, in answer to the question of the gentleman from Delaware, Mr. Turner, I will state that the State will reimburse the districts on the same basis as the present reimbursement, whatever it may be, fifty, sixty or seventy-five percent, as at present.

Mr. TURNER. Mr. Speaker, if I understand the lady correctly, and my understanding of the intent of this bill is the same as she has stated, the State will not pay all of the increase but there will still be a part of the increase to be paid by the fourth class school districts.

Mrs. HORTING. That is correct, Mr. Speaker.

Mr. TURNER. Mr. Speaker, under section 2 of this act it seems to me that the State is to pay all of that increase up to one thousand dollars, is that correct?

Mrs. HORTING. Mr. Speaker, that is not my understanding of it. I have taken the matter up with the Department of Public Instruction and also with the Governor's office and they are of the same opinion as I have previously said.

Mr. TURNER. Mr. Speaker, as I interpret the language of section 2, the first paragraph of that section it says: "In addition to all payments which the Commonwealth is now by law required to make to school districts of the fourth class on account of the salaries of members of the teaching and superisory staffs of such school districts the Commonwealth shall pay for the fiscal year beginning the first day of July one thousand nine hundred thirty-seven and for each fiscal year after to each fourth class school district the following amounts on account of the minimum salaries of all members of the teaching staffs of all elementary schools an amount which together with the amount now required by law to be paid by the Commonwealth,"—that is what we are at present paying, supposing it is fifty percent,—and in addition to the amount now required by law to be paid by the school district,"—that is what the school districts now pay, the other fifty percent, "will equal for each member of such staffs the sum of one thousand dollars."

In other words, if at the present time the minimum salary is eight hundred dollars, and the State pays fifty percent and the school district pays the balance, that would mean four hundred dollars apiece, but if the State in addition to that is to pay an amount which will be equal for each member of such staffs the sum of one thousand dollars, that is a sum up to one thousand dollars, that would mean the State would have to pay the two hundred dollars additional, would it not?

Mrs. HORTING. That is not my understanding of the bill, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I cannot read the language in any other way. In the second paragraph, however, it does say what you said in the beginning, in other words, that the State does pay as it does now under the Edmonds Act, that is, if it pays fifty percent, they pay fifty percent of the increase, they pay one hundred dollars above the eight hundred dollars, being one half of the difference between eight hundred dollars and one thousand dollars, is

that the understanding of the lady from Lancaster, Mrs. Horting.

Mrs. HORTING. Mr. Speaker, my understanding is that the State will reimburse districts fifty, sixty or seventy-five percent on the one thousand dollar minimum, which we are now establishing.

Mr. TURNER. Mr. Speaker, on the one thousand dollar minimum the State is to pay fifty percent, or it will pay five hundred dollars, and that will leave the local districts to pay five hundred dollars, would it not?

Mrs. HORTING. That is correct, Mr. Speaker.

Mr. TURNER. Mr. Speaker, the fourth class school districts would be required to pay one hundred dollars more than they are now paying to each teacher, is that not correct.

Mrs. HORTING. Mr. Speaker, that is correct.

Mr. TURNER. Mr. Speaker, is that the understanding of the lady from Lancaster?

Mrs. HORTING. It is, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I think that is the clear intent of the second paragraph, but the first paragraph does not say that. It says the State is going to pay it all. I wonder if the lady from Lancaster can explain the two paragraphs. If the State in the first paragraph is going to pay it all, why do they say in the second paragraph it is going to pay fifty or seventy-five percent, or whatever the percentage may be?

Mrs. HORTING. Mr. Speaker, in answer to the gentleman from Delaware I would like to say that he is probably much more familiar with the language of bills than I am. However, I have the opinion of the Governor's office and also of the Department of Public Instruction that that is not contradictory.

Mr. TURNER. Mr. Speaker and members of the House, I have read this bill a number of times, I have tried to follow this language in the first paragraph and I cannot make anything out of that language other than the State is to pay the entire difference, because it says that in addition to the amount which it now pays and the amount which the school district now pays, the State will pay the difference up to one thousand dollars. If that is the case that means that the State is going to pay it all. In the next paragraph it says it is only going to pay fifty or seventy-five percent, or whatever the percentage may be. May I also call to your attention that in the first paragraph, or in section one, there is a provision that the teaching staffs in high schools shall receive eleven hundred and seventy dollars, but there is no mention of that at all in section two. In the second place the act provides for an increment to the teachers of fifty dollars as to the elementary grades for four years, and as to high school teachers one hundred dollars for four years, but there is no mention of that in section two at all. Therefore, as I understand the Edmonds Act the school district would have to pay these increments, and, therefore, in addition to the payment of the difference in increase, it would also have to pay the whole of these increments.

Therefore, it seems to me, Mr. Speaker that this bill ought to be placed on the postponed calendar or it should not be passed, because if the intent is to provide a tax on chain stores to pay for the increase of the teachers' salaries of the fourth class school districts, and then we turn around and load back on the fourth class districts, many of whom are unable to pay their way at the present time, and a number of them are in distress,—we are going to appropriate a couple of million dollars for distressed school districts during the next biennium,— we are only adding to the difficulties of the fourth class school districts. I therefore do not think this bill should be passed in its present form.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Flinchbaugh,	McKinney,	Siegel,
Alexander,	Ganser,	McShane	Simon,
Allen,	Gerard,	Melchiorre,	Simpson,
Arnold,	Gillette,	Mellott,	Skale,
Aukerman,	Gorski,	Merrell,	Sloan,
Baine,	Habbyshaw,	Mihm,	Smith, John A.,
Baker, F. T.,	Haberlen,	Moomaw,	Smith, James A.,
Baker, J. J.,	Hagerty,	Mooney,	Snyder,
Balthaser,	Hall,	Moran,	Sollenberger,
Bierly,	Hamilton, F. P.,	Moul,	Spengler,
Blank,	Hamilton, R. S.,	Muir,	Sproul,
Bohn,	Harkins,	Munley,	Stackpole,
Boles,	Harmuth,	Murrin,	Stank,
Boltz,	Hays,	Nagel,	Stewart,
Boose,	Hering,	O'Brien,	Stockham,
Boyer,	Hess,	O'Connor,	Strode,
Bradley,	Hetrick,	O'Keefe,	Terry,
Brancato,	Hindman,	Ominsky,	Thomas,
Brigerman,	Hirsch,	O'Neill,	Thompson,
Broad,	Holland,	Ostroff,	Toole,
Brown,	Holmes,	Patterson, C. S.,	Tronzo,
Brownfield,	Holstrom,	Patterson, J. W.,	Trout,
Burrows,	Hontz,	Peale,	Tumelty,
Cadwalader,	Horting,	Pearson,	Valibus,
Caesar,	Huntley,	Perry,	VanAllsburg
Caputo,	Imbrie,	Pershing,	VanSickle,
Chervenak,	Jirolanio,	Piole,	Vogt,
Coakley,	Keenan,	Powers,	Wagner,
Cohen, H. B.,	Kelso,	Preston,	Wall,
Cohen, R. E.,	Kilroy,	Readinger,	Walsh,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	Leisey,	Richter,	Weidemann,
Costanzo,	Levy,	Robinson,	Weiss, D. H.,
Davies,	Lewis,	Rothenberger,	Weiss, S. A.,
Decker,	Long,	Royer,	Welliver,
DeNote,	Longaker,	Ruffennach,	Welsh,
Dickinson,	Lopresti,	Rush,	Westrick,
Donohoe,	Lovett,	Sarraf,	Whalen,
Dougherty,	Lyons,	Scanlon,	Whitenight,
Downey,	Marino,	Schor,	Wilson,
Dubbs,	Matthews, H. T.,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Shugarts,	Furman,
Flannery,			

NAYS—1

Turner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 103, entitled:

An Act to amend section one of the act approved the ninth day of April one thousand eight hundred and forty-nine (Pamphlet Laws five hundred thirty-three) entitled "An act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent" declaring persons incapable of waiving their right to an exemption as to household goods

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HUNTLEY. Mr. Speaker and members of the House, as I understand this bill it is an attempt to protect women and children from being put out on the street under what they used to call on the Sinnamahoning Shirt Tail Execution. A father gives his note in which he confesses judgment by power of attorney and waives his exemption inquisition to the amount of $300 which the law allows him He is sold out under this exemption. It is not the selling out of the maker of the note that we are trying to remedy in his bill, but it is the selling out of the wife and children who had nothing whatever to do with the giving of the note. However, I dare say that every hard working mother, who has a brood of children, had a great deal to do with the making and saving what little furniture that is being sold. For that reason I am for the underdog, with the Democrats across the other side.

Mr. McDEVITT. Mr. Speaker and members of the House, I am opposed to this bill but for an entirely different reason, and I do not intend to argue it, but simply so that a bill won't pass under a misapprehension, this one applies to distress for rent. It does not apply to contracts that a man might have signed or a waiver for exemption on a loan or the financing of a car or something of that kind. It applies solely to distress for rent, and I might say, very briefly, I am opposed to it because I believe that the owner of a property also has some rights. By the time he gets through the procedure of an eviction probably the house will have been torn down. Now the general experience has been that in very few cases are household goods sold out on constable's notice, but such a notice of sale is a very good stimulus to a tenant who is not paying his rent, and in ninety-nine out of one hundred cases, he does get out, but this bill does only apply to distress for rent.

Mr. ECKELS. Mr. Speaker and members of the House, it has been my understanding that the exemption of $300 for distress for rent also applies to the notes and the execution and as I read the heading of the bill here it is to exempt property to the value of $300 from levy of sale on execution and distress for rent. I do not have the original act before me, but it is my understanding it applies to the shirt tail notes as well as distress for rent.

Mr. DAVID H. WEISS. Mr. Speaker I would like to interrogate the gentleman from Northampton, Mr. Jirolanio.

The SPEAKER. Will the gentleman from Northampton permit himself to be interrogated?

Mr. JIROLANIO. I will, Mr. Speaker.

Mr. DAVID H. WEISS. Mr. Speaker, will not this proposed bill affect the future borrowing power of an individual who wishes to borrow money from a small loan company?

Mr. JIROLANIO. In answer to that question of the gentleman from Westmoreland, Mr. Speaker, I would appreciate if he would be more explicit in just what he refers to, as to small loans.

Mr. DAVID H. WEISS. Mr. Speaker, people in Westmoreland County who want to borrow money in small amounts, fifty to one hundred dollars, sign a note against their household goods. If they were not allowed to waive their household goods they would not be able to borrow any money.

Mr. JIROLANIO. Mr. Speaker, in answer to the gentleman from Westmoreland I wish to inform him that the present law as it now exists is if you borrow money from a small loan company, and the borrower then turns over the title to the small loan company, and they in turn lease the property back, which is practically almost a chattel mortgage, which is said not to be in existence in Pennsylvania, that sale would be void and of no effect or value whatsoever. Therefore answering the question, I would say that it does not exist under the law today.

Mr. DAVID H. WEISS. Mr. Speaker, will this not make it more difficult for the individual to rent a home, not being able to waive his or her household goods? In other words, will not the landlord be a little more strict in seeing who gets into his home.

Mr. JIROLANIO. Mr. Speaker, that might be so, but the conditions will apply to everybody in this Commonwealth, and the landlord should be in the same category and in the same position, no one will have any preference.

Mr. DAVID H. WEISS. Mr. Speaker, do you not think that the landlord might be more cautious in allowing some individuals to get into the home, and thereby work a hardship on them?

Mr. JIROLANIO. Mr. Speaker, in answer to the gentleman from Westmoreland, I cannot determine what the mental operations of the landlord will be when this bill is passed.

Mr. DAVID H. WEISS. Mr. Speaker, I wish to make a statement. Mr. Speaker, the idea back of House Bill No. 103 is pretty good, but I am afraid that in trying to help the small fellow, in certain respects you are doing him just as much harm and I feel that this bill should have more consideration than it has received up to the present time. It is going to hurt the borrowing power of the small person, the man who really needs fifty or one hundred dollars in an emergency. It is going to hurt the small person's ability to get a home when he is chased out or evicted, from his particular place. Therefore, while I am not opposed to the idea back of this bill, I still feel that the bill in principle is drafted incorrectly.

Mr. JIROLANIO. Mr. Speaker, I desire to make a statement in favor of the present bill as it now stands.

The SPEAKER. The gentleman will proceed.

Mr. JIROLANIO. Mr. Speaker, if memory serves me correctly, the original purpose of the $300 exemption law was to protect an individual from becoming a pauper, in order that the Commonwealth or the municipalities would not have to bear the burden of seeing to it that he would not become destitute. That original provisions has been embodied in our laws, and I know that no one in this audience today nor any of the members of the House in this body today is against the original provisions and purposes of the act as originally passed. Since that time there has grown up the practice of waiving these provisions of the exemption. By waiving the provisions of the exemption we are defeating the very purpose for which this act was passed, and therefore I say to all the members of this House that in order to carry out the original purpose of this act we should forbid anyone from waiving the provisions, because by waiving the provisions they will then place themselves in such a position that they may become

paupers and become destitutes and become charges upon the Commonwealth and the municipalities.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—111

Allen,	Flannery,	McElroy,	Scanlon,
Baine,	Ganser,	McFall,	Schor,
Baker, J. J.,	Gerard,	McGee,	Schumacher,
Bierly,	Gorski,	McShane,	Shaw,
Blank,	Haberlen,	Melchiorre,	Shea,
Boies,	Hagerty,	Mihm,	Shepard,
Bradley,	Harkins,	Moomaw,	Shugarts,
Brancato,	Harmuth,	Mooney,	Siegel,
Brigerman,	Hays,	Moran,	Skale,
Brown,	Hindman,	Murrin,	Smith, James A.,
Caesar,	Hirsch,	Nagel,	Spengler,
Caputo,	Holmes,	O'Brien,	Stank,
Coakley,	Holstrom,	Ominsky,	Thompson,
Cohen, H. B.,	Hontz,	Ostroff,	Tronzo,
Coleman,	Horting,	Patterson, J. W.,	Tumelty,
Coolahan,	Huntley,	Pearson,	VanSickle,
Costanzo,	Imbrie,	Perry,	Vogt,
DeNote,	Jirolanio,	Piole,	Walsh,
Dickinson,	Keenan,	Powers,	Weiss, S. A.,
Donohoe,	Kilroy,	Preston,	Welliver,
Downey,	Levy,	Readinger,	Welsh,
Dubbs,	Lewis,	Reese,	Westrick,
Eckels,	Long,	Reising,	Whalen,
Elpern,	Lopresti,	Richter,	Wright,
Falkenstein,	Lovett,	Robinson,	Yanoshat,
Fitch,	Marino,	Rothenberger,	Yourishin,
Fiss,	McCullough,	Rush,	Zappala,
Flanagan,	McDermott,	Sarraf,	Furman,

NAYS—34

Achterman,	Hetrick,	Muir,	Turner,
Alexander,	Kline,	Peale,	Wall,
Baker, F. T.,	Kroll,	Royer,	Watkins,
Burrows,	Longaker,	Serrill,	Webster,
Davies,	Lyons,	Sloan,	Wilson,
Gillette,	Matthews, H. T.,	Snyder,	Winner,
Habbyshaw,	McDevitt,	Stackpole,	Wood,
Hamilton, R. S.,	McKinney,	Terry,	Woodside,
Hess,	Merrell,	Trout,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER (Roy E. Furman) in the Chair.

ANNOUNCEMENT BY THE SPEAKER

The Chair has been requested to announce that there will be a joint public hearing of the House Committee on Cities and the Senate Committee on City Government on the Family Court Bill and the Small Claims Bill at 4:00 o'clock today in the Senate Caucus Room.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1754, entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing for and regulating the incorporation of non-profit corporations organized to provide hospital care and service for subscribers and conferring powers on the Insurance Department with respect thereto

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. TUMULTY. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TUMELTY. Mr. Speaker, I would like to have the gentleman from York explain what is meant in section 218 that "A majority of the directors of such corporations must at all times be directors, trustees or administrators of any hospital with which such corporation has a contract for such care and service."

Mr. HERBERT B. COHEN. Mr. Speaker, in explanation of the paragraph just read by the gentleman from Philadelphia I would say that prior to the formation of a non-profit corporation to engage in what is known as the three cent a day plan the members of the directorate of that non-profit corporation must be intimately connected with hospitalization and therefore this act requires that a majority of the directors of the non-profit corporation be affiliated with a hospital either in their capacity as trustees or administrators.

Mr. TUMELTY. Mr. Speaker, I would like to ask the gentleman from York if a person who takes out what I presume would be a policy in this corporation would have the right to choose the hospital he wished to go to.

Mr. HERBERT B. COHEN. Mr. Speaker, the gentleman from Philadelphia has not quite yet arrived at the bridge whereby that question would be in order. This bill only provides for the formation of the corporation. The regulatory measure is still in the committee on Insurance. That bill at the present time requires that the insured go to the hospital that is a member of the subscribing group. However, it possibly might be amended and, as a matter of fact, amendments are being prepared along those lines, which would allow the insured to go to any hospital of his own choosing. However, that is not a part of this bill.

Mr. TUMELTY. Mr. Speaker, due to the fact that this bill calls for contracts and hospitalization it is absolutely necessary to know what else is going on follow this bill up and in order to properly vote on the bill. So, I would like to ask the gentleman from York, if a person had a policy in such a corporation and such a corporation did not have a contract with a cancer hospital, for example, and that person developed cancer and desired to go to a very high grade cancer hospital, what could he do about it?

Mr. HERBERT B. COHEN. He would go to the cancer hospital, Mr. Speaker.

Mr. TUMELTY. But they have no contract with them, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, it all depends on the regulatory measure of the bill and the contract itself must meet with the approval of the Insurance Department.

Mr. TUMELTY. Mr. Speaker and members of the House, I believe this bill is the first step in the socialization of medicine. I do not approve of the socialization of medicine in any form in any part of the United States, and, therefore, I am going to vote against this bill and I will ask everyone else who disapproves of the socialization of medicine to stop this first step and vote against the bill.

Mr. TRONZO. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TRONZO. Mr. Speaker, will the gentleman from York tell me whether or not this is a step towards health insurance?

Mr. HERBERT B. COHEN. Mr. Speaker, I do not understand the interrogation of the gentleman.

Mr. TRONZO. Mr. Speaker, does the gentleman believe that the passage of this bill will be a step toward health insurance or a step toward the socialization of medicine.

Mr. HERBERT B. COHEN. Mr. Speaker, personally I do not so think. I think that this bill is a very fine example of how individuals may take care of themselves. Of course all forms of insurance have the implication of a group banding together to meet a common hazard. The history of fire insurance companies would indicate that. This bill does not involve the question of health insurance in that it does not supplement the income of the family as a result of illness. All that will be provided by the group hospitalization plan is the method whereby the incident of illness can be paid for without an enormous budgetary requirement.

Mr. TRONZO. Mr. Speaker, would it have a semblance to health insurance or socialized medicine if the cash benefits were eliminated?

Mr. HERBERT B. COHEN. Mr. Speaker, the bill does not provide for the payment of cash benefits. The bill only provides for the payment of hospitalization for twenty-one days.

Mr. TRONZO. Mr. Speaker, I want to correct my question. I was referring to the elimination of cash benefits in health insurance or socialized medicine.

Mr. HERBERT B. COHEN. Mr. Speaker, I would say in answer to that question, my conception of the bill that the gentleman from Allegheny has introduced in this House is that it requires a contribution by the Commonwealth. This bill does not require any contributions whatsoever by the Commonwealth and is different from socialized medicine or health insurance in that respect.

Mr. TRONZO. Is that the only respect, Mr. Speaker?

Mr. HERBERT B. COHEN. Yes, Mr. Speaker, that it does not supplement the income of course during illness.

Mr. TRONZO. Mr. Speaker and members of the House, at this time I would like to read into the record an editorial appearing in "Labor" which is a weekly newspaper, under date of April 6, 1937, bearing the title "Possibilities of Health Insurance".

"The possibilities of health insurance on a state or national scale is revealed by an experiment which is being carried on in New York. Subscribers to a hospital service pay three cents a day, or $10.80 a year, and are entitled to twenty-one days of free care in a semi-private room in any one of two hundred and forty hospitals within a fifty mile radius of New York.

"This does not take care of doctors' bills, however. It is said that 270,000 persons in moderate circumstances have already subscribed. LABOR is not vouching for this particular plan, but is apparently a financial success.

"Great Britain and other countries have gone much farther, and comparatively small contributions from the worker and the employer pay the doctor, the dentist and the oculist, in addition to hospitalization.

"Of course, any health insurance scheme would have to be adapted to the idiosyncracies of America—and God knows we have a lot of peculiarities—but a plan can be worked out. In fact, it must be worked out, for today the citizen with ordinary income finds it next to impossible to secure adequate medical care unless he wrecks his savings account or mortgages his future."

That is exactly the way I feel about it. This is a step in the right direction but it does not go far enough. It does not give us what we want, and I do have a bill in committee, in one of the committees of this House known as Health Insurance Bill No. 622. I am sorry that that is not the bill under discussion today, but I say that the bill presented to this House and now before you on third reading will not finally meet the needs of the people of this Commonwealth, but is a step in the right direction, and I hope that we pass this bill and later pass House Bill No. 622.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I am gradually being convinced that this is a very fine bill. The gentleman from Philadelphia found fault with the bill that it goes too far; the gentleman from Allegheny found fault with the bill that it does not go far enough. Possibly the bill is just right, in fact it has been satisfactory in a tremendous number of our States. The City of New York has a plan of group hospitalization, as the gentleman from Allegheny indicates, which is already flourishing and has approximately three hundred thousand subscribers. I understand that any number of communities outside of the Commonwealth have already started this plan and I further understand that a great number of communities within this Commonwealth, namely the hospital at Easton and the Abington Memorial Hospital, have adopted this plan. You cannot say, as the gentleman from Philadelphia indicated, that this is a step toward socialized medicine and attempt to throw cold water on it by using the words "socialized medicine"—you cannot detract from the merits of the plan in that manner. This will give the average individual, the great mass of people who are not in the wealthy class and the great number who are not in the indigent class, an opportunity to insure themselves at low cost against the incident of illness. This will provide an opportunity for hospitalization for thousands of people in this Commonwealth who now cannot budget themselves so that

when they are visited by a situation which requires hospitalization, they cannot do so. This bill will give to the seekers of proper medical and hospital treatment an opportunity to get them.

I am sorry both for the gentleman from Philadelphia and the gentleman from Allegheny that they find some method of criticising this bill, but the fact remains that it takes care of the people of this Commonwealth and gives them an opportunity to get real hospital service at real low cost.

Mr. TRONZO. Mr. Speaker, I accept the apologies of the gentleman from York.

Mr. TUMELTY. Mr. Speaker, in order that people may not get the wrong impression, I did not say that this bill went anywhere; I merely said this bill opens the door to allow something to creep in. but I did hear from the gentleman from York that the bill goes down the middle of the road, and any time you are going down the middle of the road you will find a lot of people in the ditches on both sides, and that is probably what this bill will do, put them in the ditches.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flinchbaugh,	McKinney,	Siegel,
Alexander,	Ganser,	McShane,	Simon,
Allen,	Gerard,	Melchiorre,	Simpson,
Arnold,	Gillette,	Mellott,	Skale,
Aukerman,	Gorski,	Merrell,	Sloan,
Baine,	Habbyshaw,	Mihm,	Smith, John A.,
Baker, F. T.,	Haberlen,	Moomaw,	Smith, James A.,
Baker, J. J.,	Hagerty,	Mooney,	Snyder,
Balthaser,	Hall,	Moran,	Sollenberger,
Bierly,	Hamilton, F. P.,	Moul,	Spengler,
Blank,	Hamilton, R. S.,	Muir,	Sproul,
Bohn,	Harkins,	Munley,	Stackpole,
Boies,	Harmuth,	Murrin,	Stank,
Boose,	Hays,	Nagel,	Stewart,
Boyer,	Hering,	O'Brien,	Stockham,
Bradley,	Hess,	O'Connor,	Strode,
Brancato,	Hetrick,	O'Keefe,	Terry,
Brigerman,	Hindman,	Ominsky,	Thomas,
Broad,	Hirsch,	O'Neill,	Thompson,
Brown,	Holland,	Ostroff,	Toole,
Brownfield,	Holmes,	Patterson, C. S.,	Tronzo,
Burrows,	Holstrom,	Patterson, J. W.,	Trout,
Cadwalader,	Hontz,	Peale,	Turner,
Caesar,	Horting,	Pearson,	Valibus,
Caputo,	Huntley,	Perry,	VanAllsburg,
Chervenak,	Imbrie,	Pershing,	VanSickle,
Coakley,	Jirolanio,	Piole,	Vogt,
Cohen, H. B.,	Keenan,	Powers,	Wagner,
Cohen, R. E.,	Kelso,	Preston,	Wall,
Coleman,	Kilroy,	Readinger,	Walsh,
Coolahan,	Kline,	Reese,	Watkins,
Corrigan,	Kroll,	Reising,	Webster,
Costanzo,	Leisey,	Richter,	Weidemann,
Davies,	Levy,	Robinson,	Weiss, D. H.,
Decker,	Lewis,	Rothenberger,	Weiss, S. A.,
DeNote,	Long,	Royer,	Welliver,
Dickinson,	Longaker,	Ruffennach,	Welsh,
Donohoe,	Lopresti,	Rush,	Westrick,
Dougherty,	Lovett,	Sarraf,	Whalen,
Downey,	Lyons,	Scanlon,	Whitenight,
Dubbs,	Marino,	Schor,	Wilson,
Dyson,	Matthews, H. T.,	Schrock,	Winner,
Eckels,	Matthews, J. F.,	Schrope,	Wood,
Elpern,	McArdle,	Schumacher,	Woodside,
Falkenstein,	McCullough,	Serrill,	Wright,
Finnerty,	McDermott,	Shaw,	Yanoshat,
Fiss,	McDevitt,	Shea,	Yeakel,
Fitch,	McElroy,	Shepard,	Yourishin,
Flanagan,	McFall,	Shoemaker,	Zappala,
Flannery,	McGee,	Shugarts,	Furman,

NAYS—2

Boltz,	Tumelty,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 135, entitled:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators or those attempting to form an association of labor groups to approve or disapprove their incorporation or their attempted association or right to do business within the Commonwealth

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. PIOLE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 1641, (Senate Bill No. 264), entitled:

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Skale,
Arnold,	Gerard,	Mellott,	Sloan,
Atkins,	Gillette,	Merrell,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Smith, James A.,
Baine,	Habbyshaw,	Moomaw,	Snyder,
Baker, F. T.,	Haberlen,	Mooney,	Sollenberger,
Baker, J. J.,	Hagerty,	Moran,	Spengler,
Balthaser,	Hall,	Moul,	Sproul,
Bierly,	Hamilton, F. P.,	Muir,	Stackpole,
Blank,	Hamilton, R. S.,	Munley,	Stank,
Bohn,	Harkins,	Murrin,	Stewart,
Boies,	Harmuth,	Nagel,	Stockham,
Boltz,	Hays,	O'Brien,	Strode,
Boose,	Hering,	O'Connor,	Terry,
Boyer,	Hess,	O'Keefe,	Thomas,
Bradley,	Hetrick,	Ominsky,	Thompson,
Brancato,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Jirolanio,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Walsh,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	Leisey,	Robinson,	Weiss, D. H.,
Costanzo,	Levy,	Rothenberger,	Weiss, S. A.,
Davies,	Lewis,	Royer,	Welliver,

Decker,	Long,	Ruffennach,	Welsh,
DeNote,	Longaker,	Rush,	Westrick,
Dickinson,	Lopresti,	Sarraf,	Whalen,
Donohoe,	Lovett,	Scanlon,	Whitenight,
Dougherty,	Lyons,	Schor,	Wilson,
Downey,	Marino,	Schrock,	Winner,
Dubbs,	Matthews, H. T.,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,	McGee,	Siegel,	

NAYS—0

The majority required by the Contstiution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1625, entitled:

An Act providing for and regulating joint purchases by counties (other than counties of the first and second classes) cities of the third class boroughs towns townships school districts and poor districts

And said having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Arnold,	Gillette,	Merrell,	Sloan,
Aukerman,	Gorski,	Mihm,	Smith, John A.,
Baine,	Habbyshaw,	Moomaw,	Smith, James A.,
Baker, F. T.,	Haberlen,	Mooney,	Snyder,
Baker, J. J.,	Hagerty,	Moran,	Sollenberger,
Balthaser,	Hall,	Moul,	Spengler,
Berly,	Hamilton, F. P.,	Muir,	Sproul,
Blank,	Hamilton, R. S.,	Munley,	Stackpole,
Bohn,	Harkins,	Murrin,	Stank,
Boies,	Harmuth,	Nagel,	Stewart,
Boltz,	Hays,	O'Brien,	Stockham,
Boose,	Hering,	O'Connor,	Strode,
Boyer,	Hess,	O'Keefe,	Terry,
Bradley,	Hetrick,	Ominsky,	Thomas,
Brancato,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Valibus,
Caesar,	Huntley,	Pershing,	VanAllsburg,
Caputo,	Imbrie,	Piole,	VanSickle,
Chervenak,	Jirolanio,	Powers,	Vogt,
Coakley,	Keenan,	Preston,	Wagner,
Cohen, H. B.,	Kelso,	Readinger,	Wall,
Cohen, R. E.,	Kilroy,	Reese,	Walsh,
Coleman,	Kline,	Reising,	Watkins,
Coolahan,	Kroll,	Richter,	Webster,
Corrigan,	Leisey,	Robinson,	Weidemann,
Costanzo,	Levy,	Rothenberger,	Weiss, D. H.,
Davies,	Lewis,	Royer,	Weiss, S. A.,
Decker,	Long,	Ruffennach,	Welliver,
DeNote,	Longaker,	Rush,	Welsh,
Dickinson,	Lopresti,	Sarraf,	Westrick,
Donohoe,	Lovett,	Scanlon,	Whalen,
Dougherty,	Lyons,	Schor,	Whitenight,
Downey,	Marino,	Schrock,	Wilson,
Dubbs,	Matthews, H. T.,	Schrope,	Winner,
Dyson,	Matthews, J. F.,	Schumacher,	Wood,
Eckels,	McArdle,	Serrill,	Woodside,
Elpern,	McCullough,	Shaw,	Wright,
Falkenstein,	McDermott,	Shea,	Yanoshat,
Finnerty,	McDevitt,	Shepard,	Yeakel,
Fiss,	McElroy,	Shoemaker,	Yourishin,
Fitch,	McFall,	Shugarts,	Zappala,
Flanagan	McGee,	Siegel,	Furman,
Flannery,	McKinney,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

TIME EXTENDED ON BILL

Mr. NAGEL. Mr. Speaker, I move that the time on House Bill No. 1087, Printer's No. 405, entitled:

An Act providing for the exclusion from the court room and the segregation of certain witnesses in criminal cases; imposing restrictions on such witnesses; providing for their maintenance at the expense of the county; and prescribing penalties.

on page 16 of today's calendar, bill on final passage, postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. HOLSTROM. Mr. Speaker, I move that the time on House Bill No. 1200, Printer's No. 442, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine; permitting the use of any surplus funds for construction and reconstruction of township roads and bridges; requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years; authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the purposes of this act; and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first, one thousand nine hundred forty.

on page 15 of todays calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. MOOMAW. Mr. Speaker, I move that the time on House Bill No. 1572, Printer's No. 429, entitled:

An Act to amend sections one, eight, eleven and thirteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1513), entitled "An act regulating the construction, equipment, maintenance, operation and inspection of boilers, granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act;" extending the provisions of said act to unfired pressure vessels.

on page 15 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET

Mr. OMINSKY asked and obtained permission for the Committee on Cities to meet during the session of the House in order to attend a public hearing in the Senate Caucus Room.

REPORTS FROM COMMITTEES

Mr. OMINSKY, from the Committee on Cities, reported as amended, Senate Bill No. 586 (House Bill No. 2080), entitled:

An Act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class.

Mr. OMINSKY, from the Committee on Cities, reported as amended, Senate Bill No. 587 (House Bill No. 2081), entitled:

An Act to further amend section five, and to partly repeal sections one, two, three and four of the act, approved the twenty-third day of June, one thousand nine hundred and eleven (P. L. 1123), entitled "An act establishing in each county a board of viewers; prescribing their duties; providing for their appointment as viewers, road juries, juries of view and commissioners to view land; and providing for the charges upon the respective counties in the matter of salaries, costs, and expenses thereof," by providing for the appointment of boards of view from the board of revision of taxes, and abolishing the board of viewers in counties of the first class.

Mr. OMINSKY, from the Committee on Cities, reported as amended, Senate Bill No. 588 (House Bill No. 2082, entitled:

An Act to amend the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by abolishing the department of receiver of taxes; and transferring its powers and duties to the department of city treasurer; and abolishing the office of receiver of taxes.

Mr. OMINSKY, from the Committee on Cities, reported as amended, Senate Bill No. 589 (House Bill No. 2083) entitled:

An Act fixing the number qualifications manner of appointment, organization, and salaries of members of the board of revision of taxes in counties of the first class; providing for the appointment and compensation of a chief deputy appraiser, assistant appraisers and other employes of the board; abolishing the present assessors; and repealing general, local and special laws.

Mr. OMINSKY, from the Committee on Cities, reported as amended Senate Bill No. 590 (House Bill No. 2084) entitled:

An Act relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of revision of taxes and its agents and employes and repealing general local and special laws.

PERMISSION GRANTED COMMITTEE TO MEET

Mr. TRONZO asked and obtained permission for the Committee on State Boards to meet during the session of the House in order to attend a public hearing in the House Caucus Room.

USE OF HALL OF HOUSE GRANTED

Mr. TRONZO asked and obtained permission for the Committee on State Boards to hold a public hearing in the Hall of the House after today's session.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows, viz:

SENATE BILL No. 22.

An Act to amend section one of and to add sections two and three to the act approved the nineteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" amplifying the powers of said commission to include the industrial agricutural educational interest and other facilities advantages and attractions of the Commonwealth to provide for programs of information advertising and publicity to coordinate advertising activities and to provide for exhibits at fairs expositions and celebrations

SENATE BILL No. 369.

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by defining professional employes and providing for and regulating the employment dismissal suspension and demotion of such employes and providing for appeal to the court of common pleas

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 369.

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by defining professional employes and providing for and regulating the employment dismissal suspension and demotion of such employes and providing for appeal to the court of common pleas

SENATE BILL No. 22.

An Act to amend section one of and to add sections two and three to the act approved the nineteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" amplifying the powers of said commission to include the industrial and agricultural educational interest and other facilities advantages and attractions of the Commonwealth to provide for programs of information advertising and publicity to coordi-

nate advertising activities and to provide for exhibits at fairs expositions and celebrations

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1183.

An Act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase or city indebtedness in certain cases and appropriating money in the Motor License Fund for the purpose of this act

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 2, page 3, line 19, by striking out the words "Sixty-third Street" and inserting in lieu thereof the words "Cobbs Creek Parkway"; also at the end of same line by striking out the word "Sixty-third"; also at the beginning of line 20, by striking out the word "Street" and inserting in lieu thereof the words "Cobbs Creek Parkway"; also in line 27, by striking out the words "South Sixty-third Street" and inserting in lieu thereof the words "Cobbs Creek Parkway"; also in line 28, by striking out the words "South Sixty-third Street" and inserting in lieu thereof the words "Cobbs Creek Parkway"; also on page 4, by striking out in lines 1 and 2 the words "South Sixty-third Street" and inserting in lieu thereof the words "Cobbs Creek Parkway"; also in line 3, by striking out the word "Boulevard" and inserting in lieu thereof the word "Parkway"; also on page 5, lines 11 and 12 by striking out the words 'Woodland Avenue and University Avenue" and inserting in lieu thereof the words "Thirty-ninth Street and Lancaster Avenue thence southerly over Thirty-ninth Street Filbert Street and Thirty-ninth Street to the intersection of Thirty-ninth Street and Balitmore Avenue"; also in line 19, by inserting after the word "Avenue" the words "Beginning again at the intersection of Thirty-ninth and Filbert Streets thence northerly over Filbert Street Saunders Avenue and Lancaster Avenue to the intersection of Thirty-ninth Street and Lancaster Avenue;" also in line 20, by striking out after the word "about" the figures "5.40" and inserting in lieu thereof the figures "6.70"; also on page 7, line 12, by striking out the word "Island"; also in line 13, by striking out at the beginning of the line the word "Road" and inserting in lieu thereof the words "Tinicum Avenue"; also in same line, by striking out the words "Island Road" and inserting in lieu thereof the words "Tinicum Avenue"; also in line 26, by striking out the words "Island Road" and inserting in lieu thereof the word "Avenue"; also at the beginning of line 27, by striking out the words "Island Road" and inserting in lieu thereof the words "Tinicum Avenue"; also at the end of the same line, by striking out the words "Island Road" and inserting in lieu thereof the words "Tinicum Avenue"; also on page 8, by striking out in lines 11 and 12, the words "Perkiomen Road thence southeasterly on Perkiomen Road to an intersection with"; also in line 18, by striking out the word thence and inserting in lieu thereof the words "beginning again at the intersection of Rising Sun Avenue and Adams Avenue thence over Adams Avenue"; also on page 9, at the beginning of line 9, by inserting after the word "with" the words "West College Avenue thence southerly on West College Avenue to an intersection with"; also in line 17, by inserting after the word "thence" the word "northerly"; also in line 21, by inserting after the word "Street" the words "beginning again at the intersection of Spring Garden Street and Pennsylvania Avenue thence westerly over Spring Garden Street to an intersection with a park drive"; also in lines 24 to 28 inclusive, by striking out the words "Huntingdon Pike thence southeasterly on Huntingdon Pike to an intersection with Hasbrook Avenue thence southerly on Hasbrook Avenue to an intersection with Hartel Street thence southeasterly on Hartel Street to an intersection with" also on page 10, by striking out in line 18, the words "Cardington Road" and inserting in lieu thereof the words "Seventy-first Street"; also in line 19, by striking out the words "Cardington Road" and inserting in lieu thereof the words "Seventy-first Street"; also on page 11, by inserting after the word "with" in line 6, the words "Sedgley Avenue thence northeasterly on Sedgley Avenue to an intersection with Ninth Street thence southeasterly on Ninth Street to an intersection with Allegheny Avenue thence easterly over Allegheny Avenue to an intersection with"; also in line 10, by striking out the word "Road" and inserting in lieu thereof the word "Avenue"; also in line 11, by striking out the word "Road" and inserting in lieu thereof the word "Avenue"; also at the end of the same line, by striking out the word "Elmwood"; also at the beginning of line 12, by striking out the word "Avenue" and inserting in lieu thereof the words "Passyunk Avenue"; also in same line by striking out the words "Elmwood Avenue" and inserting in lieu thereof the words "Passyunk Avenue to an intersection with Buist Avenue thence northeasterly on Buist Avenue".

Amend section 5, page 15, line 5, by inserting before the word "Commonwealth" the words "cities or with persons associations or corporations for the sharing with the".

Amend section 9, page 16, line 16 by striking out the words "either from the city authorities or"; also by striking out in lines 17 to 26 inclusive the following: "pursuant to an ordinance passed subsequent to the approval of this act authorizing the Department of Highways to act for the city Where a permit is not obtained from the Department of Highways as above provided the city shall require a cash deposit or bond conditioned upon the proper restoration of the surface and shall be responsible to the Department of Highways for the cost of the restoration of such surface in accordance with the adopted standards of the Department of Highways for the particular type of construction".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202.

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Arnold,	Gillette,	Merrell,	Sloan,
Aukerman,	Gorski,	Mihm,	Smith, James A.,
Baine,	Habbyshaw,	Moomaw,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mooney,	Snyder,
Baker, J. J.,	Hagerty,	Moran,	Sollenberger,

Balthaser,	Hall,	Moul,	Spengler,
Bierly,	Hamilton, F. P.,	Muir,	Sproul,
Blank,	Hamilton, R. S.,	Munley,	Stackpole,
Bohn,	Harkins,	Murrin,	Stank,
Boies,	Harmuth,	Nagel,	Stewart,
Boltz,	Hays,	O'Brien,	Stockham,
Boose,	Hering,	O'Connor,	Strode,
Boyer,	Hess,	O'Keefe,	Terry,
Bradley,	Hetrick,	Ominsky,	Thomas,
Brancato,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, S.,	Tronzo,
Brown,	Holmes,	Patterson, W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Valibus,
Caesar,	Huntley,	Pershing,	VanAllsburg,
Caputo,	Imbrie,	Piole,	VanSickle,
Chervenak,	Jirolanio,	Powers,	Vogt,
Coakley,	Keenan,	Preston,	Wagner,
Cohen, H. B.,	Kelso,	Readinger,	Wall,
Cohen, R. E.,	Kilroy,	Reese,	Walsh,
Coleman,	Kline,	Reising,	Watkins,
Coolahan,	Kroll,	Richter,	Webster,
Corrigan,	Leisey,	Robinson,	Weidemann,
Costanzo,	Levy,	Rothenberger,	Weiss, D. H.,
Davies,	Lewis,	Royer,	Weiss, S. A.,
DeNote,	Long,	Ruffennach,	Welliver,
Decker,	Longaker,	Rush,	Welsh,
Dickinson,	Lopresti,	Sarraf,	Westrick,
Donohoe,	Lovett,	Scanlon,	Whalen,
Dougherty,	Lyons,	Schor,	Whitenight,
Downey,	Marino,	Schrock,	Wilson,
Dubbs,	Matthews, H. T.,	Schrope,	Winner,
Dyson,	Matthews, J. F.,	Schumacher,	Wood,
Eckels,	McArdle,	Serrill,	Woodside,
Elpern,	McCullough,	Shaw,	Wright,
Falkenstein,	McDermott,	Shea,	Yanoshat,
Finnerty,	McDevitt,	Shepard,	Yeakel,
Fiss,	McElroy,	Shoemaker,	Yourishin,
Fitch,	McFall,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,	McKinney,		

NAYS—0

The majority required by the Constitution having voted in the affirmative the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1292.

An Act authorizing council in cities of the second class to make appropriations for the use of the Director of the Department of Supplies and his assistant providing for the deposit of such moneys from time to time in a special fund which may be drawn upon for certain purchases without prior approval.

HOUSE BILL No. 1311.

An Act to authorize cities of the second class to sue out writs of scire facias on certain tax liens to revive writs of scire facias on such liens or to revive judgments on such liens where more than five years have elapsed since said liens were filed or such judgments were entered or revived and to reduce such liens to judgment or to revive such judgments and providing for the revival and collection of such judgments.

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 626. (HOUSE BILL No. 2147).

An Act to amend section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-one (P. L. 38) entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A and the removal of policemen in cities of the second class" further regulating the suspension and dismissal of policemen and firemen in cities of the second class A.

Referred to the Committee on Cities.

SENATE BILL No. 571. (HOUSE BILL No. 2148).

An Act to amend section sixteen of an act approved the thirty-first day of May one thousand nine hundred and eleven (P. L. 468) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county boroughs or incorporated town petitions providing for percentage of cost of improvement of repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highway and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as amended by empowering viewers appointed to ascertain and assess damages upon petition of the county commissioners or property owners to also assess any benefits.

Referred to the Committee on Highways.

SENATE BILL No. 373. (HOUSE BILL No. 2149).

An Act to amend the title and sections three four six seven eight nine ten eleven fourteen and eighteen of the

act approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 463), entitled "An act providing for a limited period of time for the incorporation as bodies corporate and politic, of 'Authorities,' for municipalities; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," by removing the date by which projects must be commenced; removing certain restrictions against construction of projects; extending the life of Authorities; providing for the creation of Authorities by joint action of municipalities and townships; regulating the number and terms of members of the governing boards of Authorities; authorizing the Commonwealth and the political subdivisions thereof to transfer certain contracts to the Authorities; authorizing Authorities to accept and acquire certain contracts, and limiting the powers of receivers appointed therefor.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 539. (HOUSE BILL No. 2150).

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by further regulating the affairs of such counties with respect to roads and providing that in certain cases county roads shall become and be maintained as city and borough streets and township roads.

Referred to the Committee on Counties.

SENATE BILL No. 540. (HOUSE BILL No. 2151).

An Act establishing certain public roads and streets as a State highway and providing for their construction reconstruction and maintenance by the Department of Highways subject to certain terms and conditions.

Referred to the Committee on Highways.

SENATE BILL No. 558. (HOUSE BILL No. 2152).

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the method of computing reimbursement to be made to school districts for the payment of high school tuition.

Referred to the Committee on Education.

SENATE BILL No. 559. (HOUSE BILL No. 2153).

An Act to amend article ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any part thereof that are or may be inconsistent therewith" by requiring the Superintendent of Public Instruction to withhold appropriations from school districts until all reports required by law are filed and making permissive the withholding of appropriations from school districts failing to comply with health and safety regulations.

Referred to the Committee on Education.

RESOLUTION INTRODUCED AND REFERRED

By Mr. JAMES W. PATTERSON.

(Concurrent) RESOLUTION No. 63.

In the House of Representatives, April 6, 1937.

A Resolution memoralizing Congress to enact S. 1685, known as the Wagner Housing Bill

Whereas large numbers of the citizens of Pennsylvania are forced to live in slums and blighted areas in the midst of fifth, insanitation and squalor, in congested tenaments, and on narrow courts and alleys with inadequate light, air and play space, in houses which are often firetraps, or in danger of collapse; and

Whereas, all citizens are affected by such conditions through the disease, ignorance, immorality and crime which they nourish, and through the tax burdens which are placed upon the remainder of the community to support the governmental functions therein; and

Whereas, a bill has been introduced in the Senate of the United States by Senator Wagner, entitled:

> "A bill to provide financial assistance to the States and political subdivisions thereof for the elimination of unsafe and insanitary housing conditions, for the provision of decent, safe, and sanitary dwellings for families of low income, and for the reduction of unemployment and the stimulation of business activity, to create a United States Housing Authority, and for other purposes;" now therefore be it

Resolved (if the Senate concur), that the General Assembly of Pennsylvania urges the Congress to adopt the said bill, and particularly urges the representatives of the Commonwealth of Pennsylvania therein to vote in its favor, and be it further

Resolved, that copies of this resolution be sent to the President of the United States and to all members of the Congress of the United States.

Referred to the Committee on Federal Relations.

RESOLUTIONS

PENNSYLVANIA LEGISLATIVE CORRESPONDENCE DINNER

Mr. GEORGE I. FISHER representing the Pennsylvania Legislative Correspondence Association presented a resolution which was read by the Clerk as follows:

Pennsylvania Legislative Correspondents' Association
A PLAGUE ON BOTH YOUR HOUSES
(Also the Executive, Judicial and Lobby Branches)

RESOLUTION No. 2-time Binge of 1937

TO BE INTRODUCED BY THE PLCA, APRIL 21, 1937.
PLACE, PENN-HARRIS HOTEL, 6:30 P. M.

In a Daze, Any Day, 1937.

Whereas, Members of the so-called Legislature, the so-called Administration, the so-called courts, the so-called Democratic Party, the so-called Republican Party, the vested interests, the sugar-coated interests, the shoeless interests and all other non-interest-bearing interests have been raising hell hereabouts for more than three months; and

Whereas, This hell-raising has included so-called investigations of everybody, risings to personal privilege, mandates of certain people, caucuses, rumors, so-called politics, statements by unanimous consent, committees of the whole, reconsiderations and other horseplay at the expense of the taxpayer according to his inability to pay; and

Whereas, All this hell-raising has disrupted, interferred with, postponed, annoyed and otherwise inexcusably invaded the civil, human and property rights of newspaper correspondents to an abundant life of poker games, social engagements, slumber, meals, refreshments and other matters essential to welfare, health, recreation and good living; Therefore

Be It Resolved, and it already is resolved (the House of Representatives and the Senate notwithstanding), that a committee be appointed, and already has been appointed, to arrange, promote, concoct and otherwise cook up a dinner, show and debauchery to be facetiously known as The Sizzling Skillet, to be greased at the Penn-Harris Hotel, April 21, 1937, at 6:30 P. M., and

Be It Further Resolved, and it is so resolved, that this Committee be empowered to issue credentials under the sign and seal of damnfoolishness, commanding all legislators, bosses, lobbyists, politicos, office-holders and sundry others who have five dollars in cash to appear at said Sizzling Skillet on said date to view an investigation of legislative and administrative hell-raising for purposes of additional ripping; and

Be It Further Resolved, and it is so resolved that all persons entitled to said credentials (all persons with $5 are so entitled) be required to pay said $5 in advance and in legal tender to Walter D. Roos, secretary-treasurer of The Sizzling Skillet Committee, who may be addressed at Postoffice Box 221, Harrisburg, or to any newspaper correspondent, all of whom may be found in or about the Capitol Newsroom No. 524, E Floor, Capitol Building, Harrisburg.

On the question,

Will the House adopt the resolution?

Mr. MOOMAW. Mr. Speaker, I wish to offer an amendment consisting of three words, following the words, "five dollars in cash" by inserting the words, "or in postage."

The amendment was unanimously adopted.

On the question recurring,

Will the House adopt the resolution as amended?

It was unanimously adopted.

RESOLUTION No. 27

Mr. BROWN. Mr. Speaker, I desire to call up at this time Resolution No. 27, Printer's No. 490.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 15, 1937.

Whereas, The City of Pittsburgh, through its Board of Public Education, maintains at the expense of all of the taxpayers of said City approximately 162 public school buildings; and

Whereas, The said Board of Public Education employs annually to teach in the said school system approximately 3,000 school teachers; and

Whereas, Among the taxpayers of the said City of Pittsburgh are many thousand Negroes whose children attend said public schools and who pay taxes to support said schools; and

Whereas, There is not now, neither has there been in the past, a single Negro teacher employed by said Board of Public Education, although many persons of said race have applied for said positions; and

Whereas, It is alleged that the said Board of Public Education has steadfastly refused to employ any Negro teacher, said refusal being contrary to the laws of this Commonwealth; therefore, be it

Resolved, That the Speaker of the House appoint a Committee of five members of the House of Representatives, whose duty it shall be to make an investigation bearing upon the question as to whether or not the said Board of Public Education of the City of Pittsburgh refuses to employ Negro teachers on the basis of color; said committee to make its report to the House of Representatives before the close of the present session; and be it further

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

On the question,

Will the House adopt the resolution?

It was adopted.

RESOLUTION No. 62

Mr. WOODSIDE. Mr. Speaker, I desire to call up at this time Resolution No. 62.

The resolution was read by the Clerk as follows:

Whereas, Differences have arisen between the Hershey Chocolate Corporation and the United Chocolate Workers Union resulting in a sit down strike and the closing of the corporation's factory located in Hershey, Dauphin County; and

Whereas, The differences arose over the discharge of employes and not over hours of work or wages; and

Whereas, No employees were discharged in the Department of the factory where milk is reduced to powdered form; and

Whereas, As a result of the closing of the said department over 5300 of the farmers of Pennsylvania have lost a market for their milk totaling over 700,000 lbs. a day with the resulting loss of nearly $15,000 a day to said farmers; and

Whereas, This vast amount of surplus milk totaling over 350,000 quarts a day may seriously affect the entire milk market of the Commonwealth causing a substantial loss to all dairy farmers of this State; therefore be it

Resolved, by the House of Representatives of the Commonwealth of Pennsylvania that this House does hereby urgently request the Hershey Chocolate Corporation to immediately open the Department used for the reducing of milk to powdered form and continue to purchase from their farms their usual supply of milk, for storage in powdered form or for such other disposition as may be found available; and be it further

Resolved, That this House urgently request the United Chocolate Workers Union to permit the operation of the said Department upon the company's retention therein of all of the said workers at the wages and for the hours agreed upon between the said Union and the said Company on St. Patrick's day; and be it further

Resolved, That a copy of the said Resolution be immediately forwarded to W. F. Murrie, President of the Hershey Chocolate Corporation and to Russell Behman, President of the Hershey branch of the United Chocolate Workers Union.

On the question,

Will the House adopt the resolution?

Mr. JOHN A. SMITH. Mr. Speaker, I make only technical objections to the resolution. I cannot vote for the resolution because of having been a party to the agreement that was carried into effect yesterday on the part of the farmers and milk producers. I must call attention to the second resolve clause in which the House urgently requests that the Hershey Chocolate Corporation will open that department which handles powdered milk. I feel it is my duty to make this expression today because of the very intent of this resolution, or the intent

of the committee that met to negotiate yesterday, and this thought must be carried forth to the membership here before you can intelligently vote upon this question. The hitch came on this second whereas clause, because the powdered milk department of the Hershey Corporation is not a powdered milk department, but it is a department for the production of a mixture of milk and chocolate and sugar and cocoa butter instead of milk alone. I have no distinct aversion to this resolution, but as I have explained to the House I cannot vote for it because of the agreement that was entered into yesterday and my being a party thereto.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1311.

An Act to authorize cities of the second class to sue out writs of scire facias on certain tax liens to revive writs of scire facias on such liens or to revive judgments on such liens where more than five years have elapsed since said liens were filed or such judgments were entered or revived and to reduce such liens to judgment or to revive such judgments and providing for the revival and collection of such judgments.

HOUSE BILL No. 1292.

An Act authorizing council in cities of the second class to make appropriations for the use of the Director of the Department of Supplies and his assistant providing for the deposit of such moneys from time to time in a special fund which may be drawn upon for certain purchases without prior approval.

HOUSE BILL No. 1183.

An Act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstrution resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase or city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

ANNOUNCEMENTS BY THE CLERK

The Committee on Counties will meet in Room 324 immediately after this session.

The Committee on Agriculture will meet in Room 521 immediately following this session.

The sponsors of House Bill No. 629 request all House members who can to attend a public hearing before the Committee on Forestry this evening at 6:45 in the House Caucus Room.

A public hearing is on at the present time in the House Caucus Room on House Bill No. 255 before the Committee on State Boards.

A public hearing at 6:45 p. m. in the House Caucus Room on House Bill No. 1629 before the Committee on Forestry.

A public hearing at 8:00 p. m. on House Bills Nos. 588, 1039, 1178 and 1341 before the Committee on Judiciary General in the House Caucus Room.

Next Tuesday, April 13 at 8:00 p. m. a public hearing on House Bill No. 608 before the Committee on Judiciary General in the House Caucus Room.

Committee meetings for tomorrow:

Boroughs at 11:30 a. m. in Room 301;

Constitutional Amendments at 12:15 p. m. in the House Caucus Room;

Education at 10:00 a. m. in the House Caucus Room;

Forestry at 11:00 a. m. in Room 100;

Game at 10:30 a. m. in Room 544;

Highways at 11:00 a. m. in Room 323;

Insurance at 12:00 Noon in Room 324;

Judiciary General at 12:00 noon a special meeting in Room 315;

Judiciary Special at 10:30 a. m. in Room 546;

Motor Vehicles at 10:00 a. m. in Room 323;

The Committee on Public Utilities has cancelled its meeting for tomorrow.

Railroads and Railways at 12:00 Noon in Room 323;

State Government at 11:00 a. m. in Room 521;

Townships at 11:00 a. m. in Room 324.

ADJOURNMENT

Mr. SHOEMAKER. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 4:40 p. m.) the House adjourned until Wednesday, April 7, 1937, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., WEDNESDAY, APRIL 7, 1937. No. 40.

SENATE

WEDNESDAY, April 7, 1937.

The Senate met at 12 o'clock a. m.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, L. L. D., offered the following prayer:

Lord, Thou hast been our dwelling place in all generations.

Even from everlasting to everlasting thou art God.

Thou carest not for vain libations; Thou hast told us what is good; Thou requirest only that which is best for us, that we do justly, love mercy and walk humbly with our God.

Whether in home, or in daily walk, or in halls of legislation, help us to seek the wholesome, simple ways of right, our heads among the stars, our feet upon good earth; and may we ever know that only the truly good are truly great.

We ask in His name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. McCREESH, the further reading was dispensed with, and the Journal was Approved.

PETITIONS AND REMONSTRANCES

OPPOSING PASSAGE OF THE CHAIN STORE TAX BILL.

The Chair cleared his table and laid before the Senate, the following:

Petitions from numerous citizens of Hanover, Lebanon, Myerstown, Hummelstown, Womelsdorf, and vicinities, protesting against the Chain Store tax bill urging that the bill be defeated.

FAVORING PASSAGE OF THE CHAIN STORE TAX.

Petition from numerous citizens from the western part of the State urging the passage of the Chain Store Tax bill.

PROTESTING AGAINST PASSAGE OF SUNDAY FISHING BILL.

Communication from A. M. Allen, President of the First National Bank, of Grove City, Pa., and his associates, urging defeat of the Sunday Fishing bill.

ACT OF LEGISLATURE OF SOUTH DAKOTA RELATIVE TO ESTABLISHING AN UNPAID COMMISSION ON INTERSTATE COOPERATION.

Certificate from Goldie Wells, Secretary of State, of South Dakota, containing copy of an Act passed by the Legislature of that State establishing the South Dakota Commission on Interstate Cooperation to formulate proposals for cooperation of other States and the Federal Government to organize and maintain governmental machinery for such purposes.

OPPOSING PASSAGE OF TRAIN LIMIT AND FULL CREW BILLS.

Petitions from numerous citizens from the western part of Pennsylvania, protesting against passage of the train limit and full crew bills.

URGING DEFEAT OF THE SUNDAY FISHING BILL.

Mr. SONES presented a petition from voters of Lycoming County in opposition to the Sunday Fishing law now pending.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communiciation in writing from His Excellency the Governor of the Commonwealth, which read as follows:

APPROVAL OF SENATE BILL NO. 369.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 6. 1937.

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 369, Printer's No. 189, entitled "An Act To further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled 'An act to establish a public school system in this Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' by defining professional employes and providing for and regulating the employment dismissal suspension and demotion of such employes and providing for appeal to the court of common pleas."

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read

as follows, and referred to the Committee on Executive Nominations.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 7, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Estelle Jobst, Farmers Bank Bldg., Pittsburgh.
Mrs. Eleanor L. Ley, 818 E. Ohio St., Pittsburgh.
James Carl Mack, Chamber Commerce Bldg., Pittsburgh

CAMBRIA COUNTY

Miss Dorothy Hoyt, Ebensburg.

INDIANA COUNTY

Miss Julia H. Stuckey, Indiana.

LEHIGH COUNTY

Mrs. Mildred I. Rau, Allentown.

McKEAN COUNTY

Mrs. Hazel H. Thomas, Smethport.

MERCER COUNTY

Mrs. Thelma E. Daywalt, Greenville.

PHILADELPHIA COUNTY

John W. Jackson, 5933 Race St., Philadelphia.
John W. Summers, Room 213 City Hall, Philadelphia.

MONTGOMERY COUNTY

Mrs. Carrie L. Norton, Pottstown.

NORTHAMPTON COUNTY

Delmar Wills, Plainfield Twp., R. D. Bangor.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 7, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

LUZERNE COUNTY

Samuel Sicherman, Wilkes-Barre, April 7, 1937.

PHILADELPHIA COUNTY

Harry Weissman, 504 Van Dam Bldg., Philadelphia, April 8, 1937.

DELAWARE COUNTY

Mrs. Margaret M. Hurley, Upper Darby Twp., Upper Darby, April 10, 1937.

ALLEGHENY COUNTY

Frank F. Ley, 818 E. Ohio St., Pittsburgh, April 11, 1937.

COLUMBIA COUNTY

James Masanotti, Berwick, April 25, 1937.

PHILADELPHIA COUNTY

Joseph F. Marcer, 2133 N. 19th St., Philadelphia, April 27, 1937.

ERIE COUNTY

Arthur F. Southwick, Erie, May 3, 1937.

WASHINGTON COUNTY

Saverio Capano, Donora, May 5, 1937.

GEORGE H. EARLE.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 7, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Burton S. Berger, of Shartlesville, Berks County, for appointment as Justice of the Peace in the Township of Upper Bern, Berks County, vice John S. Berger, deceased, until the first Monday of January, 1938.

John Thomas Killen, of Luzerne, Luzerne County, for appointment as Justice of the Peace in the Borough of Luzerne, Luzerne County, vice Joseph Shupnik, resigned, until the first Monday of January, 1938.

GEORGE H. EARLE.

RECALL OF NOMINATION OF JUSTICE OF THE PEACE

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 7, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination of March 23, 1937, for the appointment of J. Raymond DeShong of Todd Township, Fulton County, as Justice of the Peace in the Township of Todd, Fulton County.

GEORGE H. EARLE.

HOUSE MESSAGES

THE HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 1183

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1183, entitled:

An Act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the first class as State highways and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of reconstruction of any grade crossing thereon; authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said streets after improvement without a permit and providing penalty therefor; regulating the maintenance of detours; authorizing the increase or city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act.

HOUSE CONCURS IN SENATE BILL No. 264

He also returned to the Senate, Senate Bill No. 264, entitled:

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight.

with the information that the House has passed the same without amendment.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) announced that the Chief Clerk having reported that the following bills passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 264, entitled:

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight.

House Bill No. 1183, entitled:

An Act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the first as State highways and for the improvements, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utlity companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of reconstruction of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said streets after improvement without a permit and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act.

House Bill No. 1292, entitled:

An Act authorizing council in cities of the second class to make appropriations for the use of the Director of the Department of Supplies and his assistant; providing for the deposit of such moneys from time to time in a special fund which may be drawn upon for certain purchases without prior approval.

House Bill No. 1311, entitled:

An Act to authorized cities of the second class to sue out writs of scire facias on certain tax liens, to revive writs of scire facias on such liens, or to revive judgments on such liens, where more than five years have elapsed since said liens were filed or such judgments were entered or revived, and to reduce such liens to judgment, or to revive such judgments, and providing for the revival and collection of such judgments.

Whereupon,

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE MESSAGES

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 257

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House, which was twice read, considered and agreed to.

Resolved (if the Senate concur), that House Bill No. 257, entitled:

An Act to amend clause (b) of section four, article two of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "First Class City Charter Law" as amended, changing the order in which officers of such cities shall act as mayor in case of a vacancy or disability of the mayor to act.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 916

He also presented extract from the Journal of the House, which was twice read, considered and agreed to.

Resolved (if the Senate concur), that House Bill No. 916, entitled:

An Act to amend section one of the act, approved the seventeenth day of June, one thousand nine hundred nineteen (P. L. 1025), entitled "A supplement to an act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "Mercantile License Tax Law," by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1128

He also presented extract from the Journal of the House, which was twice read, considered and agreed to.

Resolved (if the Senate concur), that House Bill No. 1128, entitled:

An Act requiring unemployment relief orders to be presented for payment within a certain period, otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation for unemployment relief purposes.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1161

He also presented extract from the Journal of the House, which was twice read, considered and agreed to.

Resolved (if the Senate concur), that House Bill No. 1161, entitled:

An Act to amend section four hundred six of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. three hundred forty-three), entitled "Fiscal Code," by making further provision for the appointment of mercantile appraisers.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 316 RETURNED WITH AMENDMENTS.

He also returned to the Senate, Senate Bill No. 316 entitled:

An Act providing a method through payroll deductions for the payment of delinquent taxes, penalties and interest and costs due to political subdivisions by public officers and employes paid from moneys in the treasury thereof; and conferring powers and imposing duties on the city controller, city treasurer, receiver of taxes and bonded paymasters.

with the information that the House has passed same with amendments, in which the concurrence of the Senate is requested.

HOUSE BILLS FOR CONCURRENCE

He also, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 103, (Senate Bill No. 862), entitled:

An Act to amend section one of the act approved the ninth day of April, one thousand eight hundred and forty-nine (P. L. 533), entitled "An act to exempt property to the value of three hundred dollars from levy, and sale on execution and distress for rent," declaring persons incapable of waiving their right to an exemption.

Which was committed to the Committee on Judiciary General.

House Bill No. 253, (Senate Bill No. 863), entitled:

An Act to amend section nine of the act, approved the second day of June, one thousand nine hundred and thirty-three, (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children; and amending, revising and consolidating the law relating thereto," authorizing juvenile courts to make orders on the county to maintain children in their homes.

Which was committed to the Committee on Judiciary General.

House Bill No. 678, (Senate Bill No. 864), entitled:

An Act to amend paragraph I of section seven hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three, (P. L. 103), entitled "The Second Class Township Law"; authorizing township supervisors to enter into ten year contracts for the purpose of lighting and illuminating the streets, highways and other public places.

Which was committed to the Committee on Municipal Government.

House Bill No. 1172, (Senate Bill No. 865), entitled:

A Joint Resolution proposing an amendment to section one, Article nine of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the committee on Constitutional Changes.

House Bill No. 1625, (Senate Bill No. 866), entitled:

An Act providing for and regulating joint purchases by counties (other than counties of the first and second classes) cities of the third class, boroughs, towns, townships, school districts and poor districts.

Which was committed to the Committee on Municipal Government.

House Bill No. 1754, (Senate Bill No. 867), entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 289), entitled "Non-profit Corporation Law," by providing for, and regulating the incorporation of no-profit corporations organized to provide hospital care and service for subscribers; and conferring powers on the Insurance Department with respect thereto.

Which was committed to the Committee on Corporations.

House Bill No. 1779, (Senate Bill No. 868), entitled:

An Act to amend Section three hundred and fifty-four of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "Insurance Company Law of 1921," to include contracts pertaining to pure endowments and annuities; policies of fire, marine, and title insurance; and contracts issued by assessment insurance corporations; and all other forms of insurance contracts issued in Pennsylvania.

Which was committed to the Committee on Insurance.

House Bill No. 1978, (Senate Bill No. 869), entitled:

A Supplement to the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "Public School Code," providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts; and authorizing the suspension of this supplement in certain cases.

Which was committed to the Committee on Education.

BILLS INTRODUCED

Mr. WOODWARD read in place and presented to the Chair Senate Bill No. 870, entitled:

An Act providing for annual financial reports by unions, associations and organizations of employes, and associations and organizations of employers, for the protection of their members employed in private enterprise in this Commonwealth, to provide information to their members and to the public with respect to their activities, authorizing such unions, associations and organizations to submit suggested legislation for the relief of unemployment and providing for certain other matters incidental thereto and imposing certain duties on the Secretary of the Commonwealth and the clerks of the courts of quarter sessions.

Which was committed to the Committee on Judiciary Special.

Mr. EROE read in his place and presented to the Chair Senate Bill No. 871, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third fourth fifth sixth seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by conferring on such counties the power to adopt ordinances and resolutions; providing for the zoning and the regulation of the location, height, bulk and use of buildings and other structures and of the uses of land, and the requirement of building permits, in the portions of counties lying outside of cities, boroughs and townships of the first class; providing for the creation, organization, powers and duties of county zoning commissions and boards of adjustment; imposing duties on the

State Planning Board and on State officials, departments and agencies; and prescribing penalties.

Which was committed to the Committee on Municipal Government.

Also read in his place and presented to the Chair Senate Bill No. 872, entitled:

An Act to amend Article six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," providing for county and regional planning, and the creation, organization and powers of county and regional planning commissions, and imposing duties on certain city, borough, town and township authorities.

Which was committed to the Committee on Municipal Government.

Mr. JACOBS read in his place and presented to the Chair Senate Bill No. 873, entitled:

An Act making an appropriation to the Department of Forests and Waters for the purpose of improving and developing the Hemlock State Forest Park in the county of Perry.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair Senate Bill No. 874, entitled:

An Act to amend section forty of the act approved the twenty-ninth day of April, one thousand eight hundred seventy-four (P. L. 73), entitled "An act to provide for the incorporation and regulation of certain corporations, providing for the renewal of charters of corporations, the charters, franchises and property of which have been purchased by another corporation.

Which was committed to the Committee on Judiciary General.

Also read in his place and presented to the Chair Senate Bill No. 875, entitled:

An Act to cede jurisdiction to the United States over that portion of the Carlisle Barracks known as the "Main Reservation" located in Cumberland County, and over the tract of land and buildings occupied by the New Cumberland Depot located in York County.

Which was committed to the Committee on Federal Relations.

In Place Sen. Bills 876 to 883 inclusive.

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMPSON. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his question of personal privilege.

Mr. THOMPSON. Mr. President, I have here a number of bills, which I am about to introduce, pertaining to the problem of relief and assistance legislation. These bills, as may be observed from the covers, have the blessing, so to speak, of the Administration. This morning they were before the Joint Legislative Committee on Relief for hurried consideration, and while the committee at that time did not want to indicate their approval or disapproval of any one of them, because they have not been before the committee for close inspection, the committee did want the bills introduced, in order that they might be printed as distributed to those interested.

The PRESIDENT. Does the Chair understand that all of the bills referred to relate to the welfare and relief agencies?

Mr. THOMPSON. Yes, Mr. President.

Mr. GELDER. Mr. President, it having been impossible for some of the members of the committee studying relief to hear just what the Senator from Centre, Mr. Thompson, said, we would like it understood that they are not in any way the act of the committee, because the committee has not had an opportunity to read those bills, and there has been no action by the committee. I think, perhaps, the Senator made that plain, but we were not able to hear what he had to say. The committee, did not as a committee direct him to introduce the bills.

The PRESIDENT. The observation of the Senator from Susquehanna, Mr. Gelder, will be noted in the Journal.

BILLS INTRODUCED

Messrs. THOMPSON and McCREESH read in his place and presented to the Chair Senate Bill No. 876 entitled:

An Act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws.

Which was committed to the Committee on Welfare.

Messrs. THOMPSON and FREY read in his place and presented to the Chair Senate Bill No. 877 entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined", as amended, by establishing a Department of Public Assistance and a State Board of Public Assistance, and defining their powers and duties; providing for the employment and removal of all persons employed by the Department of Public Assistance, by the State board of Public Assistance, and by any board established

by law and authorized to provide assistance in one or more counties only; and by changing the powers of the Department of Welfare.

Which was committed to the Committee on Welfare.

Messrs, THOMPSON and DiSILVESTRO read in place and presented to the Chair Senate Bill No. 878 entitled:

An Act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure.

Which was committed to the Committee on Welfare.

Messrs. THOMPSON and MUNDY read in place and presented to the Chair Senate Bill No. 879 entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-seven.

Which was committed to the Committee on Appropriations.

Mr. THOMPSON read in his place and presented to the Chair Senate Bill No. 880 entitled:

An Act appropriating to the Department of Public Assistance for public assistance, all restitutions and overpayments collected by or for such department.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair Senate Bill No. 881 entitled:

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war, or their dependents.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair Senate Bill No. 882 entitled:

An Act to amend section seventeen of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-six (P. L. 28), entitled "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers' Assistance Funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United State Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts;" by making further provisions for the cost of administering the act.

Which was committed to the Committee on Welfare.

Also read in his place and presented to the Chair Senate Bill No. 883, entitled:

An Act relating to public assistance; providing for, and regulating, assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons, and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund; and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age benefits, and the State Emergency Relief Board.

Which was committed to the Committee on Welfare.

Mr. SHAPIRO read in his place and presented to the Chair Senate Bill No. 884, entitled:

An Act to amend paragraph (a) of section one of the act, approved the thirty-first day of March, one thousand nine hundred and thirty-seven (Act No. 43), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania; terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records, employes, property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against the Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission; and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania;" increasing the number of members of said commission.

Which was committed to the Committee on Utilities.

Mr. Ruth read in his place and presented to the Chair Senate Bill No. 885, entitled:

An Act providing for special vocational trade industrial and commercial schools and classes and occupational adjustment offices through public school districts and in cooperation with employment and re-employment offices for the training re-training instruction and adjustment of certain persons in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

Which was committed to the Committee on Education.

Mr. McGINNIS read in his place and presented to the Chair Senate Bill No. 886, entitled:

An Act to amend the title and certain sections of the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (P. L. 450), entitled "An act relating to fires and fire prevention; imposing duties and conferring powers upon the State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State Police, and defining their powers and duties; providing for the investigation of the cause, origin, and cir-

cumstance of fires and the inspection of all, and the removal or change of, certain buildings; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the said State Police, and the enforcement of its orders; and prescribing penalties," by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act.

Which was committed to the Committee on State Government.

Mr. KUNKEL read in his place and presented to the Chair Senate Bill No. 887, entitled:

An Act to further amend sections two, four and six, and to amend section seven of the act, approved the seventh day of May, one thousand nine hundred twenty-three (Pamphlet Laws, one hundred fifty-one), entitled "An act defining and regulating the business of dry cleaning and dyeing; providing for the maintenance, construction, and inspection of dry cleaning and dyeing buildings and establishments; providing for enforcing the act, and penalties for violation thereof," by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act.

Which was committed to the Committee on State Government.

Mr. GILSON read in his place and presented to the Chair Senate Bill No. 888, entitled:

An Act to amend the act approved the twenty-seventh day of March, one thousand nine hundred and thirty-five (Pamphlet Laws, seven), entitled "An act to amend and re-enact the act, approved the eighteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred twenty-six), entitled 'An act authorizing courts of common pleas to stay writs of execution against, and tax sales of certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without the issuance of further writs,' extending the provisions thereof for two years; and exempting mortgages issued under the National Housing Act," by extending the provisions thereof for two years.

Which was committed to the Committee on Judiciary General.

Mr. MUNDY read in his place and presented to the Chair Senate Bill 889, entitled:

An Act to amend section six of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," authorizing the State Board of Undertakers to permit licensed undertakers to conduct branches, chapels, funeral homes, or display parlors under trade names in certain cases.

Which was committed to the Committee on State Boards.

Also read in his place and presented to the Chair Senate Bill No. 890, entitled:

An Act to amend section five hundred and one of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act realting to cities of the third class, and amending, revising and consolidating the law relating thereto," by changing the requirements relating to the annexation of boroughs and townships to cities of the third class, and defining the phrase "taxable inhabitants."

Which was committed to the Committee on Municipal Government.

Also read in his place and presented to the Chair Senate Bill No. 891, entitled

An Act providing for the appointment of corporate trustees to hold trust funds of cemetery companies; requiring trustees so appointed to file acceptance and affidavit; requiring cemetery companies thereafter to pay to the new trustee trust funds received by it; relieving directors and managers of cemetery companies of the necessity of filing bond after the appointment of a corporate trustee.

Which was committed to the Committee on Judiciary General.

Mr. PYTKO read in his place and presented to the Chair Senate Bill No. 892, entitled:

An Act concerning children under six years of age with defective hearing; imposing duties on the Department of Health, the Department of Public Instruction, on parents, guardians, nurses and physicians; and placing certain costs on school districts.

Which was committed to the Committee on State Government.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 893, entitled:

An Act to amend the act approved the eighth day of June, one thousand nine hundred seven (Pamphlet Laws, four hundred ninety-six), entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor," as amended and supplemented, by abolishing the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries, terminating the terms of the members thereof, and creating as successor to such board the Navigation Commission for the Delaware River, as a departmental administrative commission in the Department of Forests and Waters; transferring to such commission the records, employes, property and equipment of the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; providing that all licenses, orders, rules and regulations of the Board of Commissioners of Navigation shall remain effective until repealed, changed or modified by the Navigation Commission for the Delaware River; transferring and appropriating to the Navigation Commission for the Delaware River any unexpended balance of any existing appropriation to the Board of Commissioners of Navigation; and providing fees and further conditions relative to licenses.

Which was committed to the Committee on State Boards.

RESOLUTION

RESOLUTION FOR THE PRINTING OF 1000 COPIES EACH OF SENATE BILL No. 850 AND SENATE BILL No. 851

Mr. LAW offered the following resolution, which was twice read:

Resolved, that the Public Printer be directed to print 1000 extra copies each of

Senate Bill No. 850
Senate Bill No. 851

introduced April 6, 1937.

On the question,

Will the Senate agree to the resolution?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Mercer, Mr. Law.

The PRESIDENT. Will the Senator from Mercer, Mr. Law, permit himself to be interrogated?

Mr. LAW. Mr. President, I will.

Mr. SHAPIRO. Mr. President, what did the Senator state as the purpose of printing a thousand copies of these bills?

Mr. LAW. Mr. President, these bills comprise the Criminal Code and Code of Criminal Procedure. The purpose is that, in order that they may be studied by the various Bar Associations, the judges and members of the bar, a thousand copies of each bill will be needed so that they may be sent to each district, each judge and the secretary of each Bar Association in the State.

Mr. SHAPIRO. Mr. President, does the Senator have any idea of the cost of printing a thousand copies of each bill?

Mr. LAW. Mr. President, I know it will be considerable, and I know it is a serious proposition; but I think it more economical to have them printed now, all at one time, rather than wait until the first lot has been printed for the use of the Senate and House.

Mr. SHAPIRO. Mr. President, this Criminal Code alone will run, probably, to 250 or 300 pages, will it not?

Mr. LAW. Mr. President, the bills are very long; no question about that.

Mr. SHAPIRO. Mr. President, what is the cost of printing a thousand of each of them?

Mr. LAW. Mr. President, I do not know. I know it is a serious item, but it will cost much less than it would if the original supply is exhausted and we have to print more to fill the demand.

Mr. SHAPIRO. Mr. President, there are a lot of people who get bills but do not even read them.

Mr. LAW. Mr. President, these extra copies will be sent to those directly interested in the subject.

Mr. SHAPIRO. Mr. President, the Bar Associations could print the bills themselves,—as they print a lot of other legislation around here that does not mean anything.

POINT OF ORDER

Mr. WOODWARD. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, will state his point of order.

Mr. WOODWARD. Mr. President, there is a misunderstanding as to the numbers of these bills. I think Bill No. 850 is the Public Service Bill.

Mr. LAW. No, Mr. President, that is House Bill No. 850 which is the Public Service Bill. This is Senate Bill No. 850,—and Senate Bill No. 851.

And the question recurring,

Will the Senate agree to the resolution?

It was agreed to.

RESOLUTION RELATIVE TO HOLDING COMMITTEE MEETINGS ON MONDAYS

Mr. WOODWARD. Mr. President, in offering the following resolution, I have been very much impressed by the multiplicity of bills with pink checks. I understand that every bill with a pink check is an Administration bill. They are also called "must" bills; but this resolution of ours will prevent the "must" bills from becoming musty. It is of first-aid to the Administration.

Mr. WOODWARD offered the following resolution, which was twice read as follows:

In the Senate, April 7, 1937.

Whereas, there are in the Senate Committee's large number of bills accumulating each week and

Whereas, the opportunities available for Committee meetings between Monday night and Wednesday afternoon are so limited

Resolved, that the Chairman of all Committees having a large number of bills, request members of the Committee's to meet regularly Monday afternoon between 4 and 6 o'clock and the Chairman of these Committees arrange the hours to avoid over-lapping.

Mr. WOODWARD. Mr. President, I move that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection?

Mr. WOODWARD. Mr. President, I have a list of the bills that have been referred to the Committee on Judiciary General. I will not read the list, but there are now over sixty bills in that Committee; and in the Committee on State Government there are over thirty bills. As we all know, on Wednesday of each week the Senators are making plans to go home; but on Monday we feel fresh and happy,—we could come a little earlier and hold these meetings, and that would aid in the transaction of business.

Mr. THOMPSON. Mr. President, I object.

The PRESIDENT. The Chair hears objections. The resolution is referred to the Committee on Rules.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 384 (House Bill No. 476), as follows:

An Act abating certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the non-payment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years and all penalties imposed on such taxes for the tax years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six assessed and levied against any parcel or parcels of real estate and on delinquent poll taxes levied for any of such years are hereby abated without the necessity of further action by the authority levying the tax if said delinquent taxes are paid as hereinafter provided This section shall not be construed to abate the interest accrued on the taxes for the years of one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six but no further interest shall be imposed on such taxes after the payment of the first installment as hereafter provided so long as the taxpayer complies with the provisions of this act

In order to receive the benefits of the installment system of payment provided by this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-six and for all previous years and of the accrued interest due on the one thousand nine hundred and thirty-five and one thousand nine hundred

and thirty-six taxes shall be paid on or before the first day of November one thousand nine hundred and thirty-seven twenty per centum on or before the first day of November one thousand nine hundred and thirty-eight twenty per centum on or before the first day of November one thousand nine hundred and thirty-nine twenty per centum on or before the first day of November one thousand nine hundred and forty and the final twenty per centum on or before the first day of November one thousand nine hundred and forty and the final twenty per centum on or before the first day of November one thousand nine hundred and forty-one And provided That the respective current taxes on such parcel or parcels of real estate for the years subsequent to the year one thousand nine hundred and thirty-seven during such installment periods assessed and levied by such taxing authority shall be paid before they become delinquent for the purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event there shall become due and payable for such year a sum equal to one-fifth of the total amount of the abated penalties and interest in addition to the other payments required to be paid under this act during that year which said additional sum shall be payable and must be paid at the time the next succeeding installment payment becomes due under this act If such additional sum is not so paid then the total amount of the abated penalties and interest less the aggregate of any such additional sums theretofore paid shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act

Section 2 Any taxpayer or owner having the right of redemption may anticipate the payment of such delinquent taxes for the tax year one thousand nine hundred and thirty-six and previous years at any time on or before November first one thousand nine hundred and thirty-seven by paying the entire amount of such delinquent taxes and interest due on the one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six taxes and receive the benefit of this act and in such cases payment of the taxes assessed and levied for the year one thousand nine hundred and thirty-seven shall not be required at the time of such payment

Section 3 This act shall be construed to apply to all such taxes whether or not liens for such taxes had been returned for non-payment or have been filed in the office of the prothonotary of the county or proceeding for the collection of such taxes have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a tax sale or on a tax lien and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at a tax sale or on a tax lien and where the period of redemption has not expired The taxpayer shall be liable for the payment of all costs incurred except the solicitor's fees where liens for such taxes have been returned for nonpayment or have been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court

Section 4 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or owner having the right of redemption under a tax sale or other judicial sale grantee transferee mortgagee or other party in interest in the parcel or parcels of real estate against which the above mentioned taxes have been assessed and levied whether separate or not

Section 5 Any taxpayer or owner having the right of redemption shall have the right to pay the delinquent taxes assessed and levied against any parcel or parcels of real estate without being required to pay the delinquent taxes assessed and levied against any other parcel or parcels of real estate in the same ward district or other municipal subdivision

The county commissioners of each county may at their discretion and at the cost of the county cause to be published two times in not more than two newspapers of general circulation throughout the county a notice to the taxpayers giving a synopsis of the terms of this act setting forth the benefits provided by the act and the necessary conditions required by the taxpayers in order to receive the same Upon application either in person or in writing by any taxpayer or owner the tax levying authorities the tax collector the receiver or receivers of taxes or the person or persons charged with the collection of such delinquent taxes or the person or persons in whose custody the records of such delinquent taxes are kept shall furnish to such delinquent taxpayers or owner a statement of the delinquent taxes owed by him to such municipal subdivision showing the face amount the penalty if any the interest if any and any costs or other charges in detail against such real property as shown by the records in his custody

Every collector of taxes whose duty it is to send to the respective taxpayers any notice or statement of their annual taxes shall include in each such notice or statement an additional notice or the date when the next installment payment is due under the provisions of this act

Section 6 In order to enable the taxpayer or owner having the right of redemption under a tax sale to receive the full benefits of this act no real property shall be sold for non-payment of taxes before November first one thousand nine hundred and thirty-seven and any tax sale shall be adjourned or readjourned or right of redemption extended as often as may be necessary for this purpose If any tax sale is adjourned or readjourned or right of redemption extended after advertisement or sale no additional advertisement or notice shall be necessary for the adjournd or readjourned sale or right of redemption No such adjournment or readjournment or redemption failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or sale had subject to redemption but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act Provided however That in every case where a taxpayer avails himself of the privileges or benefits of this act the period during which payment of the said delinquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the said tax levying and assessing authorities to file preserve or maintain the lien of the said taxes

Section 7 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 8 The act approved the first day of May one thousand nine hundred and thirty-five (P. L. 129) as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-five (P. L. 444) and the act approved the fourth day of June one thousand nine hundred and thirty-six (P. L. 10) shall continue in full force and effect as to any and all taxpayers who have taken advantage of and are not in default in the provisions thereof All other acts and parts of acts general local and special inconsistent herewith be and the same are hereby suspended during the time this act shall be in effect

Section 9 Nothing in this act shall be so construed as to prevent any taxpayer who has heretofore taken advantage and accepted the benefits of any of the acts referred to in section eight and who at the time this act becomes effective has lost all future rights benefits privileges and opportunities under such act from taking advantage and receiving the benefits of this act in the same manner as if such person had never attempted to comply with the provisions of such previous abatement act

Section 10 This act shall become effective immediately upon final enactment.

And the amendments made thereto having been printed as required by the Constitution

On the question,

Shall the bill pass finally?

Mr. HALUSKA. Mr. President, I should like to have explained the purpose of this bill.

Mr. HUFFMAN. Mr. President, this bill has to do with penalties and interest on taxes for 1934 and 1935. It is a tax abatement bill.

Mr. HALUSKA Mr. President, I should like to know whether this bill includes the abatement of penalties and interest on taxes for the years 1935 and 1936.

Mr. HUFFMAN. Mr. President, I understand it includes the abatement of penalties and interest on taxes for the year 1935. It also is in abatement for 1934 and preceding years, and permits the abatement of penalties on taxes for the years 1935 and 1936, but does not abate the interest.

Mr. HALUSKA. Mr. President, it is my thought that as long as we intend to pass tax abating bills we should pass them including the years 1935 and 1936.

REQUEST THAT SENATE BILL No. 384 (HOUSE BILL No. 476) GO OVER IN ITS ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 384 (House Bill No. 476), on final passage, go over in its order, for the purpose of amendment.

The PRESIDENT. Is there objection?

Mr. LAW. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

And the question recurring,

Shall the bill pass finally?

Mr. THOMPSON. Mr. President, I might say just a word to clarify the situation with respect to this bill As far as the 1934 tax is concerned, both the penalties and interest are abated; but with respect to the 1935 and 1936 taxes the penalties are abated but not the interest. The 1937 taxes must be paid currently, and then there is a five-year plan of amortization, the same as in former bills. The only difference between this bill and the bill passed at the last Session, two years ago, is that the interest for the two preceding years, 1935 and 1936, is not abated. I see no reason to delay the passage of this bill at the present time.

And the amendments made thereto having been printed as required by the Constitution,

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Cavalcante,	Henney,	Law,	Roberts,
Dando,	Heyburn,	Mallery,	Rodgers,
Deitrick,	Homsher,	McCreesh,	Rupp,
Dent,	Huffman,	McGinnis,	Ruth,
D'Silvestro,	Jacobs,	Mundy,	Shapiro,
Ealy,	Jaspan,	Owlett,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gelder,	Kunkel,	Reed,	Thompson,
Gilson	Lanius,	Rice,	Wolfenden,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered. That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 465 (House Bill No. 679), as follows:

An Act authorizing the abatement of certain interest charges expenses and fees added to county city borough town township school district or poor district claims imposed or assessed for improvements or for the abatement of nuisances prohibiting the sale of real property for the non-payment of such claims for a certain period preserving the liens of such claims and providing for the extension thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all interest charges expenses and fees added to any and all delinquent county city borough town township school district or poor district claims imposed or assessed on any parcel or parcel of real estate in the year one thousand nine hundred and thirty-five and all previous years arising out of or resulting from a service supplied work done or improvement authorized and undertaken by any such political subdivision or filed to recover for the grading guttering macadamizing or otherwise improving the cartways of any public highway for grading curbing re-curbing paving re-paving constructing or repairing the footways thereof for laying water pipes gas pipes culverts sewers branch sewers or sewer connections therein for assessments for benefits in the opening widening or vacation thereof or in the changing of watercourses or the construction of sewers through private lands or in highways of townships of the first class or in the acquisition of sewers and drains constructed and owned by individuals or corporations and of rights in and to use the same for the removal of nuisances or for water rates lighting rates or sewer rates may be abated by the political subdivision in behalf of which the claim was filed if said delinquent claims are paid as hereinafter provided

In order to receive the benefits of this act twenty per centum of the delinquent municipal claims imposed or assessed on any parcel or parcels of real estate in the year one thousand nine hundred and thirty-five and in all previous years shall be paid on or before the thirty-first of December one thousand nine hundred and thirty-seven twenty per centum on or before the thirty-first day of December one thousand nine hundred and thirty-eight twenty per centum on or before the thirty-first day of December one thousand nine hundred and thirty-nine twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty and twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty-one

If and whenever any of the said installments are not paid when due and payable as herein provided then and in that event there shall become due and payable for such year a sum equal to one-fifth of the total amount of the abated interest charges expenses and fees in addition to the other payments required to be paid under this act during that year which said additional sum shall be payable and must be paid at the time next succeeding installment payment becomes due under this act If such additional sum is not so paid then the total amount of the abated interest charges expenses and fees less the aggregate of any such additional sums theretofore paid shall be revived and added to the unpaid claims with the same force and effect as if such abated interest charges expenses and fees or portion thereof had never been abated and the person liable for the payment thereof shall not thereafter be entitled to any further benefits or privileges under this act

Section 2 Any person may anticipate the payment of such delinquent municipal claims for the year one thousand nine hundred and thirty-five and previous years and receive the benefits of this act by paying the entire amount or the balance due on such delinquent claims at any time

on or before the thirty-first day of December one thousand nine hundred and thirty-seven

Section 3 This act shall be construed to apply to all such claims whether or not liens for such claims have been filed in the office of the prothonotary of the county or proceedings for the collection of such claims have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a judicial sale for the nonpayment of such claim and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district, at any such sale and where the period of redemption has not expired and the person liable for the payment of such claim shall be liable for the payment of all costs incurred in such proceedings except the solicitor's fees

Section 4 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grantee transferee mortgagee or other party in interest in the parcel or parcels of real estate against which the above mentioned claims have been imposed or assessed and levied

Section 5 Any taxpayer shall have the right to pay the delinquent claims imposed or assessed and levied against any parcel or parcels of real estate without being required to pay the delinquent claims imposed or assessed and levied against any other parcel or parcels of real estate in the same ward district or other political subdivision

Upon application either in person or in writing by any person liable for the payment of any such delinquent claims the authorities imposing or assessing and levying such claims or the person or persons charged with the collection of such delinquent claims or the person or persons in whose custody the records of such delinquent claims are kept shall furnish to the person liable for the payment of such claims a statement of the delinquent claims owed by him to such political subdivision showing the face amount the interest charges expenses and fees and any costs or other charges in detail against such real property as shown by the records in his custody

Within thirty days after the effective date of this Act and once again during the last week of October one thousand nine hundred and thirty-seven the county commissioners of each county shall have published in each daily newspaper published within such county a notice in display type relative to the provisions of this act which shall read as follows

Notice to Delinquent Taxpayers

Under the provisions of Act No approved 1937 all persons owing any county city borough town township school district or poor district delinquent municipal claims for the year one thousand nine hundred and thirty-five and all previous years may have certain of the interest charges expenses and fees thereon abated by paying the amount or amounts due on such delinquent claims in five equal annual installments if the first twenty per centum installment is paid on or before the thirty-first day of December one thousand nine hundred and thirty-seven or the entire amount or the balance due of such delinquent claims may be paid at face at any time prior to December thirty-first one thousand nine hundred and thirty-seven Further information may be obtained from the undersigned

Section 6 In order to enable the taxpayer to receive the full benefits of this act no real property shall be sold for nonpayment of such municipal claims before December thirty-first one thousand nine hundred and thirty-seven and any such sale shall be adjourned or re-adjourned as often as may be necessary for this purpose If any sale is adjourned or readjourned after advertisement no additional advertisement or notice shall be necessary for the adjourned or re-adjourned sale No such adjournment or re-adjournment failure to advertise or hold any such sale shall invalidate the lien of any municipal claim due and unpaid but the lien of all such claims shall be fully preserved during the entire installment period herein provided for if the persons liable for the payment of such claims avail themselves of the privileges or benefits of this act Provided however That in every case where a person avails himself of the privileges or benefits of this act the period during which payment of the said delinquent claim is postponed or continued under this act shall not be included in computing and determining whether or not any right of the authority which imposed or assessed such claim has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the said authority to file preserve or maintain the lien of the said claim

Section 7 The provisions of this act shall not apply to or in any manner affect any assessments which are the sole basis of improvement bonds issued by any political subdivision and which are the security for the payment thereof or to any assessments which have heretofore been assigned by any political subdivision to any contractor in payment of the amount due him under terms of the contract for the improvement for which the assessment was levied

Section 8 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 9 All acts and parts of acts general local and special inconsistent with the provisions of this act are hereby suspended during the time this act shall be in effect

Section 10 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Cavalcante,	Henney,	Law,	Roberts,
Dando,	Heyburn,	Mallery,	Rodgers,
Deitrick,	Homsher,	McCreesh,	Rupp,
Dent,	Huffman,	McGinnis,	Ruth,
DiSilvestro,	Jacobs,	Mundy,	Scarlett,
Ealy,	Jaspan,	Owlett,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gelder,	Kunkel,	Reed,	Thompson,
Gilson,	Lanius,	Rice,	Wolfenden,
Haluska,			

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS OVER IN ORDER

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 625 on final passage, entitled:

An Act to add section four hundred and ninety-six to the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing counties to place in good condition and to care for neglected cemeteries.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 49 on third reading entitled:

An Act to amend clause one of section one of the act, approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising, and consolidating the law relating thereto," defining the Family Court of Phildelphia as a court having jurisdiction with respect to the care, guidance, control, placement and commitment of delinquent, neglected and dependent children under sixteen years of age; and eliminating the Municipal Court in the County of Philadelphia as a court having such jurisdiction.

go over in its order.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I should like to explain that these two bills on third reading today, Senate Bill No. 49 and Senate Bill No. 58, do not accomplish any general plan in connection with the Municipal Court of Philadelphia,—the passage of these bills, I mean, at this time, would not affect the situation in Philadelphia; it would mean merely that if a Family Court be created the jurisdiction referred to in this bill, Senate Bill No. 49, would be transferred to that court.

In order that the situation may be made clear, I should like to say to the members of this Senate, first, that some members had the idea that one of these bills is one of the bills creating a Small Claims Court. It does not. And so far as the committee that has had these matters in charge is concerned, the bill creating the Small Claims Court will not be pressed, but will be abandoned. It has been so determined.

If time permits, by next Monday night, in connection with small claims, we will have for consideration a bill which will amend the Magistrates Act in Philadelphia, so that a citizen in that city, having a small claim, can appear before a magistrate and have a summons or statement filed, and service on it, for less than one dollar; and in order to avoid the difficulty, and the criticism, on magistrates' hearings, and to take away from the person who gets the summons the hearing of the case, the Magistrates Act will be amended to provide for the creation of a central hearing system of three magistrates, appointed by the Board of Magistrates, for one month. So that, in the City of Philadelphia, every month there will be sitting a combination of three different magistrates, appointed by the Board of Judges, to hear civil cases in the various districts.

And there will be an amendment offered to the Common Pleas Court Act to provide that a jury trial may be waived by litigants, and, if not waived, the four dollar jury fee shall be paid.

Bringing the Common Pleas Court into line with the present Municipal Court, the trial by jury may be had in that court, and actions speeded up in the trial.

These bills will be prepared and presented, and on next Monday night I shall ask the Senate to act upon two of these bills which are now on the callendar, for the purpose of bringing the matter to a head, so that they may be passed over to the House for action on any plan that the committee may adopt.

The bill under consideration at this time, Senate Bill No. 49, will, of necessity, require action by the Senate.

The PRESIDENT. Is there objection to the bill going over in its order? The Chair hears none.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 58, on third reading, entitled:

An Act to amend section eleven as amended and to repeal section ten of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred eleven) entitled "An act establishing a court for the county of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the county or city of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof" taking from said court jurisdiction in civil and criminal actions and in equity

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL DROPPED FROM CALENDAR

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 78, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" as amended conferring jurisdiction on the Family Court of Philadelphia in proceedings for divorce and the annulment of marriages.

be dropped from the Calendar.

Mr. STIEFEL. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 79, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," requiring all county officers hereafter appointed or elected upon the expiration of their terms to pay over to the county treasurer all moneys in their possession for which they are liable to account under their respective bonds together with a statement thereof and providing for the payment out of such moneys, providing for the escheat of certain moneys held in the county treasury and releasing such county officers.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreebly to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Cavalcante,	Henney,	Law,	Rodgers,
Dando,	Heyburn,	McCreesh,	Rupp,
Deitrick,	Homsher,	McGinnis,	Ruth,
Dent,	Huffman,	Mundy,	Scarlett,
DiSilvestro,	Jacobs,	Owlett,	Shapiro,
Ealy,	Jaspan,	Pytko,	Sipe,

Eroe,	Kahle,	Rankin,	Sones,
Frey,	Kilgallen,	Reed,	Stiefel,
Gelder,	Kunkel,	Rice,	Thompson,
Gilson,	Lanius,	Roberts,	Wolfenden,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. KILGALLEN. Mr. President at the request of the Sponsor I ask unanimous consent that Senate Bill No. 235 (House Bill No. 50) on third reading entitled:

An Act to amend Article twenty-four of the act, approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN. Mr. President at the request of the Sponsor I ask unanimous consent that Senate Bill No. 236 (House Bill No. 51) on third reading entitled:

An Act to amend Article thirty-two of the act, approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN. Mr. President, I ask unanimous consent that Senate Bill No. 237 (House Bill No. 52) on third reading entitled:

An Act to amend Article fifteen of the act, approved the first day of May one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN. Mr. President, I ask unanimous consent that Senate Bill No. 238 (House Bill No. 53) on third reading entitled:

An Act to amend Article twenty-one of the act, approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN. Mr. President. I ask unanimous consent that Senate Bill No. 239 (House Bill No. 60) on third reading entitled:

An Act to amend the title and sections one and two of the act, approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1286) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" extending the provisions thereof to cities of the first class providing for the charging and collection of annual rentals for the use of sewers sewage systems and sewage treatment works constructed or acquired jointly with other municipalities or furnished under contract by any authority.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 266, entitled:

An Act creating in counties of the fourth fifth and sixth seventh and eighth classes a board for the assessment and revision of taxes consisting of the county commissioners defining the powers and duties of such board regulating the assessment of persons property and occupations for county city borough town township school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of city ward borough and township assessors so far as the making of assessments and valuations for taxation is concerned.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. EROE. Mr. President, I ask unanimous consent to amend title, page 1, lines 13 and 14 of title, by striking out the words S "a solicitor, engineers and clerks"; amend Section 4, page 3, line 16, by inserting after the part-word "tricts" the following: S "who shall be duly qualified for such position and shall be freeholders"; amend Section 4, page 3, lines 20 and 21, by striking out the words S "an engineer or engineers and"; amend Section 4, page 3, line 21, by inserting after the word "clerks" the following: S "and assistants".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate,

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 450 (House Bill No. 537), entitled:

An Act to amend section four hundred and eleven of the act, aproved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added providing for the attendance of pupils at certain exhibitions and places of interest at the expense of school districts.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Cavalcante,	Henney,	Law,	Rodgers,
Dando,	Heyburn,	McCreesh,	Rupp,
Deitrick,	Homsher,	McGinnis,	Ruth,
Dent,	Huffman,	Mundy,	Scarlett,
DiSilvestro,	Jacobs,	Owlett,	Shapiro,
Ealy,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Rankin,	Sones,
Frey,	Kilgallen,	Reed,	Stiefel,
Gelder	Kunkel,	Rice,	Thompson,
Gilson,	Lanius,	Roberts,	Wolfenden,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Oreder, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. KILGALLEN. Mr. President, I ask unanimous consent that Senate Bill No. 462 (House Bill No. 32) on third reading entitled:

An Act to amend clause (b) of section three thousand two hundred and forty of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932) entitled, "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto," as amended, providing for compensation for members of joint sewer boards.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 506 (House Bill No. 1051), entitled:

An Act to amend section one section two and section five of an act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entitled "An act providing for the regulation of dams or other structures or obstructions as dened herein in along across or projecting int oall streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof" further defining water obstructions and enlarging the powers and duties of the Water and Power Resources Board by further providing for the regulation of any changes that in any manner diminish the course current or cross section of any stream or body of water.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz.

YEAS—40

Cavalcante,	Henney,	Law,	Rodgers,
Dando,	Heyburn,	McCreesh,	Rupp,
Deitrick,	Homsher,	McGinnis,	Ruth,
Dent,	Huffman,	Mundy,	Scarlett,
DiSilvestro,	Jacobs,	Owlett,	Shapiro,
Eroe,	Jaspan,	Pytko,	Sipe,
Frey,	Kahle,	Rankin,	Sones,
Gelder,	Kilgallen,	Reed,	Stiefel,
Gilson,	Kunkel,	Rice,	Thompson,
Haluska,	Lanius,	Roberts,	Wolfenden,

NAYS—1

Ealy,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. HENNEY. Mr. President, I ask unanimous consent that Senate Bill No. 526 on third reading entitled:

An Act regulating the recordation of assignments of mortgages in counties of the second class fixing the fees therefor and imposing certain powers and duties on the recorders of deeds of such counties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 637, entitled:

An Act to further amend Article twenty of the act, approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by designating the type of contract which shall be used for certain employes in the Teachers Colleges and in the Cheyney Training School for Teachers in this Commonwealth and specifying the means hereby they may be dismissed.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Cavalcante,	Henney,	Law,	Rodgers,
Dando,	Heyburn,	McCreesh,	Rupp,
Dent,	Homsher,	McGinnis,	Ruth,
DiSilvestro,	Huffman,	Mundy,	Scarlett,
Ealy,	Jacobs,	Owlett,	Shapiro,
Eroe,	Jaspan,	Pytko,	Sipe,
Frey,	Kahle,	Rankin,	Sones,
Gelder,	Kilgallen,	Reed,	Stiefel,
Gilson,	Kunkel,	Rice,	Thompson,
Haluska,	Lanius,	Roberts,	Wolfenden,

NAYS—1

Deitrick,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 638, entitled:

An Act to further amend section four of the act, approved the eighteenth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred ninety-eight) entitled "An act defining consolidation of schools providing for the establishment and regulation of consolidated schools and providing for the transportation of pupils to and from consolidated schools" by making certain changes in the provisions for reimbursements by tre Commonwealth.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Cavalcante,	Henney,	Law,	Rodgers,
Dando,	Heyburn,	McCreesh,	Rupp,
Deitrick,	Homsher,	McGinnis,	Ruth,
Dent,	Huffman,	Mundy,	Scarlett,
DiSilvestro,	Jacobs,	Owlett,	Shapiro,
Ealy,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Rankin,	Sones,
Frey,	Kilgallen,	Reed,	Stiefel,
Gelder,	Kunkel,	Rice,	Thompson,
Gilson,	Lanius,	Roberts,	Wolfenden,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 808, entitled:

An Act to amend section one of the act, approved the twenty-eighth day of April one thousand nine hundred and fifteen (Pamphlet Laws one hundred ninety-seven) entitled "An act regulating the maner and time of payment of employes of cities of the first class' by eliminating the provision requiring the payment of employes on the first and fifteenth day of each month.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Cavalcante,	Henney,	Law,	Rodgers,
Dando,	Heyburn,	McCreesh,	Rupp,
Deitrick,	Homsher,	McGinnis,	Ruth,
Dent,	Huffman,	Mundy,	Scarlett,
DiSilvestro	Jacobs,	Owlett,	Shapiro,
Ealy,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Rankin,	Sones,
Frey,	Kilgallen,	Reed,	Stiefel,
Gelder,	Kunkel,	Rice,	Thompson,
Gilson,	Lanius,	Roberts,	Wolfenden,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

The PRESIDENT. In Senate Bill No. 831, on third reading, there is a printer's error appearing in the copies on the desks of the members of the Senate. The reprinted bill has not been delivered.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 831, on third reading, entitled:

An Act to amend section one of the act approved the twenty-eighth day of April one thousand nine hundred and fifteen (Pamphlet laws one hundred ninety-seven) entitled "An act regulating the manner and time of payment of employes of cities of the first class" by elminating the provision requiring the payment of employes on the first and fifteenth day of each month

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Labor and Industry will meet during the Recess in Room 400.

The Committee on Game and Fisheries will meet in Room 265, during the recess.

The Committee on Public Utilities will meet in Room 265, at 2:50 P. M.

RECESS

Mr. ROBERTS. Mr. President, I move that the Senate do now take a recess for twenty minutes.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

Mr. KILGALLEN. Mr. President, I move that the Senate do now resume consideration of Senate Bill 698 (House Bill No. 1296), on third reading postponed, entitled

An Act to amend section one of Article fifteen of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of cities of the second class" as amended further regulating the giving of contracts relating to city affairs.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question.

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Cavalcante,	Heyburn,	Law,	Rodgers,
Dando,	Homsher,	McCreesh,	Rupp,
Deitrick,	Huffman,	McGinnis,	Ruth,
Ealy,	Jacobs,	Mundy,	Shapiro,
Eroe,	Jaspan,	Owlett,	Sipe,
Frey,	Kahle,	Pytko,	Sones,
Gelder,	Kilgallen,	Rankin,	Stiefel,
Gilson,	Kunkel,	Reed,	Thompson,
Haluska,	Lanius,	Roberts,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative,

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

The PRESIDENT. May the Chair interrupt the order of business to say that an emergency exists in the State Government at the moment in regard to the transfer of funds from the old Public Service Commission to the new commission. House Bill No. 742 arranged for the details. To this bill amendments have been made in the House, and unless these amendments are concurred in by the Senate this afternoon, hundreds of state employes will go without salaries or wages. The Clerk will report the bill to the Senate.

AMENDMENT TO HOUSE BILL No. 742 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 742, entitled:

A Supplement to the act, approved the twentieth day of July, one thousand nine hundred thirty-five(Appropriation Acts, page seventy-one), entitled 'An act to provide for the ordinary expenses of the Executive Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-five, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five" providing for deficiences or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first, one thousand nine hundred and thirty-seven.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Mr. SHAPIRO. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Page 9, Line 26, Strike out the words "Public Service Commission" and insert in lieu thereof "Pennsylvania Public Utility"; Page 9, Line 27 after the word appropriation, insert the following: "Previously made to The Public Service Commission and transferred and appropriated by law to its successor the Pennsylvania Public Utility Commission."

On the question,

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Cavalcante,	Heyburn,	Kunkel,	Rice,
Dando,	Homsher,	Law,	Rodgers,
Deitrick,	Howell,	McGinnis,	Ruth,
Ealy,	Huffman,	Mundy,	Shapiro,
Eroe,	Jacobs,	Owlett,	Sipe,
Frey,	Kahle,	Pytko,	Stiefel,
Gilson,	Lanius,	Rankin,	Thompson,
Haluska,	Kilgallen,	Reed,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 181 (House Bill No. 232, as follows:

An Act validating municipal claims of cities and boroughs where not filed within the time specified by law

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any city or borough has heretofore failed to file in the office of the prothonotary of the county any municipal claims assessed on any property within six months after the completion of the improvement as required by law whereby the lien of such claims was wholly lost such claims shall be and the same are hereby ratified confirmed declared valid and to be a lien on such property together with all charges expenses and fees added thereto for failure to pay promptly if such claims shall be duly entered and field in the office of the prothonotary in the manner provided by law for the filing of municipal claims at any time within six months after the effective date of this act Provided however That the lien of any such municipal claim shall not re-attach against any property transferred to any purchaser during the time the lien of the same was lost And provided further That where any other lien shall have attached to any such property during the period when the lien of the municipal claim was lost such other lien shall have priority over such municipal claim

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee

of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 182 (House Bill No. 233), entitled:

An Act validating amicable writ of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since original claims were filed or a prior revival thereof made.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. McGINNIS. Mr. President, I move that Senate Bill No. 341, on second reading, entitled:

An Act to re-enact and further amend the title and the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (Pamphlet Laws fifteen, 1933-34), entitled as amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of fees; and imposing penalties;" further regulating the manufacture, sale, importation, use and traffic in liquors, alcohol and malt and brewed beverages; conferring additional powers and imposing additional duties on the Pennsylvania Liquor Control Board; further regulating those licensed under this act; imposing additional filing fees and increasing fees for certain permits, and providing for the disposition thereof; further regulating the establishment of State liquor stores and the employment and use of personnel by the board; regulating and providing the procedure for the granting, transfer, revocation and suspension of licenses and for compromises in certain cases and the disposition of moneys arising therefrom; providing for the forfeiture of certain property; regulating the jurisdiction of courts and local option procedure; prohibiting certain interlocking business; and providing penalties.

be recommitted to the Committee on State Boards.

Mr. THOMPSON. Mr. President, I second the motion.

The motion was agreed to.

BILLS RECOMMITTED

Mr. McGINNIS. Mr. President, I move that Senate Bill No. 341, on second reading, entitled:

An Act to re-enact and further amend the title and the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of fees; and imposing penalties;" further regulating the manufacture, sale, importation, use and traffic in liquors, alcohol and malt and brewed beverages; conferring additional powers and imposing additional duties on the Pennsylvania Liquor Control Board; further regulating those licensed under this act; imposing additional filing fees and increasing fees for certain permits, and providing for the dispositon thereof; further regulatng the establishment of State liquor stores and the employment and use of personnel by the board; regulating and providing the procedure for the granting, transfer, revocation and suspension of licenses and for compromises in certain cases and the disposition of moneys arising therefrom; providing for the forfeiture of certain property; regulating the jurisdiction of courts and local option procedure; prohibiting certain interlocking business; and providing penalties.

be recommitted to the Committee on State Boards.

Mr. THOMPSON. Mr. President, I second the motion.

The motion was agreed to.

Mr. McGINNIS. Mr. President, I move that Senate Bill No. 342 on second reading, entitled:

An Act to re-enact and amend the act, approved the nineteenth day of February, one thousand nine hundred twety-six (Pamphlet Laws, sixteen), entitled, as amended, "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permittees so providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act;" further regulating the manufacture, sale, use and traffic in alcohol and alcoholic liquids; conferring additional powers and imposing additional duties upon the Pennsylvania Liquor Control Board; further regulating those licensed under this act; imposing filing fees; changing the method of calculating certain license fees; providing for the use of the word "license" instead of "permit"; regulating and providing the procedure for the granting, suspension and revocation of licenses, and for compromises in certain cases; providing for the disposition of fees, compromise penalties and forfeitures; regulating the jurisdiction of courts; and providing penalties.

be recommitted to the Committee on State Boards.

Mr. THOMPSON. Mr. President, I second the motion.

The motion was agreed to.

Mr. McGINNIS. Mr. President, I move that Senate Bill No. 343 on second reading, entitled:

An Act to re-enact and further amend the title and the act, approved the third day of May one thousand nine hundred and thiry-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the

electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Pennsylvania Liquor Control Board, quarter sessions court, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts;" defining and further defining and regulating licensees, application for licenses and sales by licensees; and providing for the licensing of package retailers, and fixing fees for such licenses, and for amusement permits; regulating the granting, suspension, revocation and transfer of licenses and the procedure therefor; and conferring jurisdiction on certain courts; providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the county treasurer, and prescribing the powers and duties of said board; providing for compromises where licenses are suspended and for the disposition of application, license, permit fees, forfeitures and penalties; and providing penalties.

be recommitted to the Committee on State Boards.

Mr. THOMPSON. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 372, entitled:

An Act to amend section two hundred fourteen section two hundred sixteen as amended and section two hundred seventeen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assemly met and it is hereby enacted by the authority of the same That section two hundred fourteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 214 In case any vacancy shall occur in any board of school directors in any school district of this Commonwealth by reason of death resignation removal from the district or otherwise such vacancy shall in a school district of the first class be filled for the unexpired term by the court of common pleas of the county in which such school district is situated and in a school district of the second third and fourth classes the remaining members of the board of school directors shall by a majority vote thereof fill such vacancy within thirty (30) days thereafter In a district of the second third or fourth class the person selected to fill such vacancy shall hold his office if the term thereof so long continues until the first Monday of December after the first municipal election occurring more than thirty (30) days after his appointment at which election an eligible person shall be elected for the remainder of the unexpired term Provided That if by reason of a tie vote or otherwise such vacancy shall not have been filled by the board of school directors as is herein provided within thirty (30) days after such vacancy shall have occurred in a district of the second or third class the court of common pleas of the proper county and in a district of the fourth class the Governor upon the petition of ten or more resident taxpayers shall fill such vacancy by the appointment of a suitable person for the unexpired term

On the question.

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend Section 1 (Section 214), page 3, line 6, by inserting after the word "class" the following: S "in a county of the fourth class".

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2 That section two hundred sixteen of said act as amended by section one of the act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 1033) is hereby further amended to read as follows

Section 216 If at any time vacancies should exist or occur in the membership of all the members of any board of school directors in any school district of the second or third class of this Commonwealth [other than a school district of the first class] the court of common pleas of the county in which such district or the largest part in area thereof is located shall appoint and in any school district of the fourth class the Governor shall appoint a board of properly qualified persons who shall serve until the first Monday in December after the first municipal election occurring more than thirty (30) days after their appointment at which election a board of school directors for such district shall be elected in the same manner as the school directors of the districts of the same class were first elected after this act went into effect but such school directors shall be so elected that the number and terms of those whose places are to be filled at each succeeding municipal election shall be the same as the number and terms of those whose places are filled at the corresponding election in other school districts of the same class Provided That whenever a vacancy of the entire membership of a board of school directors in any school district of the fourth class occurs the county superintendent of schools may enter and take full charge of and at the expense of the district maintain the school, thereof in accordance with the provisions of the school laws of the Commonwealth under the direction of the Superintendent of Public Instruction and may continue in charge thereof until a board of school directors has been appointed and has qualified

On the question.

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend Section 2 (Section 216), page 3, line 24, by inserting after the word "class" the following: S "in a county of the fourth class".

Mr. LAW. Mr. President. I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question.

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows:

Section 3 That section two hundred seventeen of said act is hereby amended to read as follows

Section 217 If the board of school directors in any district in this Commonwealth shall fail to organize as hereinafter provided or refuse or neglect to perform any duty imposed upon it by the provisions of this act any ten resident taxpayers in said district may present their petition in writing verified by the oath or affirmation of at least three of them to the court of common pleas of the county in which such district or the largest part in area of it is located setting forth the facts of such refusal or neglect of duty on the part of such school directors whereupon the said court shall grant a rule upon said school directors the same to be made returnable in not less than ten or more than twenty days from the date of issue thereof to show cause why they should not be removed from office of which the said school directors shall have at least five days' notice On or before the return day of such rule the said school directors individually or jointly shall file in writing their answer or answers to said petition under oath and if the facts set forth in said petition presented by said taxpayers or any material part thereof be denied the court shall then hear the several parties on such matters as are contained in said petition and if on such hearing or if when no answer is filed denying the facts set forth in said petition the court shall be of the opinion that any duty imposed on said board of school directors which is by the provisions of this act made mandatory upon them to perform has not been done or has been neglected by them the said court shall have the power to remove said board or such of its number as in its opinion is proper and in any district other than a district of the fourth class appoint for the unexpired terms other qualified persons in their stead subject to the provisions of this act If the court shall remove any board or any of its members in a district of the fourth class it shall certify such action to the Governor who shall fill such vacancy or vacacies for the unexpired term or terms

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend Section 3 (Section 217), page 5, line 22, by inserting after the word "class" the following: S "in a county of the fourth class"; amend Section 3 (Section 217), page 5, line 25, by inserting after the word "class" the following: S "in a county of the fourth class".

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth section of the bill was read as follows and agreed to.

Section 4 This act shall become effective immediately upon final enactment

The title of the bill was read as follows:

An Act to amend section two hundred fourteen section two hundred sixteen as amended and section two hundred seventeen of the act, approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof, that are or may be inconsistent therewith" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class.

On the question,

Will the Senate agree to the title?

Mr. THOMPSON. Mr. President, I move to amend title, page 1, last line of title, by inserting after the word "class" the following: S "in counties of the fourth class".

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 388, as follows:

An Act to further amend sections two three and four of the act approved the eighth day of May one thousand nine hundred and nine (Pamphlet Laws 470) entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs defining the words "drugs" prescribing penalties for violation of this act and the method of its enforcement" by further defining the standards for drugs and adulteration of drugs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two and three of the act approved the eighth day of May one thousand nine hundred and nine (Pamphlet Laws 470) entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs defining the word "drug" prescribing penalties for violation of this act and the method of its enforcement" as last amended by the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 462) are hereby further amended to read as follows

Section 2 That the term "drug" as used in this act shall include all medicines and preparations recognized in the [tenth] latest revision of the Pharmacopoeia of the United States the [fifth] latest edition of the National Formulary or the American Homeopathic Pharmacopoeia or and supplement to any of them official at the time of investigation for the internal or external use and any substance or mixture of substances intended to be used for the cure mitigation or prevention of disease of either man or other animals

Section 3 That for the purpose of this act an article shall be deemed to be adulterated

First If a drug [is sold after the first day of July one thousand nine hundred and twenty-nine] which is recognized in the [tenth] latest revision of the Pharmacopoeia of the United States the [fifth] latest edition of the National Formulary or the American Homeopathic Pharmacopoeia or any supplement to any of them official at the time of investigation is sold or offered for sale with or without a modifying prefix or suffix and differs from the standard of strength quality or purity as determined by the test or formula laid down in the [tenth] latest revision of the Pharmacopoeia of the United States the [fifth] latest edition of the National Formulary or the American Homeopathic Pharmacopoeia or any supplement to any of them official at the time of investigation Provided That no drug defined in the [tenth] latest revision of the Pharmacopoeia of the United States the [fifth] latest edition of the National Formulary or the

American Homeopathic Pharmacopoeia or any supplement to any of them official at the time of investigation except the preparations in which any such drug may be an ingredient in the formula thereof shall be deemed to be adulterated under this provision if the standard of strength quality or purity be plainly stated in juxtaposition with the official standard of strength quality and purity upon the bottle box or other container thereof although the standard may differ from that determined by the test or formula laid down by the [tenth] latest revision of the Pharmacopoeia of the United States the [fifth] latest edition of the National Formulary or the American Homeopathic Pharmacopoeia or any supplement to any of them official at the time of investigation

Second If the strength or purity fall below the professed standard or quality under which it is sold

Section 2 That section four of said act as last amended by section two of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 458) is hereby further amended to read as follows

Section 4 That for the purpose of this act an article shall be deemed to be misbranded

First All drugs the package or label of which shall bear any statement design or device regarding such article or the ingredients or substance of substances contained therein [shall be] which is false or misleading in any particular

Second If it be an imitation of or offered for sale under the name of another article

Third If the contents of the package as originally put up shall have been removed in whole or in part [thereof] and other contents shall have been placed in such package or if the package fail to bear statement on the label of the presence of any alcohol morphine opium heroin cocaine alpha or beta eucaine chloroform cannabis indica chloral hydrate acetanilide phenacentine antipyrine or any derivative or any preparation of any such substances contained thereon Provided That nothing in this paragraph apply to the filling of written prescriptions furnished by practicing physicians dentists and veterinarians and kept on file by pharmacists or as to such preparations as are specified and recognized by the [tenth] latest revision of the Pharmacopoeia of the United States the [fifth] latest edition of the National Formulary and the American Homeopathic Pharmacopoeia or any supplement to any of them official at the time of investigation which are made in accordance therewith and are sold under titles designated therein

Fourth If its package or label shall bear or contain any statement design or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein which is false or fraudulent

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HALUSKA. Mr. President, I move that Senate Bill No. 417, on second reading, entitled:

An Act to amend section four hundred and eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34) entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of fees; and imposing penalties," as re-enacted and amended, changing the hours during which liquors may be sold by hotel, restaurant and public service licensees.

be recommitted to the Committee on State Boards for the purpose of further study.

Mr. EROE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 507 (House Bill No. 1054), entitled:

An Act to amend section seven as amended sections nine and thirteen sections fourteen and eighteen as amended section nineteen and sections twenty-one and twenty-two as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by further regulating the contents and registration of birth certificates and death certificates and the giving of certified copies thereof providing for the registration of birth certificates of children of citizens born beyond the limits of the United States and of special certificates for adopted children and fixing fees for certified copies thereof imposing additional duties upon the local registrars and providing compensation therefor payable by the Commonwealth authorizing the Department of Health to issue certified copies of the records of local registrars in cities of the first class and increasing existing penalties and imposing new penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 516, as follows:

An Act making an appropriation to the Department of Health for the purchase and distribution of vitamin products

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred thousand dollars ($100,000.00) or so much thereof as may be necessary is hereby specifically appropriated to the De-

partment of Health for the two fiscal years beginning June first one thousand nine hundred and thirty-seven for the purpose of purchasing and distributing vitamin products among children suffering from malnutrition as may be provided by law and for administration expenses in connection therewith The Department of Property and Supplies shall have power also to draw its requisition on the appropriation made by this act for the purpose of paying for all vitamin products purchased by it as purchasing agent of the Department of Health and for the payment of incidental expenses incurred in advertising for bids and letting contracts for such purchases

Any moneys appropriated by this act shall be deemed available for the purpose of securing for the Commonwealth the benefit of any funds made available by the Federal Government for any of the purposes provided by this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 610, as follows:

An Act providing for the creation of a legal holiday on September 17, 1937 to be known and observed as "Constitution Day"

Whereas the Governor has issued an inspiring proclamation calling upon this Commonwealth and our entire Nation to observe on September 17 1937 the 150th Anniversary of the establishment of the Constitution of the United States on Pennsylvania soil and in order to impress upon our citizens the importance to be attached to this great foundation charter of American law and order

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Friday September 17, 1937 the 150th Anniversary of the date upon which the Constitution of the United States was adopted on the soil of this the home state of the Constitution be and it is hereby created and declared to be a legal holiday throughout the Commonwealth of Pennsylvania

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 681, as follows:

An Act to amend section five of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three (One thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws thirteen) entitled "An act creating an independent administrative board to be known as the Pennsylvania Liquor Control Board" by making further provision with respect to the fidelity bonds of the members secretary and employes of the board

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three (One thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws thirteen) entitled "An act creating an independent administrative board to be known as the Pennsylvania Liquor Control Board" is hereby amended to read as follows

Section 5 [Each] Before entering upon the duties of their respective offices or positions each member of the board and the secretary shall execute and file with the State Treasurer a [surety] bond in [the sum of not] such penal sum as shall be fixed by the Executive Board of this Commonwealth upon recommendation of the Governor but the amount of any such bond shall not be less than ten thousand dollars ($10,000) [and every other person appointed to any office by the board shall upon entering upon his or her duties likewise file a surety bond in the sum of not less than two thousand dollars ($2,000)] Bonds in such penal sums as shall be fixed by the Executive Board likewise shall be executed and filed with the State Treasurer by such employes of the Pennsylvania Liquor Control Board as the head of such board shall with the approval of the Executive Board prescribe Such [bond] bonds shall be payable to the Commonwealth of Pennsylvania [shall have as surety a duly authorized surety company or two individuals to be approved by the Department of Justice] and shall be conditioned for the faithful performance of the members' secretary's or employes' duties imposed by law or by lawful authority and that the person bonded will not knowingly violate the provisions of any act relating to the manufacture sale distribution or transportation of alcohol and alcoholic liquors All bonds required to be given under this section shall before being accepted by the State Treasurer be approved by the Department of Justice and unless the Commonwealth shall establish its own indemnity fund all such bonds shall be given with security approved by the Department of Justice If the Commonwealth shall establish its own indemnity fund the Executive Board may nevertheless require any bond given hereunder to be executed by a surety or sureties satisfactory to the Department of Justice The cost of such [bond] bonds required to be executed by a surety or sureties shall be borne by the board as part of its operating expense

Section 2 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 732 (House Bill No. 1344), as follows:

An Act to amend sections five hundred and fifty-one six hundred and seventy-five and six hundred and seventy-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet laws One thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by extending authority therein granted to include leasing of real property

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and fifty-one of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) and cited as "The General County Law" be amended to read as follows

Section 551 Title to Real Estate Vested in County The title to all court houses jails prisons and workhouses together with the lots of land thereunto belonging or appertaining and all other real property acquired or that may hereafter be acquired by or for the use of the county shall be and they are hereby vested in the county for the use of the people thereof and for no other use except such as may be authorized in accord-

ance with the provisions of section six hundred and seventy-five and six hundred and seventy-six hereof

Section 2 That section six hundred and seventy-five of said act be amended to read as follows

Section 675 Authority to Sell or Lease Real Property The board of commissioners may sell or lease any real property belonging to the county on petition to the court of common pleas setting forth a description of the property to be sold or leased and the reason therefor the court shall thereupon fix a day for hearing and notice of which shall be given in at least two newspapers in said county of general circulation once a week for three consecutive weeks In the case of any lease of county property hereunder such property with any and all improvements or additions thereon or thereto shall in the hands of the lessee be subject to taxation by such county and any other municipal or political subdivision therein in the same manner as all other real estate located in such county all of which taxes shall be levied and assessed against and paid by the lessee After hearing the court shall make such an order and decree as shall seem right and proper Such sale or lease shall be returned to the following term of court as orphans' court sales are now returned and said court shall confirm or refuse to confirm said sales or leases as it may deem best for the interests of the county

Section 3 That section six hundred and seventy-six of the said act be amended to read as follows

Section 676 Conveyance and Lease of Real Estate The board of commissioners shall make a deed or lease of any real estate belonging to the county which they are authorized to sell or lease under their hands and seals as commissioners with the seal of the county attached and the same shall be a good and lawful conveyance in fee simple or lease

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 766 House Bill No. 1053), entitled:

An Act to amend section one as re-enacted sections two and three as amended sections four and five and section six as amended of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (P. L. 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania providing further for the distribution and use of unclaimed human bodies fixing the time for the claiming and distribution of bodies and the duties of carriers of bodies requiring thoses receiving bodies to give bond and providing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 810, as follows:

An Act to amend section eight hundred twenty-four and section nine hundred and five as amended of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing certain provisions relating to the borrowing of money for the acquiring and rebuilding of certain bridges and for the purchase and improvement or construction of public highways bridges tunnels subways and underground roads

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight hundred twenty-four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended to read as follows

Section 824 Borrowing Money and Bond Issue Authorized For the purpose of carrying into effect the provisions of subdivision c (2) of this article the county commissioners are hereby authorized to borrow any sum of money not exceeding the constitutional limitations if necessary for the purpose aforesaid at a rate of interest not exceeding six per centum and issue bonds therefor [not exceeding five hundred dollars each] and may levy and collect taxes on all the taxable property in the county in addition to all other taxes for the purpose of paying the principal thereof and interest thereon Said bonds shall [to] be payable at the option of the commissioners of the county issuing the same after five years and within ten years from the date of issue

Section 2 Section nine hundred and five of said act as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 401) is hereby further amended to read as follows

Section 905 Borrowing Money and Bond Issue Any county may borrow money and incur indebtedness to an amount [in the aggregate not exceeding one-half of one per centum of the assessed valuation of the taxable property in said county as fixed by the last preceding assessed valuation thereof] not exceeding the constitutional limitations for the purchase and improvement or construction of such public highways bridges tunnels subways and underground roads or for the purpose of funding any indebtedness incurred therefor and may issue as evidence thereof registered or coupon bonds payable within thirty years from the date of their issue and bearing interest at a rate not exceeding six per centum per annum payable annually or semi-annually Said bonds shall not be sold for less than their par value and accrued interest

The commissioners or a majority of them may make provision for a sinking-fund to pay at maturity any bonded indebtedness which may be incurred as hereinbefore provided and may levy and collect taxes on all the taxable property in the several counties in addition to all other taxes for the purpose of paying the same

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORTS FROM COMMITTEES

Mr. EALY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY from the Committee on County Government reported as committed, Senate Bill No. 827, entitled:

An Act to further amend section five of the act, approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred forty-four) entitled "An act relating to salaries, compensation, bonds, offices, and supplies of certain county officers, their deputies and clerks, in counties of the sixth class," by fixing the time for annual meetings and requiring other meetings of the salary board.

Mr. OWLETT. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT from the Committee on Highways reported as committed, Senate Bill No. 772, entitled:

An Act to amend section four hundred nine of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905) entitled, "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, streets cars, trackless trolley, omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, exempting certain non-residents from the provisions of said act regulating equipment on motor vehicles, trailers and semi-trailers.

Also from the Committee on Finance reported as committed, Senate Bill No. 260 (House Bill No. 556), entitled:

An Act to amend section three of the act, approved the twentieth day of April one thousand nine hundred and twenty-seven (P. L. 322), entitled "An act to amend, revise, consolidate, and change the laws relating to bonus, and providing for the imposition, computation, and collection of bonus for State purposes on the capital stock, stated capital, or capital of domestic corporations, banks, and trust companies, and certain partnerships" exempting credit unions from the provisions of this act.

Mr. REED. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on Labor and Industry reported as committed, Senate Bill No. 639, entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing for exclusive judicial review and prohibiting injunctions against the Board providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties.

Also from the Committee on Labor and Industry reported as committed, Senate Bill No. 640, entitled:

An Act to encourage the making and maintaining of agreements concerning wages, hours and conditions of employment between employers and employes by their representatives and the settlement of controversies concerning the same by mediation and voluntary arbitration conferring powers of mediation and arbitration of such controversies on the Department of Labor and Industry.

Mr. REED. Mr. President, I have been requested by Senator Cavalcante in his absence, to ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on Military Affairs reported as committed, Senate Bill No. 800 (House Bill No. 1674), entitled:

An Act directing the Department of Military Affairs to select, procure, award and provide for the furnishing of certain service medals.

Mr. DIETRICH. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DIETRICH from the Committee on Military Affairs reported as committed, Senate Bill No. 798 (House Bill No. 1564), entitled:

An Act to amend section four hundred thirty-nine of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," as amended, providing that certain forms used by the county commissioners relative to the compilation of war records of deceased service men shall be prescribed but not furnished by the Department of Military Affairs.

Mr. GELDER. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Highways reported as committed, Senate Bill No. 712 (House Bill No 664), entitled:

An Act to amend section twenty-one of the act approved the thirteenth day of June, one thousand eight hundred thirty-six (Pamphlet Laws, five hundred fifty-one) entitled "An act relating to roads, highways and bridges," providing for the vacation of parts of former state roads and turnpike roads where state highways are changed or relocated.

Also from the Committee on State Boards reported as committed, Senate Bill No. 603, entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board as an administrative Board of the Department of Labor and Industry conferring and imposing duties upon the Pennsylvania Labor Relations Board and the Department of Labor and Industry officers of the State

government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a Procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing for judicial review and prohibiting injunctions against the Board providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board providing for adjustment mediation and arbitration of controversies imposing certain duties upon employers and employes with respect to controversies providing for the setting up of regional commissions for adjustment of controversies providing notices of proposed changes in an existing agreement with representatives affecting wages hours or conditions of employment and prohibiting any change in conditions pending consideration of such changes providing for voluntary arbitration of such controversies and prescribing certain penalties

BILL RE-REFERRED

For the purpose of having it re-referred to the Committee on Labor and Industry.

The PRESIDENT. The bill is recommitted to the Committee on Labor and Industry.

Mr. EROE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EROE from the Committee on Labor and Industry reported as amended, Senate Bill No. 653, entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board as an administrative Board of the Department of Labor and Industry conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively; imposing certain duties of compliance upon employes and employers with the procedure in this act for settlement of disputes and controversies before resorting to arbitrary or compulsory process for settling disputes and controversies; providing for the selection and period of service of representatives of employes for the purpose of collective bargaining; authorizing and empowering the Pennsylvania Labor Relations Board to conduct investigations, hearings and elections for determining the representatives authorized to bargain collectively for employes, and to serve in the settlement of controversies over the making and maintaining of agreements between employer and employes through mediation or voluntary arbitration and in the event of failure of arbitration providing for the creation of a special fact finding board by the Governor to investigate and report respecting such controversy; providing for the services of the Pennsylvania Labor Relations Board in the settlement of controversies over the application of an agreement or over the grievances of individual employes or groups of employes by local or regional commissions or panels set up by the Pennsylvania Labor Relations Board through adjustment boards permanently or temporarily established whose decision shall be final and binding; providing for notices of proposed changes in existing agreements between employers and representatives of employes affecting wages, hours and conditions of employment; prohibiting any change except by agreement in conditions of employment during the period of the services of the Pennsylvania Labor Relations Board or special fact finding board and for thirty-days after the report of the special fact finding board, in connection with any controversy over the right of representation of employes or over the making and maintaining of agreements between employers and employes or over changes in existing agreements; providing for voluntary arbitration of controversies between employers and employes regulating the selection of arbitrators and procedure, and conferring certain powers and imposing certain duties upon the arbitrators and the courts with reference thereto.

Also from the Committee on Federal Relations reported as committed, the following resolution, which was laid on the table:

In the Senate, April 5, 1937.

Whereas, It is a primary function of a nation to offer equal educational opportunities to the nation's children wherever they may live and,

Whereas, The continued lack of progress in improvement of school conditions throughout numerous States indicates their inability to maintain adequate standard of education, and

Whereas, Nationally known educators favor Federal aid to Education and

Whereas, Under Federal aid legislation now being considered in Congress, the State of Pennsylvania would benefit by approximately eight million dollars in the first year after enactment to twenty-three and a half million dollars in the fifth year and thereafter, therefore be it

Resolved, That the State Legislature urges the Congress of the United States to enact such legislation as will provide permanent federal aid for education.

Mr. JACOBS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JACOBS from the Committee on Banking reported as committed, Senate Bill No. 709, entitled:

An Act relating to the powers and duties of trustees liquidating certain assets of banking institutions which have been reorganized; and prescribing the powers and duties of courts of common pleas in relation to such liquidations.

Also from the Committee on Labor and Industry reported as committed, the following resolution, which was laid on the table:

In the Senate, April 5, 1937.

Whereas, We have in Pennsylvania many diversified industries engaged in the business of manufacturing, producing and selling various products and commodities; and

Whereas, The State Government through its various agencies is a large consumer and distributor of many of these products and commodities; and

Whereas, In certain instances discriminatory practices have ben set up by certain administrative agencies, which tend to handicap Pennsylvania industries which are in competition with certain foreign state industries of like nature; and

Whereas, This practice results in a lessened employment in the State; and

Whereas, It is the duty of the General Assembly to deal with the problem of unemployment and relief, and particularly when such problems are directly traceable to the question of unemployment; therefore be it

Resolved, (if the House of Representatives concur), That any economic advantage granted to foreign indus-

tries works to the disadvantage of Pennsylvania industry and tends to increase unemployment in this Commonwealth, and where such advantage results from policies adopted by an administrative agency, it is hereby declared that such policies are deemed contrary to the spirit of the discretionary powers vested in such agency.

Resolved, That the General Assembly believes that the policies of all administrative agencies should at all times be formulated to encourage and foster Pennsylvania industry by requiring it, in order to gain a market, to sell certain products and commodities below a price charged by and paid to industries outside Pennsylvania for products and commodities of the same grade or character.

Mr. HALUSKA. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA from the Committee on Military Affairs reported as committed, Senate Bill No. 775, entitled:

A Supplement to an act, approved the twentieth day of July, one thousand nine hundred thirty-five (one thousand nine hundred thirty-five Appropriation Acts, page seventy-one), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-five; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five," by making the current appropriation to the Department of Military Affairs for the use of the Soldiers' and Sailors' Memorial Home at Erie, available for the purchase of land to be available for the burial of deceased members of the home.

Mr. RODGERS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RODGERS from the Committee on Highways reported as committed, Senate Bill No. 815, entitled:

An Act relating to motor vehicles, new and used; creating a motor vehicle dealers' commission and creating and providing for approved motor vehicle appraisers; establishing its jurisdiction, powers and duties and establishing powers and duties of approved motor vehicle appraisers; regulating the sale, trade-in allowance, appraisals, and information furnished the State on motor vehicles, new and used; and establishing regulations concerning speedometers; authorizing the Commission to establish periodical prices for used motor vehicles, either sold or traded in; establishing the appraisal value of motor vehicles, new or used, either for sale or used trade-in allowances; providing for the licensing of motor vehicle dealers and salesmen, and approved motor vehicle appraisers, and the payment of fees therefore; authorizing examination of the business, papers and affairs of and requiring the filing of reports by licensees; authorizing and empowering the Commission to hold hearings and to issue rules and orders and the issuance of subpoena by the Commission on its agents and conferring jurisdiction upon the Courts to punish contempts or to prohibit violations of orders of the Commission; providing for appeals to the Courts from decisions of the Commission; imposing penalties; and making appropriation.

Mr. LAW. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW from the Committee on Elections reported as amended, Senate Bill No. 762 (House Bill No. 1156), entitled:

An Act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

Mr. LAW. Mr. President, I might say that this bill will be recommitted to the Committee on Elections for a Hearing on Tuesday, April 13th, after second reading.

Mr. LAW from the Committee on Military Affairs reported as committed, Senate Bill No. 352 (House Bill No. 542), entitled:

An Act to amend sections five, nine and thirty-six as amended, sections six, forty-one, forty-seven, forty-nine and fifty-one, and sections fifty-two and sixty-five as amended, and to repeal sections twenty and forty-four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 369), entitled "An act providing for the organization, government, discipline, maintenance and regulation of the armed land forces of this Commonwealth," providing for the use of of the National Guard in case of disaster; harmonizing the provisions of said act with the National Defense Act and its procedures; changing clothing allowance; regulating payments of armory rent, light, heat, water and janitor services; providing allowances for rifle practice, regulating payment of expenses when the National Guard is called into service; making further exemptions from jury duty; regulating the settlement of accounts; providing for the disposition and expenditure of fines and penalties recovered from courts-martial; and repealing certain existing laws.

Mr. RUTH. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUTH from the Committee on Highways reported as committed, Senate Bill No. 576 (House Bill No. 855), entitled:

An Act to authorize the Secretary of Highways to disregard terminal points in relocating State Highway Routes under certain conditions.

Also from the Committee on Highways reported as committed, Senate Bill No. 725 (House Bill No. 1284), entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; provid-

ing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act: providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such turnpike shall become free; providing for condemnation; and authorizing the issuance of turnpike revenue refunding bonds.

Also from the Committee on Game and Fisheries reported as committed, Senate Bill No. 461 (House Bill No. 6), entitled:

An Act to amend section two hundred sixty-five of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," making Sunday fishing with rods and lines lawful under certain circumstances.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on Public Utilities reported as committed, Senate Bill No. 844 (House Bill No. 1659), entitled:

A Joint Resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any buses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation

Mr. KUNKEL. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KUNKEL from the Committee on Labor and Industry reported as committed, Senate Bill No. 671, entitled:

An Act to provide for the safety and to protect the health and morals of persons while employed; prescribing certain regulations and restrictions concerning places where persons are employed, and the equipment, apparatus, devices and machinery used therein; prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act; and fixing penalties.

Mr. THOMPSON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON from the Committee on Public Utilities reported as committed, Senate Bill No. 771, entitled:

An Act relating to non-profit cooperative corporations organized to engage in rural electrification; providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing co-operative or non-profit corporations and associations within the provisions of this act; conferring powers and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act.

Mr. SIPE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SIPE from the Committee on Finance returned to the Senate as amended, Senate Bill No. 492 (House Bill No. 390), entitled:

An Act relating to the performance of industrial work in homes; regulating, and, in certain cases, prohibiting industrial homework; imposing duties, restrictions and liabilities on industrial home-workers and on persons, partnerships, associations and corporations, directly or indirectly, furnishing materials and articles to home-workers for manufacture or work thereon; requiring permits and home-workers' certificates and prescribing the fees therefor; conferring powers and imposing duties on the Department of Revenue; and prescribing penalties.

With the request that it be re-referred to the Committee on Labor and Industry.

The PRESIDENT. The bill is re-referred to the Committee on Labor and Industry.

Mr. RANKIN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RANKIN from the Committee on Elections reported as amended, Senate Bill No. 652, entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation.

Mr. RANKIN. Mr. President, I ask unanimous consent to make a report from a committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RANKIN from the Committee on Banking reported as committed, Senate Bill No. 188, entitled:

An Act relating to savings institutions, chartered under special acts of assembly, and specifying additional securities upon which such institutions may lend deposits received by them.

Mr. RANKIN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RANKIN from the Committee on Highways reported as committed, Senate Bill No. 356 (House Bill No. 750), entitled:

An Act conferring on the Department of Highways power to enter upon private property for the purposes of making surveys of proposed highway improvements; providing for the payment of damages; and providing penalty for interference.

Mr. DENT. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT from the Committee on Highways reported as committed, Senate Bill No. 597 (House Bill No. 1167), entitled:

An Act to further amend sections nine and eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-five) entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation" as amended making the time for taking possession of any such toll bridge discretionary with the Secretary of Highways providing for the transfer in certain cases of funds from the Motor License Fund to the Toll Bridge Fund and the reimbursement thereof to the Motor License Fund from the Toll Bridge Fund out of proceeds of the sale of certain authorized bonds further providing for the payment of the cost of acquiring such bridges further regulating the collection of tolls and reimbursing the Commonwealth for the cost of acquiring such bridges further providing when such bridges shall be free of tolls and making an appropriation.

BILLS INTRODUCED

Mr. THOMPSON. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON, read in place and presented to the Chair Senate Bill No. 894, entitled:

An Act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania and commissioners designated by the Governor of the State of Ohio, relative to the development, use and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing, hunting, recreational and park purposes.

Which was committed to the Committee on Forests and W[illegible].

Mr. DENT. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT, read in place and presented to the Chair Senate Bill No. 895, entitled:

An Act requiring the suspension of safety-nets under men working at certain heights upon construction of buildings, monuments and bridges.

Which was committed to the Committee on Labor and Industry.

MOTION TO READ BILLS THE FIRST TIME

Mr. ROBERTS. Mr. President, I move that all bills reported at todoy's session be read the first time.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 188, entitled:

An Act relating to savings institutions, chartered under special acts of assembly, and specifying additional securities upon which such institutions may lend deposits received by them.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 260 (House Bill No. 556), entitled:

An Act to amend section three of the act approved the twentieth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred twenty-two) entitled "An act to amend revise consolidate and change the laws relating to bonus and providing for the imposition computation and collection of bonus for State purposes on the capital stock stated capital or capital of domestic corporations banks and trust companies and certain partnerships" exempting credit unions from the provisions of the act.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 352 (House Bill No. 542), entitled:

An Act to amend sections five, nine, and thirty-six as amended, sections six, forty-one, forty-seven, forty-nine and fifty-one, and sections fifty-two and sixty-five as amended, and to repeal sections twenty and forty-four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," providing for the use of the National Guard in case of disaster; harmonizing the provisions of said act with the National Defense Act and its procedures; changing clothing allowance; regulating payments of armory rent, light, heat, water and janitor services; providing allowances for rifle practice, regulating payment of expenses when the National Guard is called into service; making further exemptions from jury duty; regulating the settlement of accounts; providing for the disposition and expenditure of fines and penalties recovered from courts-martial; and repealing certain existing laws.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 356 (House Bill No. 750), entitled:

An Act conferring on the Department of Highways power to enter upon private property for the purposes of making surveys of proposed highway improvements; providing for the payment of damages; and providing penalty for interference.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 461 (House Bill No. 6), entitled:

An Act to amend section two hundred sixty-five of the act, approved the second day of May, one thousand nine hundred and twenty-five. (P. L. 448) entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," making Sunday fishing with rods and lines lawful under certain circumstances.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 576 (House Bill No. 855), entitled:

An Act to authorize the Secretary of Highways to disregard terminal points in relocating State Highway Routes under certain conditions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 597 (House Bill No. 1167), entitled:

An Act to further amend sections nine and eleven of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred ninety-five), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the re-imbursement of the Commonwealth from tolls and charges; and making an appropriation," as amended; making the time for taking possession of any such toll bridge discretionary with the Secretary of Highways; providing for the transfer in certain cases of funds from the Motor License Fund to the Toll Bridge Fund and the reimbursement thereof to the Motor License Fund from the Toll Bridge Fund out of proceeds of the sale of certain authorized bonds; further providing for the payment of the cost of acquiring such bridges; further regulating the collection of tolls, and reimbursing the Commonwealth for the cost of acquiring such bridges; further providing when such bridges shall be free of tolls; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 639, entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board, conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government and courts, providing for the right of employes to organize and bargain collectively, declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes, authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining; empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint, the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases, providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases, providing for an appeal from the common pleas court to the Supreme Court, providing for exclusive judicial review and prohibiting injunctions against the Board, providing the Board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court, providing for service of papers and process of the Board; prescribing certain penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 640, entitled:

An Act to encourage the making and maintaining of agreements concerning wages, hours and conditions of employment between employers and employes by their representatives and the settlement of controversies concerning the same by mediation and voluntary arbitration, conferring powers of mediation and arbitration of such controversies on the Department of Labor and Industry.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 652, entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners,, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties, and repealing existing legislation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 653, entitled:

An Act to protect the right of employees to organize and bargain collectively; creating the Pennsylvania Labor Relations Board as an administrative board of the Department of Labor and Industry, conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the state government and courts; providing for the right of employees to organize and bargain collectively; imposing certain duties of compliance of employees and employer with the procedure in this act for settlement of disputes and controversies before resorting to arbitrary or compulsory process for settling disputes and controversies; providing for the selection and period of

service of representatives of employees for the purpose of collective bargaining; authorizing and empowering the Pennsylvania Labor Relations Board to conduct investigations, hearings and elections for determining the representatives authorized to bargain collectively for employees, and to serve in the settlement of controversies over the making and maintaining of agreements between employer and employees through mediation or voluntary arbitration and in the event of failure of arbitration providing for the creation of a special fact finding board by the Governor to investigate and report respecting such controversy; providing for the services of the Pennsylvania Labor Relations Board in the settlement of controversies over the application of an agreement or over the grievances of individual employees or groups of employees by local or regional commissions or panels set up by the Pennsylvania Labor Relations Board or through adjustment boards permanently or temporarily established whose decision shall be final and binding; providing for notices of proposed changes in existing agreements between employers and representatives of employees affecting wages, hours and conditions of employment; prohibiting any change except by agreement in conditions of employment during the period of the services of the Pennsylvania Labor Relations Board or special fact finding board and for thirty-days after the report of the special fact finding board, in connection with any controversy over the right of representation of employees or over the making and maintaining of agreements between employers and employees or over changes in existing agreements; providing for voluntary arbitration of controversies between employers and employees regulating the selection of arbitrators and procedure, and conferring certain powers and imposing certain duties upon arbitrators and the courts with reference thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 671, entitled:

An Act to provide for the safety and to protect the health and morals of persons while employed; prescribing certain regulations and restrictions concerning places where persons are employed, and the equipment, apparatus, devices and machinery used therein; prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act; and fixing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 709, entitled:

An Act relating to the powers and duties of trustees liquidating certain assets of banking institutions which have been reorganized; and prescribing the powers and duties of courts of common pleas in relation to such liquidations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 712 (House Bill No. 664), entitled:

An Act to amend section twenty-one of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 551), entitled "An act relating to roads, highways, and bridges," providing for the vacation of parts of former State roads and turnpike roads where State highways are changed or relocated.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 725 (House Bill No. 1284), entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this Act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances prescribing conditions upon which such turnpike shall become free; providing for condemnation; and authorizing the issuance of turnpike revenue refunding bonds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 762 (House Bill No. 1156), entitled:

An Act to provide for the permanent personal registration of electors in boroughs, towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries, prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors, requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents and boards of school directors and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 771, entitled:

An Act relating to non-profit cooperative corporations organized to engage in rural electrification; providing for the organization, consolidation and dissolution of such corporations, prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing cooperative or non-profit corporations and associations within the provisions of this act; conferring

powers and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 772, entitled:

An Act to amend section four hundred nine of the act, approved the first day of May, one thousand nine hundred twenty-nine, (Pamphlet Laws nine hundred five) entitled, "An act for the protection of the public safety regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof; owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an apropriation and providing for refunds," as amended, exempting certain non-residents from the provisions of said act regulating equipment on motor vehicles, trailers and semi-trailers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 775, entitled:

A Supplement to an act, approved the twentieth day of July, one thousand nine hundred thirty-five (One thousand nine hundred thirty-five Appropriation Acts, page seventy-one), entitled, "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-five; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five," by making the current appropriation to the Department of Military Affairs for the use of the Soldiers' and Sailors' Memorial Home at Erie, available for the purchase of land to be available for the burial of deceased members of the home.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 798, (House Bill No. 1564), entitled:

An Act to amend section four hundred thirty-nine of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eight classes and revising, amending and consolidating the laws relating thereto," as amended, providing that certain forms used by the county commissioners relative to the compilation of war records of deceased service men shall be prescribed but not furnished by the Department of Military Affairs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 800, (House Bill No. 1674), entitled:

An Act directing the Department of Military Affairs to select, procure, award and provide for the furnishing of certain service medals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 815, entitled:

An Act relating to motor vehicles, new and used; creating a motor vehicle dealers' commission and creating and providing for approved motor vehicle appraisers; establishing its jurisdiction, powers and duties and establishing powers and duties of approved motor vehicle appraisers, regulating the sale, trade-in allowance, appraisals, and information furnished the State on motor vehicles, new and used; and establishing regulations concerning speedometers; authorizing the Commission to establish periodical prices for used motor vehicles, either sold or traded in; establishing the appraisal value of motor vehicles, new or used, either for sale or used trade-in allowances; providing for the licensing of motor vehicle dealers and salesmen, and approved motor vehicle appraisers, and the payment of fees therefore; authorizing examination of the business, papers and affairs of and requiring the filing of reports by licensees; authorizing and empowering the Commission to hold hearings and to issue rules and orders and the issuance of subpoena by the Commission or its agents and conferring jurisdiction upon the Courts to punish contempts or to prohibit violations of orders of the Commission; providing for appeals to the Courts from decisions of the Commission; imposing penalties; and making appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 827, entitled:

An Act to further amend section five of the act approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred forty-four), entitled "An act relating to salaries, compensation, bonds, offices, and supplies of certain county officers, their deputies and clerks, in counties of the sixth class," by fixing the time for annual meetings and requiring other meetings of the salary board.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 844, (House Bill No. 1659), entitled:

A Joint Resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth, conferring upon the commission full power to issue subpoenas, requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth, authorizing the commission to employ counsel and employes and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 1449 (Senate Bill No. 896), entitled:

An Act providing for the creation incorporation organization and government of County Public Utility Administrations in counties of the escond class providing for referendums to ascertain the will of the electors authorizing such Administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by The Public Service Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such Administrations imposing certain duties and functions in connection with such Administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes.

Which was committed to the Committee on County Government.

House Bill No. 1561 (Senate Bill No. 897), entitled:

An Act to amend sections two, three, four, five and six of the act approved the thirteenth day of April, one thousand nine hundred and twenty-one (P. L. 129), entitled "Butter Law" further defining butter and the adulteration of butter; conferring powers on the Department of Agriculture and the courts of quarter sessions; and providing penalties.

Which was committed to the Committee on Agriculture.

House Bill No. 1715 (Senate Bill No. 898), entitled:

An Act ot prevent fraud and deception; regulating the weights and measures in the sale or offering for sale of fruits and vegetables in this Commonwealth; regulating sales of fruits and vegetables in original unbroken standard containers; imposing certain powers and duties on the Department of Internal Affairs and county and city inspectors of weights and measures; and prescribing penalties.

Which was committed to the Committee on Agriculture.

House Bill No. 1761 (Senate Bill No. 899), entitled:

An Act creating a commission to study certain conditions relating to municipal ordinances; defining its powers and duties; and making an appropriation.

Which was committed to the Committee on State Boards.

House Bill No. 1766 (Senate Bill No. 900), entitled:

An Act to amend sections one thousand four hundred and forty-one and one thousand seven hundred and sixteen, as added, of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," by further defining cost of tuition.

Which was committed to the Committee on Education.

House Bill No. 1793 (Senate Bill No. 901), entitled:

An Act to amend section four of the act approved the thirteenth day of May one thousand nine hundred and fifteen (P. L. 286), entitled "Child Labor Law" as amended, further limiting the days and hours during which minors under eighteen years of age may be employed.

Which was committed to the Committee on Education.

HOUSE BILL No. 2067, (Senate Bill No. 902), entitled:

An Act to amend section five hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty three (P. L. 103), entitled "The Second Class Township Law," prohibiting auditors from becoming surety for certain officers.

Which was committed to the Committee on Municipal Government.

House Bill No. 1043, (Senate Bill No. 903), entitled:

An Act to re-enact and amend the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen), entitled "State Personal Property Tax Act" as amended, by imposing annual taxes for State and county purposes, and, in cities coextensive with counties, for State, city and county purposes; making further provisions for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon; modifying and further defining certain exemptions from said taxes, and concerning the distribution of the proceeds thereof; providing that the existing and future borrowing capacity, and the obligations and security of the outstanding bonds and other securities of the several counties, and cities coextensive with counties, of the Commonwealth, shall not be impaired; and making an appropriation.

Which was committed to the Committee on Finance.

HOUSE CONCURS IN SENATE BILL No. 98

He also returned to the Senate, Senate Bill No. 98, entitled:

An Act to amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended; extending the retirement provision relating to former teachers to those who returned to service only temporarily.

With the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 679

He also informed the Senate that the House has concurred in amendments made by the Senate to House Bill No. 679, entitled:

An Act abating certain interest charges, expenses and fees added to county, city, borough, town, township, school district or poor district claims imposed or assessed for improvements or for the abatement of nuisances; prohibiting the sale of real property for the non-payment of such claims for a certain period; preserving the liens of such claims and providing for the extension thereof.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 476

He also informed the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1051.

An Act to amend section one, section two, and section five of an act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entitled "An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of this Commonwealth; resting certain powers to the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof" defining water obstructions and enlarging the powers of the Water and Power Resources Board.

HOUSE CONCURS IN SENATE BILL No. 151

He also returned to the Senate, Senate Bill No. 151, entitled:

An Act relating to the protection of agriculture and horticulture including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts or products thereof from plant pests, and revising, consolidating and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; providing penalties and repealing present laws.

with the information that the House has passed the same without amendment.

AMENDMENT TO HOUSE BILL No. 554 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 554, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employees of such corporations and persons.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The amended bill will be noted on the calendar.

AMENDMENT TO HOUSE BILL No. 553 RECALLED FROM THE GOVERNOR

He also, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 553, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "Department of Banking Code," as amended, by providing for the creation of the Building and Loan Board, the appointment of its members, the payment of its expenses, and defining its powers and duties; and by modifying the powers and duties of the Department of Banking, and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision; and by making inapplicable said act to certain corporations.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The amended bill be noted on the calendar.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) anounced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 476, entitled:

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

House Bill No. 537, entitled:

An Act to amend section four hundred and eleven of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," as added, providing for the attendance of pupils at certain exhibitions and places of interest at the expense of school districts.

House Bill 679, entitled:

An Act abating certain interest charges, expenses and fees added to county, city, borough, town, township, school district or poor district claims imposed or assessed for improvements or for the abatement of nuisances; prohibiting the sale of real property for the non-payment of such claims for a certain period; preserving the liens of such claims and providing for the extension thereof.

House Bill 742, entitled:

A Supplement to the act, approved the twentieth day of July, one thousand nine hundred thirty-five (Appropriation Acts, page seventy-one), entitled 'An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-five; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five," providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal bein-

nium ending May thirty-first, one thousand nine hundred and thirty-seven.

House Bill No. 1051, entitled:

An Act to amend section one, section two, and section five of an act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entitled "An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of this Commonwealth; resting certain powers to the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof" dening water obstructions and enlarging the powers of the Water and Power Resources Board.

House Bill No. 1296, entitled:

An Act to amend section one of Article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "Second Class City Law," as amended; further regulating the giving of contracts relating to city affairs.

Senate Bill No. 98, entitled:

An Act to amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended; extending the retirement provision relating to former teachers to those who returned to service only temporarily.

Senate Bill No. 151, entitled:

An Act relating to the protection of agriculture and horticulture including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts or products thereof from plant pests, and revising, consolidating and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; providing penalties and repealing present laws.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Welfare will meet on Monday, April 12th, at 4:00 p. m., in Room 265, when the Goodrich Plan will be discussed.

The Committee on County Government will meet on Tuesday, April 13th, at 10:30 a. m., in Room 402.

The Committee on Judiciary General will meet on Tuesday, April 13th, at 10:15 a. m., in Room 302.

The Committee on State Government will meet on Tuesday, April 13th, at 11:00 a. m., in Room 402.

The Committee on Corporations will meet on Tuesday, April 13th, at 11:30 a. m., in Room 265.

There will be a Public Hearing by the Committee on Elections in the Senate Caucus Room, on Tuesday, April 13th, at 5:00 p. m., when the Borough and Township Permanent Registration Bill will be discussed.

There will be a Public Hearing before the Committee on Public Health on Tuesday, April 13th, at 10:00 a. m., in the Senate Caucus Room, on Senate Bill No. 534.

The Public Health Committee will hold a public hearing in the Senate Caucus Room on Tuesday, April 13th, at 2:30 p. m., when Senate Bill No. 703 (the Pure Food and Drug Act) will be discussed.

There will be a Public Hearing on House Bill No. 854 (Public Utilities Real Estate Tax Bill) before the Committee on County Government, in the Senate Chamber, on Tuesday evening, 8:00 p. m.

ADJOURNMENT

Mr. ROBERTS. Mr. President, I move that the Senate do now adjourn.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:17 p. m. until nine o'clock Monday evening, April 12, 1937.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 7, 1937.

The House met at 1:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Rev. JOHN B. WILLIAMS, Pastor of the Second Baptist Church of Harrisburg, offered the following prayer:

Eternal Father of mankind, guardian and guide of the destinities of our nation, we are grateful unto Thee for the men of old who were courageous enough to withstand criticism and injustice, who founded our nation in the fear of God and in the name of freedom and brotherhood. We bless Thy name for all of the men and women who have consecrated their strength to the highest good and who have helped to usher in the bright day in which we live. We ask Thy blessings upon the President of our country, the Governor of our State and all who share in the responsibilities and the cares of this government. Especially do we pray for these individuals who by the confidence of their fellowmen have been called to the stewardship of the affairs of this State. Give them wisdom and understanding in all their deliberations. Take from them all selfish ambitions. Grant that they may hold sacred the trust that has been placed in them and have a keen sense of their duty. Grant them faith and daring to do the right against all opposition. Set their hearts on fire with high resolve to engage in the endless and unceasing struggle for the liberty and welfare of this State. Crown their honest effort with Thy blessings. In Jesus' name we ask it. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. SERRILL, the further reading was dispensed with and the Journal approved.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 441.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 6, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 441, Printer's No. 468, entitled "An Act licensing and regulating the business of pawnbrokers providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations limiting the interest and charges on loans and prescribing penalties for the violation of this act."

GEORGE H. EARLE.

COMMUNICATIONS

The SPEAKER laid before the House the following communication which was read by the Clerk as follows:

RELIEF

A resolution from the Luzerne County Unemployment League, Inc., requesting three members of House to attend meetings of relief directors of Luzerne County.

Referred to the Committee on Welfare.

LEAVES OF ABSENCE

Mr. David H. Weiss asked and obtained leave of absence for Mr. ELPERN on account of an unexpected visit in the family.

Mr. Frank P. Hamilton asked and obtained leave of absence for Mr. SHUGARTS on account of death in the family.

REPORTS FROM COMMITTEES

Mr. HABERLEN, from the Committee on Agriculture, reported as committed, House Bill No. 1649, entitled:

An Act to re-enact and further amend the act, approved the second day of January, one thousand nine hundred and thirty-four (P. L. 174, 1933-34), entitled as amended "An act relating to milk and the products thereof; declaring an emergency with respect to their production and marketing; creating a Milk Control Board; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacture, processing, storage, distribution, delivery and sale of milk and the products thereof; authorizing the board, with the approval of the Governor, to fix prices to be paid or charged for milk and the products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring licensees to furnish bonds for the protection of producers; authorizing the examination of the business, papers, and affairs of, and requiring the filing of reports by, licensees, other milk dealers and producers, and permitting with limitations the dissemination of information obtained therefrom; authorizing the issuance of subpoenas by the boards or its agents, and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board; providing for appeals to the courts from decisions of the Milk Control Board; imposing penalties; and making an appropriation;" making the Milk Control Board a permanent agency; changing the personnel of said board, and providing for the appointment of the members thereof; further prescribing the powers of said board; providing for compliance committees of producers; prescribing the powers of such committees, and providing for the financing of such committees by a charge imposed upon producers; regulating the price fixing powers of the board; further regulating appeals; providing for the bonding of milk dealers; regulating agricultural cooperative associations and corporations; and making an appropriation.

Mr. COLEMAN, from the Committee on Counties, reported as amended, House Bill No. 731, entitled:

An Act providing for the creation, maintenance and operation of a county employes retirement system in counties of the third class; and imposing certain charges on counties.

Mr. DOUGHERTY, from the Committee on State Government, reported as amended, House Bill No. 1651, entitled:

An Act to amend the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended, further defining State employes; providing for retirement allowances where all back deductions have not been paid; specifying when State employes shall join the system; imposing certain duties on the heads of agencies of the State government; fixing the liability of certain special operating funds; further regulating retirements rights, retirement allowances, withdrawals and the computation of service allowances; imposing certain duties on the board; and providing for contributions by members.

Mr. SIEGEL, from the Committee on Highways, reported as committed, House Bill No. 923, entitled:

An Act to amend section three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 920), entitled "An act providing for the relocation and change of width, grades and lines of State highways in boroughs by the Secretary of Highways with the approval of the Governor and commissioners, of the proper county; and for the payment of damages occasioned thereby by the county, and repealing certain acts," as amended by providing for payment by the Commonwealth out of the Motor License Fund of damages for land or property taken, injured or destroyed by the change of width, lines and locations of State highways in boroughs and incorporated towns, and the cost of removal of structures where the county does not agree to such changes or removals, requiring approval of the court of quarter sessions to certain agreements made by the county commissioners with property owners, nad fixing the time when the Secretary of Highways may begin work.

Mr. BROAD, from the Committee on Boroughs, reported as committed, House Bill No. 33, entitled:

An Act to amend clause (b) of section two thousand one hundred and twenty of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended, providing for compensation for members of joint sewer boards.

Mr. JAMES W. PATTERSON, from the Committee on

Counties, reported as committed, House Bill No. 2040, entitled:

An Act to amend section fifty-nine, as amended, section one hundred ninety, as added, section two hundred four, as amended, and sections two hundred forty-seven and six hundred seventy-five of, to add sections one hundred fifty and one-tenth and one hundred fifty-five to, and to repeal section two hundred five of, the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" by changing the provisions for filling vacancies in the office of coroner, sheriff, district attorney and county treasurer, providing for and prescribing the procedure for leasing of real property belonging to counties; and providing for the appointment of assistant solicitors and clerks and stenographers to solicitors in counties of the second class.

Mr. SAMUEL A. WEISS, from the Committee on State Government, reported as committed, House Bill No. 1775, entitled:

An Act to amend clause (g), section one thousand three hundred nine, of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers, fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined." to authorize the Pennsylvania Historical Commission at its discretion, to deposit historic relics or other gifts in or on historic properties or shrines committed to its custody."

Mr. HERING, from the Committee on Constitutional amendments reported as amended, House Bill No. 1557, entitled:

A Joint Resolution proposing an amendment to Article nine, section eight of the Constitution of the Commonwealth of Pennsylvania.

Mr. PIOLE, from the Committee on Townships, reported as committed, House Bill No. 2001, entitled:

An Act to amend section four hundred and one of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further regulating the creation and abolition of wards.

Mr. HARMUTH, from the Committee on Highways, reported as committed, House Bill No. 1670, entitled:

An Act to promote safety for the traveling public on State highways; to extend the responsibility for subsidence of such highways by the failure of vertical and lateral support and declaring said subsidence a public nuisance; to provide for inspection of mine maps by the Department of Highways and the furnishing to said Department of copies of such mine maps in certain cases, to authorize entry by the Department of Highways into mines in certain cases, and to provide for notices to the Department of Highways of certain mining operations under or adjacent to highways, and providing penalties.

Mr. NAGLE, from the Committee on Education, reported as committed, House Bill No. 1559, entitled:

An Act concerning vocational education; providing for the acceptance by the Commonwealth of Pennsylvania of the provisions of the act of Congress, approved June eighth, one thousand nine hundred and thirty-six, entitled "An act to provide for the further development of vocational education in the several States and Territories;" and conferring powers and imposing duties on the State Treasurer and the State Council of Education.

Mr. SHAW, from the Committee on Counties, reported as amended, House Bill No. 872, entitled:

An Act providing that officials charged with the duty of assessing real estate for taxation, may at any time split or separate the assessment on any tract of real estate in order to permit the payment of taxes due on a portion of such tract; requiring tax collectors to accept payment of such taxes and validation all such split or separated assessments heretofore made.

Mr. McARDLE, from the Committee on Insurance, reported as amended, House Bill No. 1568, entitled:

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by adding thereto sections four hundred and twenty B (420B), four hundred and twenty C (420C) and four hundred and twenty D (420D) defining industrial insurance and providing uniform policy provisions and prohibited policy provisions for industrial insurance contracts.

Mr. SKALE, from the Committee on State Government, reported as committed, House Bill No. 96, entitled:

An Act to further amend section two thousand four hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the re-organization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined." authorizing the Department of Property and Supplies with the consent of the proper board of trustees to grant rights of way or easements over State institution lands for public road purposes.

Mr. ROTHENBERGER, from the Committee on Boroughs, reported as committed, House Bill No. 1261, entitled:

An Act to amend section one thousand and forty-six of the act, approved the fourth day of May, one thousand nine hundred and twenty-nine (P. L. 519), entitled "An act concerning boroughs, and revisings, amending, and consolidating the law relating to boroughs," providing for the employment by auditors and for the compensation of an attorney.

Mr. HOLSTROM, from the Committee on State Boards, reported as committed, House Bill No. 906, entitled:

An Act creating a State Worlds Fair Commission; defining the powers and duties of said commission; providing for participation in the New York Worlds Fair; and making an appropriation.

Mr. HOLLAND, from the Committee on Railroads and Railways, reported as committed, House Bill No. 670, entitled:

An Act to promote the safety of travelers upon street railways and buses and others, by requiring a crew of two on each street railway car and certain buses.

Mr. FRANK P. HAMILTON, from the Committee on Counties, reported as committed, House Bill No. 1733, entitled:

An Act to amend sections four hundred six and four hundred seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by further regulating depositories of funds of counties of the second class, and the rate of interest to be paid by such depositories to such counties.

Mr. POWERS, from the Committee on Counties, reported as committed House Bill No. 1802, entitled:

An Act authorizing county Commissioners to refund taxes and license fees erroneously and inadvertently paid by persons and corporations into the county treasury, and limiting the time within which claims for refunds must be made.

Mr. ALEXANDER, from the Committee on Education, reported as committed, House Bill No. 1186, entitled:

An Act authorizing school districts to make contracts of group life, health and accident insurance for the benefit of pupils in vocational schools, at the expense of the school district; defining the status of the school district and pupils under existing and future insurance laws; and requiring school districts to make certain reports to the Department of Public Instruction.

Mr. SCHOR, from the Committee on State Government, reported as committed, House Bill No. 158, entitled:

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life, and for industrial consumption and recreation; empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution; providing protection of water supply; providing for the jurisdiction of courts, magistrates, aldermen and justices of the peace in the enforcement thereof, and providing additional remedies for abating pollution of waters; imposing certain penalties; and repealing certain acts.

Mr. SHEA, from the Committee on Education, reported as committed, House Bill No. 1360, entitled:

An Act to amend sections two thousand six hundred and twenty-two and two thousand six hundred and twenty-six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven, (Pamphlet Laws three hundred and nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" as amended, extending the time within which appeals from auditors' reports may be taken.

Mr. SPENGLER, from the Committee on Constitutional Amendments, reported as committed, House Bill No. 71, entitled:

A Joint Resolution proposing an amendment to Article one, section six, of the Constitution of the Commonwealth of Pennsylvania.

Mr. LEWIS, from the Committee on Judiciary Special, reported as committed, House Bill No. 1326, entitled:

An Act relating to the use and furnishing of stamps, coupons, tickets, certificates, cards, or other similar devices, for or with the sale of goods, ware and merchandise; requiring the securing of licenses from the county treasurer and fixing the license fee therefor; and providing a penalty for violation thereof.

Mr. REUBEN E. COHEN, from the Committee on Judiciary Special, reported as amended, House Bill No. 843, entitled:

An Act to regulate the sale and advertising for sale of goods, wares and merchandise purporting to be an insurance, bankruptcy, mortgage, insolvent assignees, executors, administrators, receivers, trustees, removal or closing-out sale, or sale of goods damaged by fire, smoke or water, and to prevent fraudulent practices in connection therewith; and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same.

Mr. REUBEN E. COHEN, from the Committee on Insurance, reported as amended, House Bill No. 1755, entitled:

An Act providing for the regulation by the Insurance Department of non-profit corporations organized to provide hospital care and service for subscribers; prescribing legal investments for the funds of such corporations and the hosptials with which such corporations may enter into contracts for hospital care and service; conferring powers on the Insurance Department and the Department of Welfare; exempting such corporations from taxation; and providing penalties.

Mr. MORAN, from the Committee on Townships, reported as committed, House Bill No. 2064, entitled:

An Act to amend section five hundred forty of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," as amended; providing for additional compensation to the secretary for preparing the tax duplicate.

Mr. MURRIN, from the Committee on Highways, reported as committed, House Bill No. 9, entitled:

An Act to protect the public safety by prohibiting coal

stripping work in close proximity to public highways and the abandonment of stripping work, unless the earth is replaced in the opening caused by such work.

Mr. O'NEILL, from the Committee on Boroughs, reported as committed, House Bill No. 1609, entitled:

An Act to further amend the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further regulating the affairs of boroughs, and revising, amending and changing the law relating thereto.

Mr. BURROWS, from the Committee on Townships, reported as committed, House Bill No. 1693, entitled:

An Act authorizing townships of the second class to adopt and enforce zoning ordinances regulating the location, construction, and use of buildings, the size of courts and open spaces, the density of population, and the use of land.

Mr. ROYER, from the Committee on Boroughs, reported as committed, House Bill No. 45, entitled:

An Act to amend section nine hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by changing the time when the court of quarter sessions is authorized to fill vacancies in borough offices.

Mr. WOOD, from the Committee on Highways, reported as amended, House Bill No. 1400, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public saftey; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, regulating the sale and further regulating the installation, use and operation of traffic regulation devices, signals, signs and markings, and the operation of motor vehicles on the highways; affecting the powers of municipal authorities in certain cases and of the Secretary of Highways; and changing and imposing penalties.

Mr. DAVIES, from the Committee on Highways, reported as amended, House Bill No. 982, entitled:

An Act providing for the construction, reconstruction, maintenance and repair of sidewalks at dangerous places along State highways, by the Department of Highways, and making an appropriation from the Motor License Fund.

Mr. CADWALADER, from the Committee on Counties, reported as committed, House Bill No. 1254, entitled:

An Act to amend section five of the act, approved the thirty-first day of March, one thousand eight hundred and seventy-six (P. L. 13), entitled "An act to carry into effect section five of Article fourteen of the Constitution relative to the salaries of county officers, and the payment of fees received by them into the State or county treasury, in counties containing over one hundred and fifty thousand inhabitants" as amended; changing the dates on which county officers, their deputies and clerks shall be paid.

Mr. HUNTLEY, from the Committee on Boroughs, reported as committed, House Bill No. 1880, entitled:

An Act providing for the settlement and compromise of certain claims of the Commonwealth against boroughs for the construction, reconstruction, maintenance and repair of highways.

Mr. HUNTLEY, from the Committee on Motor Vehicles, reported as committed, House Bill No. 289, entitled:

An Act to amend section seven hundred and ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence, imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles, imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by changing the dates when reductions of registration fees shall become effective.

Mr. COAKLEY, from the Committee on Boroughs, reported as committed, House Bill No. 1608, entitled:

An Act to further amend clause fifty-three of section one thousand two hundred two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" by further regulating contracts by boroughs.

Mr. HARKINS, from the Committee on Education, reported as committed, House Bill No. 1467, entitled:

An Act to amend section one thousand six hundred seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, providing for the furnishing of the National Flag Code to certain pupils and for the use thereof.

Mr. KELSO, from the Committee on Agriculture, reported as committed, House Bill No. 1574, entitled:

An Act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties, regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees thereof; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling, and testing; authorizing the commission to examine the business, papers, and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making an appropriation.

Mr. HABERLEN, from the Committee on Highways, reported as committed, House Bill No. 2129, (Senate Bill No. 377), entitled:

An Act to re-enact and further amend the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1409), entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal, and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county;" extending said act to all counties of this Commonwealth.

Mr. FINNERTY, from the Committee on Highways, reported as committed, House Bill No. 2135, (Senate Bill No. 674), entitled:

An Act to amend the title and section one of the act approved the twelfth day of July, one thousand nine hundred thirty-five (P. L. 805), entitled, "An act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes,, and providing a method of procedure," by further providing for the acquisition and possession of occupied property and structures.

Mr. BLANK, from the Committee on Judiciary Special, reported as committed, House Bill No. 994, (Senate Bill No. 100), entitled:

An Act to amend sections forty and forty-seven of the act, approved the eleventh day of March, one thousand nine hundred and nine (P. L. 19), entitled "An act relating to warehouse receipts," providing how warehouse receipts may be negotiated.

Mr. KEENAN, from the Committee on Counties, reported as committed, House Bill No. 2004, (Senate Bill No. 305), entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1276), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing counties of the second class to assist political subdivisions in the county in negotiations and contests with public service companies.

Mr. SKALE, from the Committee on Judiciary General, reported as amended, House Bill No. 1770, (Senate Bill No. 153), entitled:

An Act to amend the act approved the twentieth day of March, one thousand nine hundred and thirteen (P. L. 6), entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise, securities, or services, and providing penalties for the violation thereof," by including display or placard advertising, and changing the penalties prescribed, and the manner of proving violations.

Mr. REESE, from the Committee on Townships, reported as committed, House Bill No. 2127, (Senate Bill No. 288), entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1266), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by changing the manner of creation of townships of the first class.

Mr. COAKLEY, from the Committee on Highways, reported as committed, House Bill No. 2134, (Senate Bill No. 673), entitled:

An Act authorizing the Secretary of Highways to abandon portions of State Highway Routes within the limits of State parks or Federal Resettlement projects under certain conditions.

Mr. DOUGHERTY, from the Committee on Railroads and Railways, re-reported as amended, House Bill No. 75, entitled:

An Act to promote the safety of travelers and employes upon railroads, by prohibiting carriers by railroad, hauling trains excessive in length; providing penalties; and providing for enforcement by the Public Service Commission or any other agency empowered to enforce the law.

Mr. McDERMOTT, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 500, entitled:

An Act relating to local taxation; establishing a system in counties of the second, third, fourth, fifth, sixth, seventh and eighth classes for the collection of county, borough, town, township, school and poor taxes, with certain exceptions, through the county treasurers as county tax collectors and city tax collectors in cities of the second class A and third class; defining the rights, powers and duties of the collectors of county, borough, town, township, school and poor district taxes in certain counties; defining the rights, powers and duties of such taxing units; regulating the date of making and certifying of tax levies; abolishing the office of county, borough, town township, school and poor district tax collectors, except county treasurers and certain tax collectors in cities, upon the expiration of existing terms and in cases of vacancies; imposing certain duties upon the Department of Internal Affairs; defining certain criminal offenses; imposing penalties and creating liens; and repealing existing laws.

Mr. MARINO, from the Committee on Townships, reported as amended, House Bill No. 918, entitled:

An Act to amend section five hundred forty-seven as amended, and sections eight hundred two and nine hundred two of, and to add section nine hundred two to

the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for and regulating the making of the annual budget on a uniform form prepared by representatives of the township supervisors, the Department of Highways, and the Department of Internal Affairs; requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department; and providing penalties.

Mr. REISING, from the Committee on Highways, reported as amended, House Bill No. 1464, entitled:

An Act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Department of Highways of the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the Board and fixing the compensation of members and employes thereof, providing that the awards of such Boards shall be final and authorizing an appropriation.

BILL RE-REFERRED

Mr. BURROWS, returned from the Committee on Forestry with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 1493, entitled:

An Act making an appropriation to the Department of Forests and Waters for a flood control survey of certain creeks, tributaries to the Susquehanna River.

The SPEAKER. The Chair calls to the desk the gentleman from Delaware, Mr. Turner, to preside over the House.

Mr. TURNER in the Chair.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2053, entitled:

An Act abolishing poll taxes in cities of the second class A

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1508, entitled:

An Act making an appropriation to the Department of Agriculture for a suitable exhibit at the Seventh World's Poultry Congress.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 809, entitled:

An Act to amend sections four thousand four hundred and one and four thousand four hundred and two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by placing under civil service truck drivers and truck drivers' helpers in cities of the third class

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 369, entitled:

An Act to amend section one of article fifteen of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of cities of the second class" as amended by reducing the number of newspapers for official advertising

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 877, entitled:

An Act to amend section one of the act approved the twentieth day of March one thousand nine hundred and thirteen (Pamphlet Laws six) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof" by extending the provisions of the act to statements and assertions made by radio broadcast and providing certain exceptions to the application of the act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 185, entitled:

An Act to provide for an additional law judge of the court of common pleas in the twenty-first judicial district

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1358, entitled:

An Act abolishing the Municipal Court of Philadelphia and transferring actions books records documents and papers in the possession of said court to other courts of the county of Philadelphia

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1783, entitled:

An Act fixing the compensation of the Officers and members of the Fire Protection Force of the Cities of the first class

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1330, entitled:

An Act relating to magistrates and magistrates' courts in the City of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates imposing certain duties on the City Controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharge in criminal cases in the County of Philadelphia conferring certain powers over magistrates and magis-

trates' courts and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the County of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1001, entitled:

An Act to amend the title and sections one and two of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws one thousand eleven) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval, under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan; restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street map providing penalties for the violation of this act and repealing certain statutes" by extending the provisions of the act to cities of the first class and by changing the provisions as to the number and qualifications of the personel of the commission

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2047, entitled:

An Act to amend section two thousand five hundred fifty-six of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended requiring fidelity bonds of deputies and clerks of city treasurers the premiums thereof to be paid jointly by the county city and school district

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1129, entitled:

An Act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1565, entitled:

An Act to amend the act approved the thirteenth day of May one thousand nine hundred and nine (Pamphlet Laws five hundred twenty) entitled "An act relating to food defining food providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture or sale the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated misbranded or deleterious foods prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof" as amended further regulating the adulteration and misbranding of food providing for injunctions against the sale of food in certain cases and changing penalties

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1176, entitled:

An Act to amend article three of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of cities of the second class' as amended removing the authority of the Superintendent of Police to appoint additional patrolmen at the expense of persons asking such appointment

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1299, entitled:

An Act to establish a separate orphans' court in and for the County of York

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 412, entitled:

An Act providing for the establishment of a judicial council to make a continuous study of the organization procedure and practice of the courts and to make recommendations based on such study imposing duties on the prothonotaries clerks and other officers of the various courts and making an appropriation

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

The SPEAKER. The remainder of the bills on the first reading calendar are not in the files on the members' desks. Therefore, they will not be read but will be passed over for the present.

BILLS ON SECOND READING

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The House proceeded to the second reading and consideration of House Bill No. 2118, as follows:

An Act to further amend section six of the act approved the second day of May one thousand eight hundred ninety-nine (Pamphlet Laws one hundred eighty-four) entitled "An act to provide revenue by imposing a mer

cantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" by clarifying the provisions relating to appeals

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the second day of May one thousand eight hundred ninety-nine. (Pamphlet Laws one hundred eighty-four) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended by the act approved the twenty-fifth day of April [illegible] thousand nine hundred twenty-nine (Pamphlet Laws [illegible] hundred eighty-one) is hereby further amended to read as follows

Section 6 It shall be the duty of each mercantile appraiser appointed under the provisions of this act to forward by mail at least ten days prior to the date when he makes a personal visit to the place of business of every person whom he is required by law to ascertain and assess a blank prepared for distribution by the Department of Revenue as hereinbefore provided It shall be the further duty of the mercantile appraisers after mailing the blank as hereinbefore provided in the several cities and counties of this State personally to visit the store or other place of business of every vender of or dealer in goods wares and merchandise and at the time of such visit to require each vender or dealer to make a return under oath or affirmation of the goods sold for the preceding calendar year on the blank forwarded and he is hereby empowered to administer an oath or affirmation for that purpose If the mercantile appraiser is dissatisfied with the return so made by the vender or dealer he shall ascertain and assess the mercantile license tax according to the classification so made He shall also leave a written or printed notice to be prepared and furnished by the Department of Revenue specifying the classification and amount of license money to be paid by such person to this State and also the time and place when and where an appeal will be held as required by law The appeal shall be held by the county treasurer acting in conjunction with the mercantile appraiser at such date as shall conform with law in all counties except where there is a board of mercantile appraisers in which case the board shall head all appeals Any vender or dealer subject to the provisions of this act who is dissatisfied with the [rating] assessment so made by the mercantile appraiser shall have the right of appeal to the mercantile appraiser and county treasurer or board of mercantile appraisers who are required to hear him on the day so fixed for the appeal if the vender or dealer is still dissatisfied with the finding of the county treasurer and mercantile appraiser or board of mercantile appraisers [in reference to the proper classification of said vender or dealer] he shall have the right of appeal to the court of common pleas of the proper county which appeal the said court is required to hear and determine within twenty days after such appeal shall be taken or at the next sitting thereof If any person fails to attend the appeal before the county treasurer and mercantile appraiser board of mercantile appraisers or the court he shall not thereafter be permitted in a suit for the recovery of said mercantile license tax to set up as a defense either that he is not a vender of or dealer in goods wares or merchandise or any other ground of defense which might have been heard and determined either by said county treasurer and mercantile appraiser board of mercantile appraisers or the court of common pleas on appeal as aforesaid

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1692, as follows:

An Act requiring the consent of the electors of a township of the first or second class when such township or any part thereof is to be annexed to a contiguous borough or city

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter no township of the first or second class nor any part of any such township shall be annexed to a continguous city or borough in accordance with any existing law providing for such annexation unless the voters of the entire township have first consented to such annexation Whenever any proceeding for such annexation shall be commenced the same shall not be concluded and the annexation shall not become effective until there has first been submitted to the electors of the entire township in accordance with the election law for the submission of such questions a proper question to ascertain the will of the electors with respect to such proposed annexation Such question shall be printed on ballots provided by the county commissioners and shall be submitted at any general or municipal election occurring at least sixty days after a petition shall have been filed with the county commissioners by the corporate authorities of the borough or city to which such annexation is to be made asking for the submission of such question If at any such election a majority of those voting on such question shall consent to such annexation then such annexation may be made and concluded in the manner provided by law but if a majority of those voting on the question shall vote against such annexation then no further proceedings for such annexation shall be had Any such question shall not be submitted oftener than once in five years Nothing contained in this act shall be construed to apply to proceedings under existing law where provision is now or hereafter made to secure the consent of the electors of any township to any such annexation

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed.

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No 2128, (Senate Bill No. 371), entitled:

An Act to amend sections twenty-one and forty-seven of the act approved the twentieth day of June one thousand nine hunred and nineteen (P. L. 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" by providing for the filing of bond with the Department of Revenue and by limiting the amount to be retained by registers of wills for their own use for collection of inheritance taxes as agents of the Commonwealth

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-one of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws five hundred twenty-one) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" is hereby amended to read as follows

Section 21 The registers of wills upon their filing with the [Auditor General] Department of Revenue the bond hereinafter required shall be the agents of the Commonwealth for the collection of the said tax in the case of resident decedents For services rendered in collecting and paying over the same they shall be allowed to retain for their own use upon the gross amount collected during any year five per centum upon the tax collected if such tax shall amount to a sum of fifty thousand ($50,000) dollars or less three per centum on the amounts collected in excess of fifty thousand ($50,000) dollars and not exceeding one hundred thousand ($100,000) dollars one per centum on the amounts collected in excess of one hundred thousand ($100,000) dollars [and not over two hundred thousand ($200,000) dollars and one-half of one per centum on the amounts collected in excess of two hundred thousand ($200,000) dollars and not over one million ($1,000,000) dollars and one-quarter of one per centum on the amounts collected in excess of one million ($1,000,000) dollars] Provided that the total amount to be so retained by such registers of wills for their own use shall not exceed the total sum of ten thousand dollars ($10,000) during any year

On the question,

Will the House agree to the section?

Mr. SIMON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 3 by inserting between lines 18 and 19 the following: "Section 2 That section forty-seven of the said act is hereby amended to read as follows:

Section 47 The act approved May sixth one thousand eight hundred and eighty-seven entitled "An act to provide for the better collection of collateral inheritance taxes" and the amendments and supplements thereto and the act approved the eleventh day of July one thousand nine hundred and seventeen entitled "An act for the imposition and collection or certain inheritance taxes" and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed but nothing in this repealer shall affect or impair the lien of any taxes heretofore assessed or any tax due owing or payable or any remedies for the collection of the same or to surrender any remedies powers rights or privileges acquired by the Commonwealth under said act approved May sixth one thousand eight hundred and eighty-seven entitled "An act to provide for the better collection of collateral inheritance taxes" its amendments and supplement and the said act approved the eleventh day of July one thousand nine hundred and seventeen entitled "An act for the imposition and collection of certain inheritance taxes" or to relieve any person or corporation from any tax or penalty imposed by said acts Provided That the registers of wills shall not retain any amount for their own use for the collection of taxes under said acts as agents for the Commonwealth"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the section?

Mr. SIMON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 2, page 3, line 19 by striking out after the word "Section" and before the word "This" the figure: "[2]" and inserting in lieu thereof the figure: "[3]"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to amend section twenty-one of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws five hundred twenty-one) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" by providing for the filing of bond with the Department of Revenue and by limiting the amount to be retained by registers of wills for their own use for collection of inheritance taxes as agents of the Commonwealth.

On the question,

Will the House agree to the title?

Mr. SIMON. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend page 1, line 1 of the title, by striking out after the word "amend" and before the word "twenty-one" the word: "[Section]" and inserting in lieu thereof the word: "[sections]"

Amend page 1, line 1 of the title, by inserting after the word "twenty-one" and before the word "of" the following: "and forty-seven"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended

Ordered, To be transcribed for a third reading

BILL INTRODUCED

Mr. HERBERT B. COHEN. Mr. Speaker, I rise at this time to ask the unanimous consent of the House to introduce a bill. It is the tax anticipation note bill which might possibly be construed as a revenue bill, but in view of the fact that we have passed a resolution restricting the introduction of bills other than revenue bills and appropriation bills, I feel that I require the consent of the House for the introduction of this bill and I so request.

The SPEAKER. May I ask the gentleman from York, Mr. Cohen, whether the bill could not be introducted in the Senate?

Mr. HERBERT B. COHEN. That is quite possible, Mr. Speaker. However, we have had a very fine example of the effectiveness of the way in which this House operates by the gentleman who is now occupying the Speaker's chair and we feel that the House can give better consideration to such a weighty measure.

Mr. HERBERT B. COHEN obtained unanimous consent to introduce a bill the title of which was read as follows:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred thirty-seven, evidenced by tax anticipation notes secured by, and payable from, current revenues, levied, assessed, collectible and accuring during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on, and the payment of, such loans; and making an appropriation.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, would it be proper if there were objection from the gentleman who is presiding over the House at this time to the introduction of this bill—would it be proper for the Chair to make objection if the Chair had objection?

The SPEAKER. I would say to the gentleman from York, as the present Speaker of the House, that if the Speaker had objections he would make them whether it was proper or not.

The SPEAKER (Roy E. Furman) in the Chair.

The SPEAKER. The Chair wishes to thank the gentleman from Delaware, Mr. Turner for presiding during the first and second reading calendar.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 264.

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight.

Whereupon,

The SPEAKER, in the presence of the House, signed the same

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LONG asked and obtained permission for the Committee on State Boards to meet during the session of the House.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 6, 1937.

Resolved (if the Senate concur), that House Bill No. 1161, Printer's No. 252, entitled "An Act to amend section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled 'An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belong to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth' by making further provision for the appointment of mercantile appraisers," be recalled from the Governor for the purpose of amendment.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 6, 1937.

Resolved (if the Senate concur), that House Bill No. 1128, Printer's No. 260, entitled "An Act requiring unemployment relief orders to be presented for payment within a certain period otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation for unemployment relief purposes," be recalled from the Governor for the purpose of amendment.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 6, 1937.

Resolved (if the Senate concur), that House Bill No. 916, Printer's No. 401, entitled "An Act to amend section one of the act approved the seven-

teenth day of July one thousand nine hundred nineteen (P. L. 1025) entitled 'A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184), entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class," be recalled from the Governor for the purpose of amendment.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

RESOLUTION CONCURRED IN BY SENATE

In the House of Representatives, April 6, 1937.

Resolved (if the Senate concur), that House Bill No. 257, Printer's No. 402, entitled "An Act to amend clause (b) of section four article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled 'An act for the better government of cities of the first class of this Commonwealth' as amended changing the order in which officers of such cities shall act as mayor in case of a vacancy or disability of the mayor to act," be recalled from the Governor for the purpose of amendment.

BILL PASSED OVER

There being no objection House Bill No. 554, Printer's No. 501 was passed over at the request of Mr. PEARSON.

BILLS ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 553 as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" as amended by providing for the creation of the Building and Loan Board the appointment of its members the payment of its expenses and defining its powers and duties and by modifying the powers and duties of the Department of Banking and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision making further provisions with regard to appeals in certain proceedings and by making inapplicable said act to certain corporations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eleven of the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" as amended by the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws five hundred thirty-eight) and section three hundred one section five hundred one and section one thousand eleven of that act as amended by the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws five hundred twenty-six) are hereby further amended to read as follows

Section 11 Appeals from Court Orders Whenever pursuant to the provisions of this act any judgment decree or other order is entered by any court in this Commonwealth either for or against the department or the secretary as receiver or any relief requested by or against the department or the secretary as receiver is refused by such court either the department the secretary as receiver or any other party to such proceeding shall have a right of appeal (a) if the Department is a party to such proceeding to the Supreme Court in the manner provided by law for appeals to that court regardless of the amount in controversy and (b) if the secretary as receiver is a party to such proceeding to the Supreme or the Superior Court in the manner provided by law for appeals to such court

Section 15 Act Not Applicable to Small Loan Companies and Credit Unions A This act does not apply to and does not affect any act relating to corporations and persons licensed by the department to make small loans as provided by the act approved the seventeenth day of June one thousand nine hundred fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300.00) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" its amendments and supplements [.] nor to credit unions incorporated under the act approved the twenty-sixth day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand seventy-six) entitled "An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" its amendments and supplements

Section 301 Relationships of Employes of Department with Institutions Penalty A Neither the secretary nor any deputy examiner clerk or other employe of the department nor any deputy receiver or other employe of the Secretary of Banking as receiver shall be an officer director trustee manager or employe [or shareholder] of or directly or indirectly have any pecuniary interest in any institution nor shall he in the case of an institution other

than a building and loan association after becoming secretary or a deputy examiner clerk or other employe of the department or a deputy receiver or other employe of the Secretary of Banking as receiver be a shareholder thereof except that an examiner assigned to the examination of building and loan associations shall not be a shareholder of any building and loan association nor shall he after becoming secretary or a deputy examiner clerk or other employe of the department or a deputy receiver or other employe of the Secretary of Banking as receiver directly or indirectly receive from any institution or from any officer director or employe thereof any sum of money or other property whether as a gift credit loan or otherwise However the secretary or any deputy examiner clerk or other employe of the department or any deputy receiver or other employe of the Secretary of Banking as receiver may secure from any institution a mortgage loan upon his own home upon the same terms and in the same manner as are provided by law for mortgage loans by such institutions upon real property and as are customarily imposed and followed by the institution making such loan

This section shall not be construed to prohibit the secretary or any deputy examiner clerk or other employe of the department or any deputy receiver or other employe of the Secretary of Banking as receiver from becoming a depositor in any institution

B A violation by the secretary deputy deputy receiver examiner clerk or other employe of the prohibitions of this section shall constitute sufficient ground for his removal from office In addition the secretary deputy deputy receiver examiner clerk or other employe committing such violation shall be deemed guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount of the gift credit loan or other sum of money which he has directly or indirectly received in violation of this section

Section 501 Orders by Department A Whenever it shall appear to the department that any institution is violating any provision of its charter or of this act or of any other law regarding the business of such institution or that such institution is conducting business in an unsafe or unsound manner the department may issue a written order under the seal of the department directing such institution to discontinue within such period as shall be specified in the order such violation of law or such unsafe or unsound practice

B Whenever it shall appear to the department that an attorney officer or employe of an institution [other than a building and loan association] and in the case of an incorporated institution [other than a building and loan association] a director or trustee thereof shall have continued to violate any law relating to such institution or shall have continued unsafe or unsound practices in conducting the business of such institution after having been warned by the department to discontinue such violations of law or such unsafe or unsound practices the department may issue an order directing such attorney officer employe director or trustee to appear on the day fixed in such order in the case of a building and loan association before the Building and Loan Board and in the case of any other institution before the Banking Board and show cause why he should not be removed from his office or position and such office or position declared vacant A copy of such order shall be sent to the institution of which such person is an attorney officer employe director or trustee and a copy of such order shall be sent to the Building and Loan Board or to the Banking Board [,] as the case may be

The office or position of any attorney officer employe director or trustee so ordered by the department to appear before the Building and Loan Board or the Banking Board as the case may be who does not appear on the day fixed in such order shall unless the date for his appearance shall previously have been extended by the department upon such failure to appear be declared vacant Notice of such failure to appear shall be given by the Building and Loan Board or the Banking Board as the case may be to the department

On the day fixed [by the board] in the department's order such attorney officer employe director or trustee shall be heard in person or by counsel by the Building and Loan Board or the Banking Board [,] as the case may be If after such hearing it shall appear to the Building and Loan Board or the Banking Board as the case may be that such attorney officer employe director or trustee has not shown cause why he should not be removed from his office or position and such office or position declared vacant it shall within sixty days of such hearing notify the department of its decision Upon receipt of such notice or of notice that an attorney officer employe director or trustee has failed to appear on the day fixed the department shall issue an order directing the institution to remove such attorney officer employe director or trustee from his office or position and declare such office or position vacant A copy of such order shall be sent to the attorney officer employe director or trustee so removed

The department shall set forth in its order the date upon which any such removal and declaration of vacancy shall become effective

If after such hearing it shall appear to the Building and Loan Board or the Banking Board as the case may be that such attorney officer employe director or trustee has shown proper cause for not removing him or declaring his office or position vacant it shall within sixty days of such hearing notify the department to that effect

If the institution of which such person ordered by the department to appear before the Building and Loan Board or the Banking Board as the case may be is an attorney officer director or trustee is a member of a Federal Reserve Bank [or]. the Federal Deposit Insurance Corporation the Federal Home Loan Bank or the Federal Savings and Loan Insurance Corporation the department may notify such Federal Reserve Bank [or]. Federal Deposit Insurance Corporation Federal Home Loan Bank or Federal Savings and Loan Insurance Corporation as the case may be of its order directing such attorney officer employe director or trustee to appear before the Building and Loan Board or the Banking Board as the case may be and of the decision of the Building and Loan Board or the Banking Board [,] as the case may be At such hearing any duly authorized representative of such Federal Reserve Bank [or]. Federal Deposit Insurance Corporation Federal Home Loan Bank or Federal Savings and Loan Insurance Corporation as the case may be may appear as a witness against such attorney officer employe director or trustee

Except as herein otherwise specifically provided the proceedings of the Building and Loan Board and the Banking Board and [its] their decisions shall not be published or divulged to anyone

The decision of the Building and Loan Board or of the Banking Board as the case may be shall be conclusive and not subject to any review Any attorney officer employe director or trustee who is removed from his office or position as provided in this section shall [forever] thereafter be disqualified from acting as an attorney officer employe director or trustee of any institution in this Commonwealth for such period as the Building and Loan Board or the Banking Board as the case may be shall prescribe

C There is hereby created a board to be known as the "Banking Board" which shall hear any attorney officer employe director or trustee of any corporation or person subject to the supervision of the Department of Banking who shall have been ordered by the Department of Banking to appear before such board to show cause why his office or position should not be declared vacant The board shall also exercise such additional powers as shall be given to it and shall act upon such matters as shall be referred to it by any laws of this Commonwealth

There is hereby created a board to be known as the "Building and Loan Board" which shall hear any attorney officer employe director or trustee of any building and loan association subject to the supervision of the Department of Banking who shall have been ordered by the Department of Banking to appear before such board to show cause why his office or position should not be declared vacant The board shall also exercise such additional powers as shall be given to it and shall act upon such mat-

ters as shall be referred to it by any laws of this Commonwealth

[The] Each board shall consist of nine members one of which shall be the Secretary of Banking who shall act as chairman Two of [its] the members of each board shall be appointed by the Governor to serve in the case of the Banking Board for two years from September first one thousand nine hundred and thirty-five and in the case of the Building and Loan Board for two years from September first one thousand nine hundred and thirty-seven and may be removed from [the board] office at his pleasure [,]; the remaining six members of each board shall be appointed by the Governor from [a list] lists of nominations submitted to him as herein provided but any such member shall not be removed from office unless he shall have been absent from six consecutive meetings of such board

In the case of members of the Banking Board

(1) The Pennsylvania Bankers Association shall nominate in writing to the Governor five persons from groups one and two of the Pennsylvania Bankers Association two of whom shall be appointed by him as members of the board to serve for four years from September first one thousand nine hundred and thirty-five

(2) The Pennsylvania Bankers Association shall nominate in writing to the Governor five persons from groups three four five and six of the Pennsylvania Bankers Association two of whom shall be appointed by him as members of the board to serve for eight years from September first one thousand nine hundred and thirty-five

(3) The Pennsylvania Bankers Association shall nominate in writing to the Governor five persons from groups seven and eight of the Pennsylvania Bankers Association two of whom shall be appointed by him as members of the board to serve for six years from September first one thousand nine hundred and thirty-five

In the case of members of the Building and Loan Board the Pennsylvania League of Building and Loan Associations shall nominate in writing to the Governor fifteen persons who shall be duly representative of the geographical distribution of building and loan associations in this Commonwealth six of whom shall be appointed by him as members of the board two to serve for four years from September first one thousand nine hundred and thirty-seven two to serve for six years from September first one thousand nine hundred and thirty-seven and two to serve for eight years from September first one thousand nine hundred and thirty-seven

Such nominations shall in the case of the Banking Board be submitted to the Governor not less than thirty days before July first one thousand nine hundred and thirty-five and in the case of the Building and Loan Board not less than thirty days before September first one thousand nine hundred and thirty-seven and thereafter not less than thirty days before September first of the year in which the Governor shall make appointments of successors to fill the offices of such members whose terms will expire on September first of such year If such nominations are not so submitted to the Governor he shall appoint as members in the case of the Banking Board attorneys officers employes directors or trustees of corporations or persons subject to the supervision of the Department of Banking two of whom shall be from groups 1 and 2 of the Pennsylvania Bankers Association two from groups 3 4 5 and 6 of the Pennsylvania Bankers Association and two from groups 7 and 8 of the Pennsylvania Bankers Association and in the case of the Building and Loan Board attorneys officers employes or directors of building and loan associations subject to the supervision of the Department of Banking but any such member shall not be removed from office unless he shall have been absent from six consecutive meetings of such board

Upon expiration of the respective initial terms of office members shall be appointed to serve for eight years Members shall serve until their successors are duly appointed and have qualified Appointed members of the board shall qualify by giving written notice to the Secretary of Banking of their acceptance of such appointment

[The] Each board may by the vote of a majority of all its members excuse any member for failure to attend its meetings but if not so excused the officer of the member who shall have been absent from six consecutive meetings shall be declared vacant and the vacancy filled as herein provided

Vacancies in the [board] boards caused by death resignation failure to attend meetings or otherwise shall be filled by the Governor but in the case of a vacancy caused by death resignation failure to attend meetings or otherwise of a member appointed from nominations submitted to the Governor as herein provided the Governor shall fill such vacancy by appointing as a member in the case of the Banking Board an attorney officer employe director or trustee of a corporation or person subject to the supervision of the Department of Banking having its principal place of business within the same groups of the Pennsylvania Bankers Association as was represented by the list of nominations from which was appointed the member whose office became vacant [.] and in the case of the Building and Loan Board an attorney officer employe or director of a building and loan association subject to the supervision of the Department of Banking

[The] Each board shall meet upon the call of the chairman notice of which shall be given to each member in writing not less than five days prior to the date fixed for such meeting

[A] In the case of each board a majority of all the members [of the board] in office shall be necessary to constitute a quorum for the transaction of business and the acts of a majority of the members who are present at a meeting at which a quorum is present shall be the acts of the board provided that the chairman shall have no vote unless they be equally divided

Members of the [board] boards shall serve without compensation but shall be entitled to personal expenses actually incurred in the performance of duties which if approved by the Department of Banking shall be paid by it

The [board] boards shall meet in the office of the Department of Banking for which purpose the Department of Banking shall furnish [to the board] adequate office space and such other facilities as are necessary for [its] their administration The Department of Banking shall designate [one of] from among its employes [to act as] a secretary to [the] each board and shall furnish such other employes as may be required

[The secretary shall keep full] Full minutes of the proceedings of [the] each board [,] shall be kept by the secretary which shall be available only to the members thereof

In connection with any hearing or investigation the [board] boards shall have power to issue subpoenas requiring the attendance of or the production of pertinent books and papers by the officers directors agents employes or members respectively of any corporation or person which the department is authorized under the provisions of this act to examine The Building and Loan Board or the Banking Board as the case may be shall upon application of the attorney officer employe director or trustee to be heard subpoena such witnesses as are set forth in such application The [board] boards shall also have the power to question such witnesses under oath or affirmation and to examine such books and papers.

Any witness who refuses to obey a subpoena issued under this section or who refuses to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court and for this purpose an application may be made to any court of common pleas within whose territorial jurisdiction the offense was committed for which purpose such court is hereby given jurisdiction

D Whenever it shall appear to the department that the capital of a corporation under its supervision has been impaired or the capital and surplus reduced below the minimum required by law or below the amount required by its articles of incorporation the department may issue a written order under the seal of the department directing such corporation to make good the deficiency within such period as shall be specified in the order

E Whenever it shall appear to the department that the bond or securities of a person under its supervision which are required by law to be deposited with the de-

partment have depreciated in value so that their present value is below the minimum amount required by law the department may issue a written order under the seal of the department directing such person to make good the deficiency within such period as shall be specified in the order

F Whenever it shall appear to the department that any institution is not keeping its books and accounts in such manner as to enable the department with reasonable facility to ascertain the true condition of the institution the department may issue a written order under the seal of the department requiring such institution within such period as shall be specified in the order to open and keep such books as the department may in its discretion reasonably determine are essential for the purpose of keeping accurate and convenient records of the transactions and accounts of such institution

G Whenever any institution shall refuse to submit its records and affairs to a legally conducted examination or investigation by the department the department may issue a written order under its seal requiring such institution to permit the secretary or other duly authorized examiner to make such examination or investigation within such period as shall be specified in the order

Section 1011 Order of Preference in Distribution A The following shall be the order followed by the secretary in the distribution pursuant to the provisions of this act of the assets of any institution with the exception of a building and loan association which he as receiver is liquidating

First Any expenditure made by the secretary as receiver which under the provisions of this act is to be paid out of the assets of the institution

Second Any fee or other debt owing to the department for examinations or other services rendered or penalties incurred prior to the taking of possession by the secretary as receiver any deposit or other claim of the Commonwealth of Pennsylvania and any other claim which is given a preference by law

Third Any deposit and any interest due thereon which has been or according to the by-laws or rules and regulations of the institution should have been credited to such deposit prior to the date of the taking of possession of the institution by the secretary as receiver whether subject to withdrawal by check or by any other method not requiring notice or to withdrawal only after notice or after the expiration of a fixed period whether or not such notice has been given or such period has expired at the date of distribution any holder of a certified check drawn on the institution the claim of any holder of a certificate of deposit of the institution which evidences an actual deposit of moneys in such institution and any interest which may be due thereon whether such certificate of deposit is payable upon demand or is payable only after notice or after the expiration of a fixed period whether or not such notice has been given or such period has expired at the date of distribution the claim of any holder of a check or draft of the institution which has been given in exchange for or in payment of a check or draft drawn upon such institution by a depositor therein or which has otherwise been charged to the account of a depositor therein provided that the amount of such check or draft does not exceed the balance to the credit of such depositor or which has been given in exchange for cash or for any check or draft the proceeds of which have been received by the institution excepting claims which are preferred by the Bank Collection Act of one thousand nine hundred and thirty-one its amendments and supplements any claim for cash or for any check or draft the proceeds of which have been received by the institution which was delivered to the commercial department of such institution as fiduciary either for transmission or for any purpose other than as a deposit irrespective of whether all or part of such cash or the funds realized from such check or draft has been mingled with the assets of such institution

Fourth Any claim for the amount of any deficiency in the funds property or investments of an estate of which the institution was fiduciary or any surcharge with respect to such estate which is found to be due by the court in which the account for such estate is filed and any claim of a creditor of the institution not listed under any other category in this section

Fifth Any part of the amounts paid by shareholders after an assessment upon them by the secretary pursuant to the provisions of this act which has proved unnecessary to pay in full all depositors or other creditors of the institution such payments are to be made pro rata up to the respective amounts paid by each shareholder This clause shall not be construed to refer to payments made by shareholders on account of unpaid subscriptions to shares

Sixth Any moneys of the institution which still remain in the hands of the secretary shall be paid to shareholders in proportion to the number of shares held by them respectively minus any amounts still owing by them on the assessment made by the secretary pursuant to the provisions of this act or on unpaid subscriptions to shares Provided however If the articles of incorporation or any amendments thereto prefer any class of shareholders over another class then distribution shall be made in conformity with the articles of incorporation and any amendments thereto

Seventh Any unliquidated assets to trustees for shareholders appointed pursuant to the provisions of this act

B The following shall be the order and preference followed by the secretary in the distribution pursuant to the provisions of this act of the assets of any building and loan association the affairs of which he as receiver is liquidating

First Any expenditure made by the secretary as receiver which under the provisions of this act is to be paid out of the assets of the institution

Second Any fee or other debt owing to the department for examinations or other services rendered or penalties incurred prior to the taking of possession by the secretary as receiver any other claim of the Commonwealth of Pennsylvania and any other claim which is given a preference by law

Third Any claim of a creditor of the association other than the claim of a shareholder arising from his ownership of shares

Fourth Any claim of a shareholder whether or not reduced to a judgment arising from his ownership of shares whether such shares be installment optional payment full-paid prepaid matured or any other type and whether or not notice or withdrawal of such shares has been given to the association The amount of the claim arising from each share shall be the amount actually paid in on account of such share less any amount lawfully deductible therefrom by the association except in the case of a lawfully and properly matured share in which case the amount of the claim shall be the actual par value of the share less any payment received on account thereof from the association and less any other amount lawfully deductible therefrom by the association

C Every claim enumerated above shall have the same rank and priority as every other claim in the same numbered paragraph regardless of the order in which such claims are enumerated

D All claims provided for in this section shall be construed to refer only to claims presented to the secretary and approved by the court in accordance with the proivsions of this act

Section 2 Effective Date This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203.

Achterman,	Flinchbaugh,	McKinney,	Simpson,
Alexander,	Ganser,	McShane,	Skale,
Allen,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Merrell,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moonaw,	Snyder,
Baine	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,

Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boies,	Hays,	O'Brien,	Strode,
Boltz,	Kering,	O'Keefe,	Terry,
Boose,	Hess,	Ominsky,	Thomas,
Boyer,	Hetrick,	O'Neill,	Thompson,
Bradley,	Hindman,	Ostroff,	Toole,
Brancato,	Hirsch,	Patterson, C. S.,	Tronzo,
Brigerman,	Holland,	Patterson, J. W.,	Trout,
Broad,	Holmes,	Peale,	Tumelty,
Brown,	Holstrom,	Pearson,	Turner,
Brownfield,	Hontz,	Perry,	Valibus,
Burrows,	Horting,	Pershing,	VanAllsburg,
Cadwalader,	Huntley,	Piole,	VanSickle,
Caesar,	Imbrie,	Powers,	Vogt,
Caputo,	Jirolanio,	Preston,	Wagner,
Chervenak,	Keenan,	Readinger,	Wall,
Coakley,	Kelso,	Reese,	Walsh,
Cohen, H. B.,	Kilroy,	Reising,	Wampole,
Cohen, R. E.,	Kline,	Richter,	Watkins,
Coleman,	Kroll,	Robinson,	Webster,
Coolahan,	Leisey,	Rothenberger,	Weidemann,
Corrigan,	Levy,	Royer,	Weiss, D. H.,
Costanzo,	Lewis,	Ruffennach,	Weiss, S. A.,
Davies,	Long,	Rush,	Welliver,
Decker,	Longaker,	Sarraf,	Welsh,
DeNote,	Lopresti,	Scanlon,	Westrick,
Dickinson,	Lovett,	Schor,	Whalen,
Donohoe,	Lyons,	Schrock,	Whitenight,
Dougherty,	Marino,	Schrope,	Wilson,
Downey,	Matthews, H. T.,	Schumacher,	Winner,
Dubbs,	Matthews, J. F.,	Serrill,	Wood,
Dyson,	McArdle,	Shaw,	Woodside,
Eckels,	McCullough,	Shea,	Wright,
Falkenstein,	McDermott,	Shepard,	Yanoshat,
Finnerty,	McDevitt,	Shoemaker,	Yeakel,
Fiss,	McElroy,	Shugarts,	Yourishin,
Fitch,	McFall,	Siegel,	Zappala,
Flanagan,	McGee,	Simon,	Furman,
Flannery,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 742 as follows:

A Supplement to the act approved the twentieth day of July one thousand nine hundred thirty-five (Appropriation Acts page seventy-one) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five" providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-seven and making appropriations to the Legislative Department for the legislative session of one thousand nine hundred and thirty-seven and making appropriations to the Legislative Department for the legislative session of one thousand nine hundred and thirty-seven

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following sums or as much thereof as may be necessary for deficiencies or for supplementary amounts in certain appropriations made to certain agencies in the Executive Legislative and Judicial departments by the act to which this is a supplement be and the same are hereby specifically appropriated to the several departments or agencies hereinafter named

EXECUTIVE DEPARTMENT

To the Department of Banking

For the payment of the deficiency in the appropriation for salaries wages or other compensation of the members and employes and for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania Securities Commission the sum of twelve thousand five hundred dollars ($12,500)

To the Department of Justice

For the payment of the deficiency in the appropriation for the payment of salaries wages or other compensation of deputy attorneys general special deputy attorneys general assistant deputy attorneys general special attorneys law clerks and other employes for the payment of compensation of attorneys employed by the several departments boards and commissions with the approval of the Attorney General for handling litigation or making collections or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for the payment of costs and witness fees for the purchase of law books for the law library of the department and for payment of general expenses necessary for the proper conduct of the work of the department and for the prosecution and defense of litigation to which the Commonwealth is a party or in which the Commonwealth is interested the sum of twenty thousand dollars ($20,000)

To the Department of Labor and Industry

For the payment of the deficiency in the appropriation for the statutory amounts of workmen's compensation and medical hospital surgical and burial expenses to injured employes and dependents of deceased employes of the various departments of the State government upon claims arising prior to June first one thousand nine hundred and twenty-nine under the Workmen's Compensation Act of one thousand nine hundred and fifteen its amendments and supplements the sum of two thousand dollars ($2,000)

To the Department of Military Affairs

For the payment of the deficiency in the appropriation for the purpose of placing at the disposal of the Governor and making the same available for replacement or repair such military stores and supplies issued to the Commonwealth of Pennsylvania by the Federal Government as may be destroyed or damaged in whole or in part by fire flood storm or any other unavoidable cause for the payment of transportation pay of officers and enlisted men horse hire subsistence quartermaster stores and other proper and necessary expenses incident to field service rendered by the Pennsylvania National Guard under orders of the Governor in repelling invasion subduing insurrection riot tumult or disorder or the prevention of the same and when such Pennsylvania National Guard may be placed on duty under orders of the Governor under extraordinary circumstances for the protection of property or human life and in the event of all or any portion of said Pennsylvania National Guard being called into active service of the United States by the President of the United States or in furnishing the quota of volunteers from the Commonwealth of Pennsylvania under a call made by the President of the United States and for the payment of mileage and lawful expenses of commissioners to take the vote of Pennsylvania Soldiers in Federal or State service when in the field or active duty for the payment of any and all expenses incident to furnishing men material and equipment to relieve unemployment or draught conditions throughout the State or when a disaster occurs for the payment of claims against the Commonwealth of Pennsylvania for damages incurred by the operation or training of the Pennsylvania National Guard as provided by law for the payment of all necessary expenses including annual allowances for maintenance and armory rent individual pay officers annual allowances passenger and freight transportation telegrams telephone toll-charges subscriptions to The Pennsylvania National

Guardsmen for distribution to officers and men of the Pennsylvania National Guard the expenses of operating and maintaining automobiles and other motor equipment the payment of mileage charges to the Department of Property and Supplies for the use of automobiles and other expenses necessary for the maintenance training government discipline and equipment of the Pennsylvania National Guard for the payment of claims made by the War Department based upon approved reports of survey covering loss damage or destruction of Federal property for the payment of salaries of members of the Armory Board of the State of Pennsylvania and inspectors for the payment of salaries wages or other compensation or employes for the payment of general expenses necessary for the proper conduct of the work of the Armory Board of the State of Pennsylvania for the maintenance and repair of armories and for the expenses of inspection of armories the sum of ninety thousand dollars ($90,000)

To the Department of Property and Supplies

For the payment of the deficiency in the appropriation for the purchase of supplies including medicines medical surgical laboratory chemical biological and electrical supplies military stores and supplies stationery and office supplies for the purchase of food and forage and other animal foods for the purchase of furniture and equipment including office chemical laboratory medical surgical biological and electrical equipment furniture furnishings utensils military and police equipment fire arms and other accoutrements artificial appliances fire protection and fire fighting equipment for the purchase of animals poultry seedlings and transplants for the purchase of legal and other books periodicals maps charts manuscripts pamphlets exchanges records lantern slides archaelogical and historical markers and for the purchase of all other maticipated at the time of the making of said schedules of the Department of Property and Supplies or for which requisition is made but the want of which was not anticipated at the time of the making of said schedules for the cost of repairing office equipment for the cost of miscellaneous services for the payment of rental charges for telephones and other patented leased office devices for the payment of the cost of printing and printing processes such as binding ruling lithographing color printing and engraving for the purchase of paper envelopes cloth and other substances on which printing is done cuts electrotypes dies stamps and other printing and binding supplies as may be required for the Executive Mansion and the several administrative departments boards and commissions of the State government except the Department of Highways the Department of Banking and the Department of Revenue to the extent to which appropriations for these purposes shall have been made to them from special funds the Department of the Auditor General the Treasury Department the Board of Fish Commisioners the Board of Game Commissioners the State Farm Products Show Commission the Pennsylvania Liquor Control Board the Milk Control Board the State Workmen's Insurance Board the departmental administrative boards or commissions having control of State institutions or supervision over or the duty of planting for State parks harbors or canals for the payment of the cost of making tests of materials supplies and equipment whether purchased by the Department of Property and Supplies directly or as purchasing agency for the payment of the cost of preparation of plans designs and specifications including necessary tests or borings and the preparation of same required for the performance of the work of the Department of Property and Supplies (when said cost is not otherwise provided for) including those to be purchased or altered at the expense of a fund other than the General Fund and for the payment of expenses incident to condemnation proceedings in the event such expenses are not provided for in any act of the General Assembly authorizing the acquisition of land for the Commonwealth the sum of one hundred seventy-five thousand dollars ($175,000)

For the payment of the deficiency in the appropriation for the purchase of office supplies and equipment stationery printing printing supplies and printing processes for the purchase of legal books periodicals maps pamphlets for the purchase of all other materials supplies and equipment for the costs of repairing office equipment for the payment of rental charges of telephone and other leased devices for the payment of telephone toll charges and telegrams required by the General Assembly and the Judicial Department for the payment of costs including delivery expenses of documents and publications furnished to members and officers of the General Assembly for the payment of the costs of all printing incident to the sessions of General Assembly including the printing of the Pamphlet Laws for the payment of costs of printing the Pennsylvania State Manual and for the payment of the costs of postage freight express paper and printing of departmental documents distributed to members of the Legislature in accordance with law the sum of two hundred fifty thousand dollars ($250,000)

To the Department of Public Instruction

To supplement the appropriation for reimbursement to school districts for transportation of school children as required by law the sum of five hundred twenty-five thousand dollars ($525,000)

To supplement the appropriation for the cost of transportation investigation and necessary expenses involved in the education of blind children as required by law for the education of children placed in homes by the courts or other agencies as required by law for the award of scholarships to graduates of secondary schools to aid them in obtaining higher education as required by law for Cornplanter Indians as required by law for the expense of blind students in attendance at institutions of higher learning as provided by law and for the payment to school districts of annual fixed charges in lieu of taxes on State lands as required by law the sum of seventy thousand dollars ($70,000)

To supplement the appropriation for reimbursing school districts upon the salaries of school teachers and for closed schools and for non-resident high school tuition as required by law the sum of five million four hundred fifty-seven thousand nine hundred sixty-nine dollars ($5,457,969) Provided That the Superintendent of Public Instruction with the approval of the Governor may make payments from this appropriation in advance of the due dates prescribed by law to school districts which are financially handicapped whenever he shall deem it necessary to make such advanced payments to enable such school districts to keep their public schools open

To supplement the appropriation for the payment of compensation to former teachers principals supervising principals or superintendents who agree in writing to hold themselves ready under the direction of the board of school directors to advise and counsel with school officials to visit and counsel with new teachers to act as substitute teachers when able to examine and report on public school work to visit pupils' homes in the interest of child welfare to attend educational conferences and addresses and to be concerned with other educational work as may be deemed necessary and helpful to community school interest as provided by law the sum of forty-seven thousand dollars ($47,000)

To The Pennsylvania Public Utility

For the payment of the deficiency in the appropriation previously made to The Public Service Commission and transferred and appropriated by law to its successor the Pennsylvania Public Utility Commission for salaries wages or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the commission the sum of nineteen thousand dollars ($19,000)

For the payment of the deficiency in the appropriation previously made to The Public Service Commission and transferred and appropriated by law to its successor the Pennsylvania Public Utility Commission for salaries wages or other compensation and for the payment of general expenses necessary for the revaluation of the Philadelphia Rapid Transit Company its underliers and other necessary revaluations previously instituted on the motion of the

Public Service Commission the sum of twenty-one thousand dollars ($21,000)

To the Department of Revenue

For the payment of the deficiency in the appropriation for salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department for the payment of costs of filing liens for the purchase of tax stamps and for the payment of costs of advertising required by any act of Assembly in connection with the escheat of moneys and property to the Commonwealth or in connection with the payment of unclaimed moneys into the State Treasury without escheat the sum of one hundred fifty thousand dollars ($150,000) Provided however That to the extent to which appropriations have been made to the department out of special funds for any of the foregoing purposes this appropriation shall not be used for such purposes

For the payment of the deficiency in the appropriation for costs in suits against delinquent dealers for mercantile and other license taxes the sum of five thousand dollars $5,000)

To the Department of State

For the payment of the deficiency in the appropriation for salaries wages or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the State Employes' Retirement Board the sum of five thousand six hundred dollars ($5,600)

To the Department of Welfare

For the payment of the deficiency in the appropriation for salaries wages or other compensation of the superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs for the purchase of equipment furniture and furnishings for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Ashland State Hospital at Ashland the Blossburg State Hospital at Blossburg the Coaldale State Hospital at Coaldale the Connellsville State Hospital at Connellsville the Hazleton State Hospital at Hazleton the Locust Mountain State Hospital at Shenandoah the Nanticoke State Hospital at Nanticoke the Philipsburg State Hospital at Philipsburg the Scranton State Hospital at Scranton and the Shamokin State Hospital at Shamokin as may be authorized and approved by the Secretary of Welfare the sum of thirty thousand dollars ($30,000)

LEGISLATIVE DEPARTMENT

To the Senate

For the payment of the salaries of the officers and employes of the Senate session of one thousand nine hundred and thirty-seven the sum of thirty-five thousand dollars ($35,000)

For the payment of the incidental expenses of the Senate for six months commencing December first one thousand nine hundred and thirty-six and for the entire period of the session of one thousand nine hundred and thirty-seven should the same extend beyond May thirty-first such sum as may be necessary to be expended by the chief clerk of the Senate who shall render to the Auditor General accounts from time to time with proper specifically itemized vouchers to be settled in the same manner as other accounts but said chief clerk shall at no time have in his hands more than two thousand dollars ($2,000) for which accounts have not been rendered and settled and the whole amount expended by the said chief clerk shall not exceed the sum of three thousand dollars ($3,000) out of which amount such necessary extra labor in the Senate shall be paid as shall be certified by the President pro tempore and the chief clerk.

To the chief clerk of the Senate for the payment of the postage on the Legislative Journal bills and calendars session of one thousand nine hundred and thirty-seven the sum of one thousand dollars ($1,000)

For the payment of the mileage of fifty Senators session of one thousand nine hundred and thirty-seven the sum of twenty-five hundred dollars ($2,500)

To the House of Representatives

For the payment of the salaries of the officers and employes of the House of Representatives session of one thousand nine hundred and thirty-seven also for the payment of the session and recess salaries of all officers and employes whose positions are now or may be hereafter created and for the payment of which provision is not otherwise made also for the payment of any increase which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the House of Representatives whose present salaries are provided for in this section the sum of thirty-five thousand dollars ($35,000) for the two years ending May thirty-one one thousand nine hundred and thirty-seven

For the payment of the salary of the Chief Clerk of the House of Representatives for the two years beginning June first one thousand nine hundred and thirty-five the sum of five hundred dollars ($500)

For the payment of the incidental expenses of the House of Representatives for the six months commencing December first one thousand nine hundred and thirty-six and for the entire period of the session of one thousand nine hundred and thirty-seven should the same extend beyond May thirty-first those accounts are to be expended by the Chief Clerk who shall render to the Auditor General accounts from time to time with proper specifically itemized vouchers to be settled in the same manner as other accounts The whole amount thus expended by the Chief Clerk shall not exceed the sum of three thousand dollars ($3,000)

For the payment of the mileage of two hundred and eight members of the House session of one thousand nine hundred and thirty-seven the sum of twelve thousand five hundred dollars ($12,500)

JUDICIAL DEPARTMENT

Supreme and Superior Court

For the deficiency in the appropriation for the payment of the expenses of the Supreme Court in the middle district and the Superior Court of Harrisburg the sum of four hundred dollars ($400)

Common Pleas Courts

To supplement the appropriation for the payment of salaries of the judges of the courts of common pleas learned in the law in the several judicial districts of the Commonwealth the sum of eight thousand seven hundred fifty dollars ($8,750)

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203.

Achterman,	Flinchbaugh,	McKinney,	Simpson,
Alexander,	Ganser,	McShane,	Skale,
Allen,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Merrell,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boies,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Keefe,	Terry,
Boose,	Hess,	Ominsky,	Thomas,
Boyer,	Hetrick,	O'Neill,	Thompson,
Bradley,	Hindman,	Ostroff,	Toole,

Brancato,	Hirsch,	Patterson, S.,	Tronzo,
Brigerman,	Holland,	Patterson, W.,	Trout,
Broad,	Holmes,	Peale,	Tumelty,
Brown,	Holstrom,	Pearson,	Turner,
Brownfield,	Hontz,	Perry,	Vallbus,
Burrows,	Horting,	Pershing,	VanAllsburg,
Cadwalader,	Huntley,	Piole,	VanSickle,
Caesar,	Imbrie,	Powers,	Vogt,
Caputo,	Jirolanio,	Preston,	Wagner,
Chervenak,	Keenan,	Readinger,	Wall,
Coakley,	Kelso,	Reese,	Walsh,
Cohen, H. B.,	Kilroy,	Reising,	Wampole,
Cohen, R. E.,	Kline,	Richter,	Watkins,
Coleman,	Kroll,	Robinson,	Webster,
Coolahan,	Leisey,	Rothenberger,	Weidemann,
Corrigan,	Levy,	Royer,	Weiss, D. H.,
Costanzo,	Lewis,	Ruffennach,	Weiss, S. A.,
Davies,	Long,	Rush,	Welliver,
Decker,	Longaker,	Sarraf,	Welsh,
DeNote,	Lopresti,	Scanlon,	Westrick,
Dickinson,	Lovett,	Schor,	Whalen,
Donohoe,	Lyons,	Schrock,	Whitenight,
Dougherty,	Marino,	Schrope,	Wilson,
Downey,	Matthews, H. T.,	Schumacher,	Winner,
Dubbs,	Matthews, J. F.,	Serrill,	Wood,
Dyson,	McArdle,	Shaw,	Woodside,
Eckels,	McCullough,	Shea,	Wright,
Falkenstein,	McDermott,	Shepard,	Yanoshat,
Finnerty,	McDevitt,	Shoemaker,	Yeakel,
Fiss,	McElroy,	Shugarts,	Yourishin,
Fitch,	McFall,	Siegel,	Zappala,
Flanagan,	McGee,	Simon,	Furman,
Flannery,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

STATEMENT BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I have a very brief communication that in view of the important circumstances that are surrounding the Commonwealth at the present time, I would like to ask the indulgence of the House to read. It is addressed to "Dear Governor."

On account of how you are interested in all kinds of sports, including flying, even if you don't use a parachute often enough to get your feet back on terra firma very often, some of us Republican boys have been wondering if you couldn't see that we get passes to some of the games being played around here these days. The racket coming out of some of the Democratic committee meetings and the caucuses sounds like Bronx cheers to us and you'd better have the State Police on hand so they don't kill the Umpire, for you certainly are going to need Davy Lawrence a lot before this session is over.

We were sorry to miss that game over in Somerset County where Charlie Margiotti got called out by the judge on the third strike for crowding the plate, just as he was all set for a home run. Of course the Supreme Court took care of that one when it benched both him and the District Attorney for bawling out the umpire.

But what us Republicans need is a handful of passes to the games right here in Harrisburg. We used to get in to see the Committees play, but last week our boys on the education committee couldn't even find a crack in the fence when the Committee went into a huddle on the teachers' tenure bill. Up to that time your boys had been treating our boys pretty well, listening to our arguments and occasionally letting us knock out a little scratch hit, or giving us a base on balls. Of course they didn't let us make any runs, or anything, but it made us feel good.

Then along comes "Davy" Lawrence, and Governor, the boys would like to know if he is the owner of the team, the coach or just the umpire? Sometimes he acts like all three, and if you ain't a lettle careful, first thing you know he will be telling the boys on the gate your tickets ain't any more good than ours.

Well, Dave took the Democratic players over in a side room, gave them the old "pep talk" and told 'em to keep the dam Republicans off the bench. Some of your boys didn't think that was playing the game on the level,, but Dave he got the rubber-stampers to put their O'K on the tenure bill, sent them back on the field, and then went and called the game without giving us our turn at bat. What we would like to ask you, Governor, is that sporting?

Which ain't the worst of it, either, Governor, for when the bill comes up on second reading, in comes "Dave", and when some of our boys see him they were scared because they thought mebbee he was going to keep us out of the House, like he did out of the committee, but he must have been feeling pretty good natured that day for we was allowed to stay. But he sure did put the bug to the Democratic members, except Westrick and some of them who had the guts to fight back. The others just looked at him, and being all chocked up so they couldn't make themselves heard most of them didn't even vote, leaving all the responsibility on Billy Gallagher.

Confidentially Governor, this Lawrence was coaching from the side-lines the whole time.

I read the other day that you say you are for the underdog, well there are 54 of us Republican under-dogs in the House, and we get chewed up bad enough by the 154 Democratic members, which is why we feel pretty bad about it when this here Lawrence comes along and hisses them all on us at one time. Or are you in favor of under-dogs only when they are Democrats?

But, be that as it may, Governor, wouldn't it be possible for us Republicans, now that we ain't going to be allowed in committee meetings any more, to get some free passes to the Democratic caucuses, on account of how the noise coming over the transoms makes some of the boys think they are missing something good. Us Republicans hear that the way Dave Lawrence puts on his act would make old Simon Legree green with envy.

They tell us Jack Kelly don't like how Dave is staging the show. He was fit to be tied when he heard how Dave hung up that one on him on the Holland bill. And was Dave's face red when Jack grabbed an oar and knocked off the right to collect the personal property tax!

Of course, we don't ask for any ringside seats, just near enough to see the blood and hear 'em groan.

Most of us are old-fashioned. We thought when we got elected we were entitled to our rights as members of the Legislature. Of course we didn't benefit none from

WPA money and we didn't make any fancy promises to Mr. Farley before election, but still we feel we got a right to seats instead of being just what you might call key-hole crashers. Or has this here Supreme Court thing given you the idea you and Dave ought to do the same with the Legislature?

Now, Governor, have a heart and give us passes for the next fight between Philadelphia and Allegheny. They do say it's going to be a honey. Of course we are not vouching for what the Democratic members say, but we hear that Dave played the caucus game under the rules they use in Allegheny elections, where you give the other fellow about forty per cent of what you thing the total vote is going to be and then declare your own man elected. A sort of Jacksonian theory that to the victor belongs the count.

You know, Governor, you can catch more flies with molasses than with vinegar and it begins to look like the New Deal is going to be vinegar to a lot of people along about 1940, but a Fair Deal is always molasses to the voters.

Yours for bigger and better Democratic fights,

FAIR DEAL REPUBLICAN

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1043 as follows:

An Act to re-enact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeding thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended by imposing permanent annual taxes for county purposes and in cities coextensive with counties for city and county purposes and by imposing for two years annual taxes for State purposes imposing taxes on ground rents making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon modifying and further defining certain exemptions from said taxes and concerning the distribution of the proceeds thereof providing that the existing and future borrowing capacity and the obligations and security of the outstanding bonds and other securities of the several counties and cities coextensive with counties of the Commonwealth shall not be impaired

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and all the sections of the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended are hereby re-enacted amended or further amended as the case may be to read as follows

An Act to provide revenue for State and county purposes and in cities coextensive with counties for State and city and county purposes imposing taxes upon certain classes of personal property and ground rents providing for the assessment collection and lien of the same and the distribution [of the proceeds thereof] of part of the proceeds of the same to the counties and in cities coextensive with counties to such cities imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments providing that the existing and future borrowing capacity and the obligations and security of the outstanding bonds and other securities of the several counties and cities coextensive with counties of the Commonwealth shall not be impaired imposing penalties

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "State Personal Property Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Department" The Departmnet of Revenue of this Commonwealth

"Resident" A person copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or a joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable in taxation within this Commonwealth

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section heading shall not be deemed or construed to limit the text of the sections of this act

Section 3 State and County Tax on Mortgages Judgments Et Cetera Imposing and Rate of Tax Exceptions All personal property of the classes hereinafter enumerated owned held or possessed by any resident whether such personal property be owned held or possessed by such resident in his made taxable annually for State [purposes] and county purposes and in cities coextensive with counties for State city and county purposes at the rate of [four] eight mills on each dollar of the value thereof (that is to say four mills for the use of the State and four mills for the use of the county or city coextensive with a county as the case may be) for the years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine and thereafter for county purposes and in cities coextensive with counties for city and county purposes at the rate of four mills on each dollar of the value thereof as of a date to be fixed annually in the manner provided in section five of this act and no failure to assess or return the

same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all ground rents all moneys owing by the solvient debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section eighteen hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section [eighteen] eighteen hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank bank and trust company national banking association savings institution [building and loan association] corporation or limited partnership liable to a tax on its shares or [its capital stock] a capital stock or franchise tax for State purposes under the laws of this Commonwealth [or relieved from the payment of tax on its shares or capital stock for State purposes by the laws of the Commonwealth] all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital [in the hands of] owing to individual citizens of the State [all stages omnibuses hacks cabs and other vehicles used in transporting passengers for hire except steam and street passenger railway cars owned or used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies] and the principal value of all annuities [yielding annually over two hundred dollars ($200.00)] Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor in interest-bearing accounts in any bank or banking institution savings institution employes thrift or savings association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said [four] eight or four mills tax as the case may be herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same or any part thereof nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said [four] eight or four mills tax as the case may be on any of the said securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or union And provided further That corporations limited partnerships and joint-stock associations liable to [tax on capital stock] a tax on their shares or a capital stock for franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State city and county purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth except for county purposes and in cities coextensive with counties for city and county purposes as now provided by law And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated [hereafter] received from any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth Nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or educational purposes"

[The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in the case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein]

Section 4 Returns and Payment of Tax (a) For the purpose of ascertaining the amount of tax payable under the third section of this act it shall be the duty of every resident liable to pay such tax on or before the fifteenth day of February of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return under oath or affirmation of

(1) The aggregate actual value of each part of the different classes of property made taxable by the third section of this act held owned or possessed by such resident as of the date fixed annually in the manner provided in section five of this act either in his own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company limited partnership joint-stock association or corporation

(2) The amount of interest dividends or other income derived from each class of such property at any time during the preceding calendar year and

(3) Such other information as may be required by the department concerning [such property] each of the different classes of property whether or not taxable enumerated in the third section of this act owned or held or in any manner possessed by such resident

The failure of any taxable resident to receive or procure a return form shall not excuse him from making a return

(b) The return so made shall be sworn or affirmed to by the person making the same if an individual and in the case of copartnerships unincorporated associations and joint-stock associations and companies by some member

thereof and in the case of limited partnerships and corporations by the president chairman or treasurer thereof

(c) Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by this section for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year either or both in the discretion of the court

(d) The tax imposed by section three hereof shall be due and payable when such return is required to be filed and every resident at the time of making every return shall compute and pay to the department the tax due the Commonwealth by such resident

Section 5 Listing Date The department shall on or before the fifteenth day of January one thousand nine hundred [thirty-seven] thirty-eight and annually thereafter fix a day as of which the property made taxable by the third section of this act shall be listed and [assessed] returned The day so fixed shall be between the first and the fifteenth days of the month of January both inclusive and the day so fixed shall be printed or stamped on the forms for making returns of all such property If through inadvertence mistake or otherwise the department fails to designate or fix such date or if such date does not appear on the form for making return of such property the date as of which such property shall be listed and assessed shall be the immediately preceding first day of January

Section 6 [Estimated Assessment Notice If any resident liable for or believed by the department to be liable for the tax imposed by the third section of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so given or sent such resident may file a return under oath or affirmation with the department and at that time shall compute and pay to the department the tax due by him to the Commonwealth with interest thereon at the rate of six per centum per annum from the time such property should have been returned together with a penalty of ten per centum of the amount of the tax due Any resident against whom an estimated assessment is made who shall fail or refuse to file a return and compute and pay the tax interest and penalty in the manner and within the time provided in this section shall have no right to appeal therefrom or to petition for a reassessment and in any suit for the collection of a tax so assessed shall not be permitted to set up as a defense that he owned held or possessed no property made taxable by the third section of this act or any other matter or defense whatsoever If any resident shall file a return before an estimated assessment is made but not within the time required by this act such resident at that time shall compute and pay to the department the tax due by him to the Commonwealth with interest thereon at the rate of six per centum per annum from the time such property should have been returned together with a penalty of ten per centum of the tax due

Section 7 Additional] Assessment by the Department Notice If any taxable resident shall fail to file a return or fail to include in any return all of his property made taxable by the third section of this act or shall fail to compute and pay the tax [thereon] due the Commonwealth as required in this act the department shall make an [additional] assessment of tax against such resident [on] of the amount of [such omitted property] tax for which such resident is liable or for which he is believed by the department to be liable together with a penalty of ten per centum of such [additional assessment] tax Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident If such resident is dissatisfied with the [additional] assessment so made he may petition for a re-assessment in the manner hereinafter provided

Section [8] 7 Assessments Made at Any Time Within Five Years An [additional assessment or estimated] assessment as heretofore provided may be made by the department at any time within five (5) years after any property owned held or possessed or alleged to have been so owned held or possessed by any resident should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous [additional or estimated] assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section [9] 8 Petition for Re-assessment Appeal (a) Any resident against whom an [additional] assessment is made may petition the department for a re-assessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department within ninety (90) days after notice of such [additional] assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings [in each county] as may be necessary to hear and determine petitions for re-assessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly notified the department of an intention to file a petition for re-assessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the [additional] assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for re-assessment is filed with the department the petitioner may in lieu thereof appear at the hearing and present his petition orally in which event all testimony or statements of fact shall be made under oath or affirmation

(b) If such petitioner is dissatisfied with the action of the department on his petition for re-assessment he shall have the right to appeal to the court of common pleas of the [proper] county where he resides at any time within sixty (60) days after notice of such action is given to him by the department If any resident shall fail to give due notice of an intention to petition for re-assessment and to file a petition for re-assessment or to appear and be heard after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground or defense which might have been determined either by the department or the court of common pleas as aforesaid in all cases of petitions for re-assessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section [10] 9 Information at Source Reports (a) The executor of every will and the administrator of every estate at the time of filing with the register of wills or clerk of the orphans' court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal estate of such decedent for the purpose of determining the transfer inheritance tax imposed thereon by existing law shall in addition thereto file with such register of wills or clerk of the orphans' court a statement in duplicate under oath or affirmation setting forth the items included in such inventory or affidavit which may be liable to the tax imposed by the third section of this act The register or clerk with whom the same is filed shall

forthwith send one copy thereof to the department It shall be the duty of the department to proceed at once to assess the tax due from such decedent with interest [and penalties] as heretofore provided in this act and to present a claim therefor through the Department of Justice to the orphans' court of the proper county or to proceed by action or suit at law through the Department of Justice in any court of competent jurisdiction for the recovery thereof or to take any or all appropriate steps or procedure necessary for the collection of such tax

(b) It shall be the duty of the recorder of deeds in each and every county in this Commonwealth to keep a daily record separate and apart from all other records of every mortgage or article of agreement given to secure the payment of money entered in this office for recording which record shall set forth the following information to wit the date of the mortgage or agreement the names of the parties thereto the just sum of money secured the precise residence of the mortgagee or person to whom interest is payable a brief description of the real estate upon which such mortgage is secured and the date or several dates when the said sum or portion of the said sum shall become due and payable and a like daily record of every assignment of a mortgage or an article of agreement given to secure the payment of money and also the number of mortgage and agreements together with the amount of same and the names of the parties thereto which shall have been that day satisfied of record For the purpose of obtaining with accuracy the precise residence of all mortgagees assignees and persons to whom interest is payable on articles of agreement it shall be the duty of the recorder of deeds in each county whenever a mortgage assignment or agreement given to secure the payment of money shall be presented to him for record to refuse the same unless the mortgage assignment or agreement has attached thereto and made part thereof a certificate signed by the mortgagee assignee or person entitled to interest or his duly authorized attorney or agent setting forth the precise residence of such mortgagee assignee or person entitled to interest and such certificate shall be recorded with the mortgage assignment or agreement Every recorder of deeds on the first Monday of each month shall file the aforesaid daily record or a copy thereof with the department.

(c) It shall be the duty of the prothonotary or clerk of the court of common pleas in each and every county in this Commonwealth forthwith upon the passage of this act keep a daily record separate and apart from all other records of every single bill bond judgment or other instrument securing a debt entered of record in his office. Such daily record shall set forth the following information to wit The date of the instrument the names of the plaintiff and defendant together with the precise residence of the plaintiff or person to whose use such bill bond judgment or other obligation to pay money is marked whenever such residence can be ascertained the just sum secured and the date or several dates when the said sum or portion of the same shall become due and payable with the further information whether any of said bonds or judgments are accompanied with mortgages and also the number of every single bill bond judgment or other instrument securing a debt together with the amount of same and the names of the plaintiff and dedendant thereto which shall have been that day satisfied. The prothonotary or clerk of the court of common pleas shall file the aforesaid daily record or a copy thereof with the department on the first Monday of each month

Section 10 Due Date All taxes [whether a report is filed as herein required or whether an estimated or additional assessment is made by the department] imposed by the third section of this act shall be due and payable on the fifteenth day of February of each year

Section [13] 11 Interest The tax imposed by the third section of this act shall bear interest at the rate of [twelve] six per centum per annum from the date such tax is due and payable until thirty (30) days after the department shall make an assessment and thereafter at the rate of twelve per centum per annum until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid

Section [14] 12 Lien of Taxes (a) All taxes imposed under the third section of this act together with all penalties and interest shall be considered a public account after becoming due and payable in the manner prescribed in this act shall as such shall be a lien upon the franchises and real property of the resident against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by the third section of this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section [15] 13 Credits for Overpayment The Board of Finance and Revenue may allow a credit for any taxes imposed by the third section of this act and penalties and interest thereon paid to the Commonwealth [and] to which the Commonwealth is not rightfully or equitably entitled Claims for such credits shall be made in accordance with the provisions of "The Fiscal Code" relative to petitions for refunds of taxes No petition for such credit shall be considered by the board unless filed with the board within two (2) years of the payment alleged to have been erroneously made

Upon the allowances of any such petition the credit so determined may be applied against any amount due or subsequently becoming due by such petitioner on account of taxes imposed by the third section of this act and penalties and interest thereon or may be assigned in whole or in part to any other taxable resident to be applied against any amount due or subsequently becoming due by such resident on account of taxes imposed by the third section of this act and penalties and interest thereon Upon the allowance of a petition for credit the board shall issue its certificate under its hand and seal and no credit claimed whether assigned or not shall be allowed unless evidenced by such certificate

Section [16] 14 Penalties Costs (a) Every person or officer who shall wilfully and corruptly make a false and fraudulent return of property made taxable by the third section of this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law

(b) Any wilful failure on the part of recorders of deeds or prothonotaries or clerks to carry out the duties imposed upon them by section [ten] nine of this act shall be deemed a misdemeanor and upon conviction thereof the person or persons so failing to comply shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(c) Every register of wills who shall fail to send copies of affidavits filed with him by executors or administrators to the department as required by section [ten] nine of this act shall be guilty of a misdemeanor and upon conviction thereof the register so failing shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(d) Every executor or administrator who wilfully fails to file the affidavit with the register of wills as required by section [ten] nine of this act shall be subject to a penalty of twenty-five dollars ($25.00) for the first day and ten dollars ($10.00) for each succeeding day during which such affidavit is not filed to be collected by the department through the Department of Justice in the same manner as debts are by law collected

(e) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure

to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section [17] 16 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any resident in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such resident is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by "The Fiscal Code" relating to inquisitorial powers of fiscal officers

Any information gained by the department as a result of any return investigation hearings or verifications required or authorized by this act [and any information gained by the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the result of duplicate returns received from the department] shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

(c) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section 16 Disposition of Tax Interest Fines and Penalties (a) All penalties that shall be received recovered paid or collected under the preceding sections of this act and all interest earned on the deposits of the Personal Property Tax Fund hereinafter provided for shall be paid into the State Treasury through the department and paid into the General Fund

(b) All taxes and interest received and recovered paid or collected under the preceding sections of this act shall be paid by the department into the State Treasury to be kept separate and apart from all other moneys in the State Treasury in a fund which is hereby created to be known as the "Personal Property Tax Fund"

(c) Semi-annually each year on the first days of June and December in the years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine one-half and in the year one thousand nine hundred forty and thereafter all of the amount then standing in the Personal Property Tax Fund shall be payable to the respective counties and to cities coextensive with counties as their share of the tax herein imposed in proportion to the amount of the tax imposed by the third section of this act which is collected in each such county or city during the preceding half year except that from the money so payable to each such county or city there shall be deducted

(1) In the years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine one-half and in the year one thousand nine hundred forty and thereafter all of the amount of any refunds of tax imposed by the third section of this act obtained by residents of such county or city since the last periodical distrbution to it whether or not during such period any tax was actually collected from such residents and

(2) One per centum of the net amount payable to such county or city as compensation for the expense of collection such compensation to be added and credited to the General Fund

The remaining moneys standing in the Personal Property Tax Fund shall be immediately transferred to the General Fund

(d) The moneys in the Personal Property Tax Fund are hereby appropriated for the purposes set forth in this section

Section 17 Preservation of Borrowing Capacity of Counties (a) On the first day of December of each year it shall be the duty of the department to certify to the proper authorities of each county or city coextensive with a county the amount of the total taxable valuations as finally ascertained by the department of property made taxable by the third section of this act which is held owned or possessed by residents of such county or city

[(b) Upon reciept of such authorities of each counyt or city coextensive with a county of the amount of such total taxable valuation set forth in subsection (a) hereof it shall be the duty of the proper officials of such county or city coextensive with a county charged by law with the assessment of property therein for taxation to make an assessment on the basis of such total taxable valuation and to add the same to the total assessed value of the taxable property in such county or city coextensive with a county and such assessment shall thereupon become a part of the assessed value of the taxable property therein

(c) Nothing contained in this act shall in any way impair the obligation or security of bonds or other securities issued by any county or city coextensive with a county of the Commonwealth where the assessed value of the property made taxable under the provisions of section one of the act approved the sventeenth day of June one thousand nine hundred thirteen (P. L. 507) hereinafter repealed has been made or included as a part of the assessed value of the taxable property upon which said bonds or securities were issued and the value of the property made taxable under the provisions of section three of this act located in or returnable for taxation by persons residing in any county or city coextensive with any county of the Commonwealth shall be included in ascertaining the assessed value of the taxable property in such county or city for the purpose of determining the constitutional borrowing power of such county or city

Section [18] 18 State Tax on Scrip Bonds Et Cetera Imposition and Rate of Tax All scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth or the laws of any other state or of the United States and doing business in this Commonwealth and having a resident corporate treasurer therein are hereby made taxable for State purposes at the rate of eight mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine on reports filed for the calendar years one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight or for any fiscal year beginning in the calendar years one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight and at the rate of four mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred forty and every year thereafter on reports filed for the calendar years one thousand nine hundred thirty-nine or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-nine and every year thereafter and all scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable for State purposes at the rate of four mills

on each dollar of the nominal value thereof during the calendar year one thousand nine hundred [thirty-six[thirty-eight and annually thereafter on reports filed for the calendar year one thousand nine hundred [thirty-five] thirty-seven and thereafter or for any fiscal year beginning in the calendar year one thousand nine hundred [thirty-five] thirty-seven thereafter [at the rate of one mill on each dollar of the nominal value thereof and during the calendar year one thousand nine hundred thirty-seven on reports filed for the calendar year one thousand nine hundred thirty-six or the fiscal year beginning in the calendar year one thousand nine hundred thirty-six at the rate of four mills on each dollar of the nominal value thereof which tax shall be in addition to the tax imposed for section seventeen of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) and its amendments or supplements] Provided That whenever under the provisions of this section any private corporation shall become liable for such taxes upon evidence of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten (10) days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the third section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed thereon by this section Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of the third section of this act upon such evidence of indebtedness so assumed or on which the corporation shall pay interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon such evidences of indebtedness by it assumed or on which it shall pay interest for the balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebtedness so assumed or on which the corporation shall pay interest as provided for in the third section of this act Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are assumed or for the entire period for which interest shall be paid Neglect or failure to give such notice before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest shall make the corporation liable for such taxes for the year following without any de duction from interest due as hereinbefore provided Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to interest-bearing accounts in any bank banking institution savings institution employes thrift or savings association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said [four mills] tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said [four mills] tax on any of [the said] such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and benefical societies labor unions and labor unions relief associations and all benefical organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall be liable for the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for county school or other local purposes

It is the intent of this act that all scrip bonds certificates and evidences of indebtedness made taxable under this section are not taxable under the third section of this act and that only such scrip bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under the third section of this act

[Section 19 Collection of Tax The tax for State purposes imposed upon obligations of private and public corporations by section eighteen of this act shall be collected in the same manner as the tax imposed for State purposes upon such obilgations by section seventeen of the act approved the seventeenth day of June one thousand nine hundred thirteen (P. L. 511) and its amendments or supplements it being the true intent and meaning of this act that the provisions of the law in force at the time of the passage of this act relating to the manner of the collection of the State tax upon such obligations shall remain unaffected by this act]

Section 19 Reports and Payment of the State Tax by Private Corporations and Municipalities (a) It shall be the duty of the resident treasurer of each private corporation incorporated by or under the laws of this Commonwealth or the laws of any other state or of the United States or any foreign country and doing business in this Commonwealth except non-profit corporations and cooperative agricultural associations not having capital stock and not conducted for profit and it shall be the duty of the treasurer of each county city borough township school district or incorporated district of this Commonwealth upon the payment of any interest on any scrip bond certificate or evidence of indebtedness issued or assumed by such corporation county city borough township school district or incorporated district or upon which it is liable for the payment of the interest to residents of this Commonwealth and held by them to assess the tax imposed for State purposes by the eighteenth section of this act upon the nominal value of each such scrip bond certificate or evidence of indebtedness and to report under oath or affirmation annually on or before the fifteenth day of March for the calendar year next preceding to the department the amount of such indebtedness owned held or in any manner possessed by residents of this Commonwealth together with such information as the department may require Provided That such scrip bonds certificates and evidences of indebtedness shall be deemed to be owned held or possessed by residents of this Common-

wealth unless it is established that they are not so owned held or possessed and it shall be his further duty to deduct the tax imposed by the eighteenth section of this act on the payment of any interest upon such indebtedness and return the same to the State Treasury through the department within the time prescribed by law and his compensation for his services shall be five per centum on the first one thousand dollars ($1,000.00) or fractional part thereof one per centum on all amounts over one thousand dollars ($1,000.00) and not over two thousand dollars ($2,000.00) and one-half of one per centum on all amounts over two thousand dollars ($2,000.00) Upon the payment of said State tax such scrip bonds certificates or evidences of indebtedness shall be exempt from all other taxation in the hands of the holder of the same

The time for filing reports may be extended taxpayers may be permitted to file their reports on a fiscal year basis and the procedure and penalties in case of failure to report and pay the tax shall be as prescribed by law

(b) It is the intent and meaning of this act that the tax for State purposes imposed upon obligations of private and public corporations by section eighteen of this act shall be collected in the same manner as the tax heretofore imposed for State purposes upon such obligations.

Section [20] 19 Disposition of Tax Interest Fees Fines Forfeitures and Penalties All taxes and interest that shall be received recovered paid or collected under the provisions of this act shall be paid into the State Treasury through the department

All moneys paid into the State Treasury from taxes for the first year for which a tax is imposed by the provisions of this act shall be used only for unemployment relief purposes and for such purposes are hereby appropriated and all moneys paid into the State Treasury during the second year this act is in effect shall be credited to the General Fund

Section [21] 20 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section [22] 21 [Effect on Other Acts of Assembly Nothing contained in this act shall be deemed to repeal or modify the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and its amendments or supplements The taxes imposed by this act shall be in addition to all other taxes which are now or hereafter imposed by law] Repealer and Saving Clause (a) All acts or parts of acts inconsistent with the provisions of this act are hereby repealed but the provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments

(b) The act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for state and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assisssment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and its amendments is hereby repealed

(c) Nothing herein contained shall be construed as reviving any act repealed by the act which this act repeals and the passage of this act shall not be taken or construed to relieve any person association or corporation from the payment of any taxes penalties and interest imposed by section one of the said act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) as amended for the year one thousand nine hundred thirty-seven on assessments made during or as of the year one thousand nine hundred thirty-six and prior years or from any taxes penalties and interest imposed by section seventeen of the said act on reports filed for the calendar year one thousand nine hundred thirty-six or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-six and prior years or from any taxes penalties and interest imposed by the provisions of any act or parts of acts in force at the time this act becomes effective or to affect or terminate any petitions investigations prosecutions legal or otherwise or other proceeding pending under the provisions of any act or parts of acts in force at the time this act becomes effective or repealed by this act or to prevent the commencement or further prosecution of any legal proceedings by the proper authorities of the Commonwealth or of any county or city coextensive with a county as the case may be for violations of such acts or for the collection or recovery of taxes penalties and interest due or owing to the Commonwealth or to any county or city coextensive with a county under such acts

Section [23] 22 Effective Date This act shall become effective immediately upon its final enactment and [shall remain] be in force for the assessment and collection of taxes under section three of this act for the calendar [years one thousand nine hundred and thirty-six at the rate of one mill on each dollar of the value thereof and one thousand nine hundred and thirty-seven at the rate of four mills on each dollar of the value thereof] year one thousand nine hundred thirty-eight and every year thereafter and for the collection of taxes under section [eighteen] eighteen of this act [during] the calendar years one hundred and thirty-five and one thousand nine hundred and thirty-six or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-six] for the calendar [year one thousand nine hundred thirty-eight on reports filed] year one thousand nine hundred thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred thirty-seven or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-seven and for every year thereafter

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker. I would like to interrogate the gentleman from Allegheny, Mr. Harkins.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. HARKINS. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, this is a bill that levies a personal property tax, is it not?

Mr. HARKINS. That is correct, Mr. Speaker.

Mr. TURNER. And, Mr. Speaker, under the bill, as it is now before the House, the four mills tax which was formerly collected by the county commissioners will now be collected by the Department of Revenue, is that correct?

Mr. HARKINS. Mr. Speaker, that is correct as I understand the bill, as it is drawn now.

Mr. TURNER. What is the charge, Mr. Speaker, which will be made to the counties for the collection of this tax?

Mr. HARKINS. I understand that it is one percent, Mr. Speaker.

Mr. TURNER. Mr. Speaker, does the gentleman know

what was the amount of the personal property tax, the four mill tax, collected by the counties in the year 1936?

Mr. HARKINS. I do not have those figures with me now, Mr. Speaker.

Mr. TURNER. Mr. Speaker, it was something like eleven million dollars, was it not?

Mr. HARKINS. I cannot either agree or disagree, Mr. Speaker, because as I say I do not have the figures here, so that I cannot state what they were.

Mr. TURNER. Mr. Speaker, can the gentleman tell me the estimated revenue under this bill.

Mr. HARKINS. Mr. Speaker, as I understand it, the estimated revenue under this bill is thirty-four million dollars.

Mr. TURNER. And that is four mills, Mr. Speaker, so that one mill woud be something over eight million dollars?

Mr. HARKINS. I think that that is correct, Mr. Speaker.

Mr. TURNER. Mr. Speaker, so that instead of an estimated revenue of eleven million dollars, as I supposed, the gentleman thinks that the estimated revenue will be about seventeen million dollars a year from the tax?

Mr. HARKINS. I do not understand the interrogation, Mr. Speaker.

Mr. TURNER. In other words, Mr. Speaker, if the State collects four mills it is supposed to return about thirty-five million dollars in the biennium and that would mean that in the biennium the counties would collect that sum on four mills, which would be seventeen and a half million dollars for one year.

Mr. HARKINS. Mr. Speaker, if the gentleman's calculation is correct, one-fourth of thirty-five would be approximately eight million and a half—yes.

Mr. TURNER. Mr. Speaker, two into thirty-five, as I recall it makes seventeen and a half.

Mr. HARKINS. That is correct, Mr. Speaker.

Mr. TURNER. And, Mr. Speaker, if thirty-five is four mills for the biennium then seventeen and a half would be four mills for the one year period.

Mr. HARKINS. That is correct, Mr. Speaker.

Mr. TURNER. Mr. Speaker and members of the House, in the first place, I think there is a great amount of opposition in the State to the personal property tax as being a very severe tax and which amounts to something between twenty and twenty-five percent of the income tax on income from securities.

In the second place, the Governor has said that this tax would fall on those best able to pay it. I wish that I had with me, at my desk at the present time, a number of letters which I have received over the past two or three months since the Legislature has been in session in which any number of people have written to me protesting against this personal property tax, because they say that all they have left are a few shares of some stock or that they have some little mortgage, that that is all they have have left to carry them on through their old age and the rest of their days. If there ever was a fallacy that this tax was falling upon those best able to pay it I think the past few months, since this tax was levied in the 1936 Special Session, at least it was increased so heavily in that special session, have demonstrated it is not falling heavily upon those best able to pay but that it is falling most heavily upon thousands of small investors in Pennsylvania, men and women who are mature in years, who have grown old and who only have some little security to protect them.

In the third place, there are lots of these people who are not receiving any income on their securities and they are not only not receiving income but they are bound to take from their pocketbooks the amount of money which is necessary to pay this tax

Now, I think another bad feature of this bill is this: That you are going to collect by this bill—that is the State is going to collect—the four mill tax that was formerly collected by the counties, which has always been considered a county tax, which has always been considered as something upon which the counties could rely to help out on their real estates taxes and to keep down their real estate taxes. It has always been considered as a part of the estimate of their assets in determining their borrowing capacity, and I am wondering whether you realize that you may be jeopardizing the borrowing capacity of many of your counties by permitting the State to take over this tax and to collect it, even though they do return this income to the counties.

In the next place, the four mills which the State by the 1935-36 Legislation was given the authority to collect, that increased tax was supposed to be an emergency tax. Now it is originally introduced in this session as a permanent tax measure and it has now been restored to the place of an emergency tax measure, but suppose the time comes, after a few years, and you desire to take off the four mills and levy only four mills which the counties are going to collect, may there not be a danger on the part of the counties that they will then lose the four mills and that the State will retain it? Legislation, of course, will be necessary for them to make such a change in the law so that they retain the four mills, but once you have placed this money in the State Treasury, after you have taken the collection out of the hands of your local people, you are endangering your own county and you are putting it in a place where you may never get it back and where you may lose it for all time to come.

I think there is another feature about this bill which we all should take into consideration. If these funds are going to be placed in the State Treasury of the Commonwealth of Pennsylvania, we have seen times in the past and we will see times in the future perhaps whereby as a result of a stringency of funds in the Commonwealth, we will say, the Treasury or the Legislature may utilize a lot of those funds. I understand that under the provisions of this bill we are to receive the payments in the counties on June 1 and December 1 of each year; that is the time when the State Treasury will make the return.

If you have had any experience with funds that have been paid out by the State Treasurer, you will know how the school funds, for example, have been held up, and how some of the hospital funds have been held up, and you will know how the tax moneys on foreign insurance companies have been held up and delayed for many months in getting back to the fire companies. You will realize that there will be times when this money will not be paid on the dates set forth in the bill. I think aside from any question of home rule, I think aside from any question of the desirability of retaining the collection of this tax within the counties, where we may have that much

lien upon its retention, I think aside from any question of our borrowing capacity and whether it may be impaired under an act of this kind, and if it should be impaired, you are going to create chaos in the State of Pennsylvania.

I think there are many other questions that enter into this bill, which make it unjust and unfair to have this tax collected by the Commonwealth instead of by the counties. I have never seen any statistics covering the cost of collections to the counties, but I understand it is going to be fixed at one percent under this act, but that cost is going to be paid by the State. If there is any reason why this should be taken over by the State then it ought to be a reason of economy. One percent of this amount will be $175,000 a year that the State is going to get from the counties for the collection of this money, which they are already collecting in the sense that it is just as easy for the State to collect eight mills as it is to collect four mills. If the State collects the eight and the county collects the four mills, then the only cost to the State will be the remittance to the counties twice a year, and it does not seem to me that $175,000 should be necessary to remit the funds to the counties at the expiration of the term. Therefore, personally, I am going to vote "no" on this bill.

Mr. HARKINS. Mr. Speaker and members of the House, I rise to support this bill and ask the support of the members of the House for it. This bill continues for a two year period the emergency tax in the amount of four mills on personal property, with some modifications and refinements which are beneficial to all the people in the State, namely, the exemptions of shares of building and loan stock. This tax is an equitable tax, regardless of the statements that may be made to be contrary.

Mr. Speaker and members of the House, we hear from time to time opposition to this tax because some shares of stock in corporations which are not paying dividends may from time to time pay a tax on their value. It sounds good,—it is a plausible argument, but when you enter into an analysis of the situation it is not as plausible as it first sounds. I can think now af a certain stock which in the last year and a half has risen from the figure of twenty-two until it sold the other day at the value of one hundred and nine dollars a share. That particular stock has paid no dividends whatsoever, but the owners of that stock certainly could not be said to be people who were poor if they owned very much of the stock. Certainly it would be unjust and unfair for them not to be taxed.

Now, this bill merely continues in force the present existing four mill levy which is now being collected by the counties. It transfers the collection of those four mills to the Department of Revenue of the State, and it of course continues for another two year period the four mill levy now being collected by the Department of Revenue for State purposes.

With regard to the question of constitutionality there have been numerous opinions form authorative sources that the constitutional power and borrowing power of the counties will not in any way be endangered by the act as it is drawn at the present time.

The consideration that old couples protest about this tax certainly is not to be considered, because the few old folks who happen to have stocks and securities will be more than benefited in return by the amount of tax that will be returned to their particular counties caused by the increase of the collection of this tax, this personal property tax. The county commissioners in those counties will be able to return it to those aged persons and to those widows who own a few shares of stock by reducing the levies on real estate in those counties. The bill is a necessary part of the tax program that we have here, and it is absolutely essential for us to give this bill our support.

Mr. Speaker and members of the House, I ask your support for this bill.

Mr. SPROUL. Mr. Speaker and members of the House, in debating with Mr. Harkins two years ago on the enactment of this tax, I called the attention of the members of this House to the withdrawal of money from the State of Pennsylvania to other state and even other countries. I think the gentleman replied at that time that it probably would not have any effect on such withdrawal, or such withdrawal would not occur. Since the enactment of this tax, in the business in which I happen to be, I know that hundreds of millions of dollars have been withdrawn from the State of Pennsylvania, either by the withdrawal of funds or that the people owning such securities have moved elsewhere, including the State of New Jersey, Canada, Florida and some more, and if any of the gentlemen here would like to know where they went and who they were I think I can supply them with the names and take them to the trust companies for the purposes of verifying my statement.

I wish to reply to the remarks concerning persons owning mortagages and stocks. Mr. Harkins has stated that he knows about a stock which ran up from twenty-two to one hundred nine. The owner of such stock could probably have no complaint against this tax, but I think I could name many stocks including utilities against which a national policy has been adopted, which have dropped many points in their value during the last year or two.

Let me tell you too, the effect on mortgages held by widows, who may have some small mortgages. This is a distinct capital levy on those widows. I have had pathetic letters from widows in which they state that no interest was being paid on their mortages with the result that in some cases they had to borrow money to pay the taxes.

I might call your attention to this, that these people holding these mortgages and having no other income were forced to foreclose those mortgages, and the people owning them lost their homes because they could not afford to keep those mortgages. I think that alone is one of the best arguments against this bill.

I am against the tax on life insurance annuities as much as I was against the tax on building and loan stocks, which, thank goodness, has been eliminated. I believe that it is a tax on the thrift of the people of Pennsylvania. In accordance with the arguments which I have advanced, which are based on facts, I conclude and I cannot help but think otherwise, that this tax is inequitable, it is not an equitable tax. Those persons holding securities and mortgages paying interest can afford to pay it, but those litle fellows holding securities and mortgages not paying interest can ill afford to pay it, and I intend to vote against this bill for the reasons advanced.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitutions the yeas and nays were taken and were as follows, viz:

YEAS—132.

Achterman,	Dubbs,	Marino,	Rush,
Alexander,	Dyson,	Matthews, H. T.,	Sarraf,
Allen,	Falkenstein,	McArdle,	Scanlon,
Aukerman,	Finnerty,	McCullough,	Schor,
Baine,	Fitch,	McDermott,	Schrope,
Baker, J. J.,	Flanagan,	McElroy,	Shaw,
Bierly,	Flannery,	McFall,	Shea,
Blank,	Gerard,	McGee,	Shepard,
Bohn,	Gorski,	McShane,	Shoemaker,
Boles,	Hagerty,	Melchiorre,	Siegel,
Boltz,	Hamilton, F. P.,	Mihm,	Simon,
Bradley,	Harkins,	Moomaw,	Skale,
Brancato,	Harmuth,	Mooney,	Smith, James A.,
Broad,	Hays,	Moran,	Smith, John A.,
Brown,	Hering,	Murrin,	Spengler,
Brownfield,	Hess,	Nagel,	Stank,
Burrows,	Hindman,	O'Brien,	Toole,
Caesar,	Hetrick,	O'Keefe,	Tronzo,
Caputo,	Hirsch,	Ominsky,	Tumelty,
Chervenak,	Holland,	O'Neill,	Valibus,
Coakley,	Holmes,	Ostroff,	VanSickle,
Cohen, H. B.,	Holstrom,	Patterson, C. S.,	Wagner,
Cohen, R. E.,	Hontz,	Patterson, J. W.,	Walsh,
Coleman,	Horting,	Pearson,	Weiss, S. A.,
Coolahan,	Jirolanio,	Pershing,	Welliver,
Corrigan,	Keenan,	Piole,	Westrick,
Costanzo,	Kelso,	Powers,	Whalen,
Decker,	Kilroy,	Preston,	Whitenight,
DeNote,	Kroll,	Readinger,	Wright,
Dickinson,	Levy,	Reese,	Yanoshat,
Donohoe,	Lewis,	Reising,	Yourishin,
Dougherty,	Long,	Robinson,	Zappala,
Downey,	Lopresti,	Ruffennach,	Furman,

NAYS—52.

Atkins,	Imbrie,	Richter,	Trout,
Baker, F. T.,	Kline,	Rothenberger,	Turner,
Balthaser,	Leisey,	Royer,	VanAllsburg,
Boose,	Longaker,	Schrock,	Wall,
Boyer,	Lovett,	Schumacher,	Wampole,
Davies,	Matthews, J. F.,	Serrill,	Watkins,
Eckels,	McDevitt,	Simpson,	Webster,
Fiss,	McKinney,	Sloan,	Weidemann,
Gillette,	Merrell,	Sproul,	Wilson,
Habbyshaw,	Moul,	Stackpole,	Winner,
Hall,	Muir,	Stewart,	Wood,
Hamilton, R. S.,	Peale,	Stockham,	Woodside,
Hetrick,	Perry,	Terry,	Yeakel,
Huntley,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASON FOR VOTE

Mr. ACHTERMAN filed the following reason for his vote.

I am voting "yes" on this bill only because the State sorely needs the funds raised by this bill. In all other respects this bill is very dangerous. It endangers the borrowing capacity of the municipalities and it violates every Democratic concept of Home rule.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1058, (Senate Bill No. 151), entitled:

An Act relating to the protection of agriculture and horticulture including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts or products thereof from plant pests, and revising, consolidating and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; providing penalties and repealing present laws.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201.

Achterman,	Flannery,	McGee,	Simpson,
Alexander,	Flinchbaugh,	McKinney,	Skale,
Allen,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, John A.,
Atkins,	Gillette,	Merrell,	Smith, James A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Keefe,	Thomas,
Boyer,	Hess,	Ominsky,	Thompson,
Bradley,	Hetrick,	O'Neill,	Toole,
Brancato,	Hindman,	Ostroff,	Tronzo,
Brigerman,	Hirsch,	Patterson, C. S.,	Trout,
Broad,	Holland,	Patterson, J. W.,	Tumelty,
Brown,	Holmes,	Peale,	Turner,
Brownfield,	Holstrom,	Pearson,	Valibus,
Burrows,	Hontz,	Perry,	VanAllsburg,
Cadwalader,	Horting,	Pershing,	VanSickle,
Caesar,	Huntley,	Piole,	Vogt,
Caputo,	Imbrie,	Powers,	Wagner,
Chervenak,	Jirolanio,	Preston,	Wall,
Coakley,	Keenan,	Readinger,	Walsh,
Cohen, H. B.,	Kelso,	Reese,	Wampole,
Cohen, R. E.,	Kilroy,	Reising,	Watkins,
Coleman,	Kline,	Richter,	Webster,
Coolahan,	Kroll,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
Decker,	Long,	Rush,	Welsh,
DeNote,	Longaker,	Sarraf,	Westrick,
Dickinson,	Lopresti,	Scanlon,	Whalen,
Donohoe,	Lovett,	Schor,	Whitenight,
Dougherty,	Lyons,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Siegel,	Zappala,
Flanagan,	McFall,	Simon,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1793, entitled:

An Act to amend section four of the act approved the thirteenth day of May one thousand nine hundred and fifteen (P. L. 286) entitled "An act to provide for the health safety and welfare of minors By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and record-

ing of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" as amended further limiting the days and hours during which minors under eighteen years of age may be employed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flannery,	McKinney,	Skale,
Alexander,	Flinchbaugh,	McShane,	Sloan,
Allen,	Ganser,	Melchiorre,	Smith, James A.,
Arnold,	Gerard,	Merrell,	Smith, John A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boles,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Keefe,	Thomas,
Boose,	Hess,	Ominsky,	Thompson,
Boyer,	Hetrick,	O'Neill,	Toole,
Bradley,	Hindman,	Ostroff,	Tronzo,
Brancato,	Hirsch,	Patterson, S.,	Trout,
Brigerman,	Holland,	Patterson, W.,	Tumelty,
Broad,	Holmes,	Peale,	Turner,
Brown,	Holstrom,	Pearson,	Valibus,
Brownfield,	Hontz,	Perry,	VanAllsburg,
Burrows,	Horting,	Pershing,	VanSickle,
Cadwalader,	Huntley,	Piole,	Vogt,
Caesar,	Imbrie,	Powers,	Wagner,
Caputo,	Jirolanio,	Preston,	Wall,
Chervenak,	Keenan,	Readinger,	Walsh,
Coakley,	Kelso,	Reese,	Wampole,
Cohen, H. B.,	Kilroy,	Reising,	Watkins,
Cohen, R. E.,	Kline,	Richter,	Webster,
Coleman,	Kroll,	Robinson,	Weidemann,
Coolahan,	Leisey,	Rothenberger,	Weiss, D. H.,
Corrigan,	Levy,	Royer,	Weiss, S. A.,
Costanzo,	Lewis,	Ruffennach,	Welliver,
Davies,	Long,	Rush,	Welsh,
Decker,	Longaker,	Sarraf,	Westrick,
DeNote,	Lopresti,	Scanlon,	Whalen,
Dickinson,	Lovett,	Schor,	Whitenight,
Donohoe,	Lyons,	Schrock,	Wilson,
Dougherty,	Marino,	Schrope,	Winner,
Downey,	Matthews, H. T.,	Schumacher,	Wood,
Dubbs,	Matthews, J. F.,	Serrill,	Woodside,
Dyson,	McArdle,	Shaw,	Wright,
Eckels,	McCullough,	Shea,	Yanoshat,
Falkenstein,	McDermott,	Shepard,	Yeakel,
Finnerty,	McDevitt,	Shoemaker,	Yourishin,
Fiss,	McElroy,	Siegel,	Zappala,
Fitch,	McFall,	Simon,	Furman,
Flanagan,	McGee,	Simpson,	

NAYS—1

Gillette,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1761, entitled:

An Act creating a commission to study certain conditions relating to municipal ordinances defining its powers and duties and making an appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flannery,	McKinney,	Skale,
Alexander,	Flinchbaugh,	McShane,	Sloan,
Allen,	Ganser,	Melchiorre,	Smith, James A.,
Arnold,	Gerard,	Merrell,	Smith, John A.,
Atkins,	Gillette,	Mihm,	Snyder,
Aukerman,	Gorski,	Moomaw,	Sollenberger,
Baine,	Habbyshaw,	Mooney,	Spengler,
Baker, F. T.,	Haberlen,	Moran,	Sproul,
Baker, J. J.,	Hagerty,	Moul,	Stackpole,
Balthaser,	Hall,	Muir,	Stank,
Bierly,	Hamilton, F. P.,	Munley,	Stewart,
Blank,	Hamilton, R. S.,	Murrin,	Stockham,
Bohn,	Harkins,	Nagel,	Strode,
Boles,	Harmuth,	O'Brien,	Terry,
Boltz,	Hays,	O'Keefe,	Thomas,
Boose,	Hering,	Ominsky,	Thompson,
Boyer,	Hess,	O'Neill,	Toole,
Bradley,	Hetrick,	Ostroff,	Tronzo,
Brancato,	Hindman,	Patterson, S.,	Trout,
Brigerman,	Hirsch,	Patterson, W.,	Tumelty,
Broad,	Holland,	Peale,	Turner,
Brown,	Holmes,	Pearson,	Valibus,
Brownfield,	Holstrom,	Perry,	VanAllsburg,
Burrows,	Horting,	Pershing,	VanSickle,
Cadwalader,	Huntley,	Piole,	Vogt,
Caesar,	Imbrie,	Powers,	Wagner,
Caputo,	Jirolanio,	Preston,	Wall,
Chervenak,	Keenan,	Readinger,	Walsh,
Coakley,	Kelso,	Reese,	Wampole,
Cohen, H. B.,	Kilroy,	Reising,	Watkins,
Cohen, R. E.,	Kline,	Richter,	Webster,
Coleman,	Kroll,	Robinson,	Weidemann,
Coolahan,	Leisey,	Rothenberger,	Weiss, D. H.,
Corrigan,	Levy,	Royer,	Weiss, S. A.,
Costanzo,	Lewis,	Ruffennach,	Welliver,
Davies,	Long,	Rush,	Welsh,
Decker,	Longaker,	Sarraf,	Westrick,
DeNote,	Lopresti,	Scanlon,	Whalen,
Dickinson,	Lovett,	Schor,	Whitenight,
Donohoe,	Lyons,	Schrock,	Wilson,
Dougherty,	Marino,	Schrope,	Winner,
Downey,	Matthews, H. T.,	Schumacher,	Wood,
Dubbs,	Matthews, J. F.,	Serrill,	Woodside,
Dyson,	McArdle,	Shaw,	Wright,
Eckels,	McCullough,	Shea,	Yanoshat,
Falkenstein,	McDermott,	Shepard,	Yeakel,
Finnerty,	McDevitt,	Shoemaker,	Yourishin,
Fiss,	McElroy,	Siegel,	Zappala,
Fitch,	McFall,	Simon,	Furman,
Flanagan,	McGee,	Simpson,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1125, Printer's No. 474, was passed over at the request of Mr. SHUGARTS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1561, as follows:

An Act to amend sections two three four five and six of the act approved the thirteenth day of April one thousand nine hundred and twenty-one (Pamphlet Laws 129) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture the sale the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated or deleterious butter defining butter and prescribing the penalty for the violation thereof" further defining butter and the adulteration of butter conferring powers on the Department of Agriculture and the courts of quarter sessions and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two three four five and six of the act approved the thirteenth day of April one thousand nine hundred and twenty-one (Pamphlet Laws 129) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture the sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated or deleterious butter defining butter and prescribing the penalty for the violation thereof" are hereby amended to read as follows

Section 2 Butter for the purpose of this act shall be [deemed to be the fatty product obtained from milk or cream by the usual processes of churning and working with or without the addition of salt] understood to mean the food product usually known as butter and which is made exclusively from milk or cream or both with or without common salt and with or without additional coloring matter and which shall contain not less than eighty (80) per centum by weight of milk fat all tolerances having been allowed for

Section 3 Butter shall be deemed to be adulterated within the meaning of this act

First If it contains [more than sixteen (16) per centum by weight of water or] less than eighty (80) per centum by weight of [butter fat] milk fat all tolerances having been allowed for

Second If it contains any foreign fat starchy matter added flavor except such flavor as is naturally developed during the manufacture of butter by ageing or ripening the milk or cream from which it is churned with or without culture or [other] any substance which [injuriously] affects its quality or purity and if it fails to conform to the standards of the definition for butter set forth in section two hereof

Third If it be rancid mouldy or decomposed so as to make it unfit for human consumption

Fourth If it be made in whole or part from any filthy putrid or decomposed milk or cream or from milk or cream that has been contaminated by filth

Fifth If it contains artificial coloring matter used to conceal damage or inferiority

Section 4 That any person who shall violate any of the foregoing provisions of this act shall [be guilty of a misdemeanor and] upon conviction thereof in a summary proceeding [shall] be sentenced for a first offense to pay a fine of [not less than] one hundred ($100) dollars [nor more than two hundred ($200) dollars] and the costs of prosecution or in default of the payment of such fine and costs to undergo an imprisonment of not [less] more than thirty (30) days [nor more than sixty (60) days or both or either at the discretion of the court] for a second offense shall be sentenced to pay a fine of not less than two hundred ($200) dollars nor more than three hundred ($30) dollars and the costs of prosecution or to undergo an imprisonment of not more than thirty (30) days or both or either and for a third or subsequent offense shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than three hundred ($300) dollars nor more than five hundred ($500) dollars or to undergo imprisonment for a term not exceeding sixty (60) days or both or either in the discretion of the court Provided That in any case where the violation consists in the manufacture sale offering for sale exposing for sale or having in possession with intent to sell butter containing less than eighty (80) per centum by weight of milk fat and such butter actually contains seventy-nine and five-tenths (79.5) per centum or more by weight of milk fat the person convicted shall be sentenced to pay a fine not exceeding twenty-five ($25) dollars only for each such offense

Section 5 That the [Director of the Bureau of Foods] Department of Agriculture shall be charged with the enforcement of the provisions of this act The department shall have power to make adopt promulgate and enforce rules and regulations for the purpose of carrying into effect the provisions of this act The department by its agents shall have full access egress and ingress to all places of business factories farm buildings cars and vehicle used in the manufacture transportation and sale of butter

When any agent of the department shall find any butter which is adulterated the department shall petition the court of quarter sessions of the county in which such butter was found for an order permitting it to seize such butter and to direct its re-churning destruction or such other disposition thereof as the court shall determine Such petition shall be returnable in ten days or such other time as the court shall allow The hearing on such petition shall be given precedence over all other matters and hearings before the court Until such petition is disposed of it shall be unlawful for any person to dispose of the butter involved in such petition in any manner whatsoever The courts of quarter sessions are hereby empowered in all proper cases to order the seizure of any adulterated butter and to direct its rechurning destruction or other disposition thereof Provided That such order shall not apply to butter which is adulterated in no other way except that its weight of milk fat is between seventy-nine and five-tenths (79.5) per centum and eighty (80) per centum

Any person who shall hinder or interfere with any agent of the department engaged in the administration and enforcement of this act or who shall dispose of any butter after a petition for its seizure has been presented shall upon conviction in a summary proceeding be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment of such fine and costs shall be sentenced to imprisonment for a period of thirty (30) days

Section 6 That all fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid to the [Director of the Bureau of Foods or his agent] Department of Agriculture and when so collected and paid shall thereafter be by the [Director of the Bureau of Foods] department paid into the State Treasury through the Department of Revenue for the use of the Commonwealth

Section 2 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not effect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flannery,	McGee,	Simpson,
Alexander,	Flinchbaugh,	McKinney,	Skale,
Allen,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Merrell,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Keefe,	Thomas,
Boyer,	Hess,	Ominsky,	Thompson,
Bradley,	Hetrick,	O'Neill,	Toole,
Brancato,	Hindman,	Ostroff,	Tronzo,
Brigerman,	Hirsch,	Patterson, S.,	Trout,
Broad,	Holland,	Patterson, W.,	Tumelty,
Brown,	Holmes,	Peale,	Turner,
Brownfield,	Holstrom,	Pearson,	Valibus,
Burrows,	Horting,	Perry,	VanAllsburg,
Cadwalader,	Hontz,	Pershing,	VanSickle,
Caesar,	Huntley,	Piole,	Vogt,
Caputo,	Imbrie,	Powers,	Wagner,
Chervenak,	Jirolanio,	Preston,	Wall,
Coakley,	Keenan,	Readinger,	Walsh,
Cohen, H. B.,	Kelso,	Reese,	Wampole,
Cohen, R. E.,	Kilroy,	Reising,	Watkins,
Coleman,	Kline,	Richter,	Webster,
Coolahan,	Kroll,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
Decker,	Long,	Rush,	Welsh,
DeNote,	Longaker,	Sarraf,	Westrick,
Dickinson,	Lopresti,	Scanlon,	Whalen,
Donohoe,	Lovett,	Schor,	Whitenight,
Dougherty,	Lyons,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Siegel,	Zappala,
Flanagan,	McFall,	Simon,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1188, entitled:

An Act to amend section eight hundred two of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for competitive bidding on cantracts.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. REESE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS PASSED OVER

There being no objection House Bill No. 1361 Printer's No. 482 was passed over at the request of Mr. SHUGARTS.

There being no objection House Bill No. 1359 Printer's No. 481 was passed over at the request of Mr. SHUGARTS.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1715, entitled:

An Act to prevent fraud and deception regulating the weights and measures in the sale or offering for sale of fruits and vegetables in this Commonwealth regulating sales of fruits and vegetables in original unbroken standard containers imposing certain powers and duties on the Department of Internal Affairs and county and city inspectors of weights and measures and prescribing penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flannery,	McGee,	Simpson,
Alexander,	Flinchbaugh,	McKinney,	Skale,
Allen,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Merrell,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Hamilton, F. P.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Keefe,	Thomas,
Boyer,	Hess,	Ominsky,	Thompson,
Bradley,	Hetrick,	O'Neill,	Toole,
Brancato,	Hindman,	Ostroff,	Tronzo,
Brigerman,	Hirsch,	Patterson, S.,	Trout,
Broad,	Holland,	Patterson, W.,	Tumelty,
Brown,	Holmes,	Peale,	Turner,
Brownfield,	Holstrom,	Pearson,	Valibus,
Burrows,	Hontz,	Perry,	VanAllsburg,
Cadwalader,	Horting,	Pershing,	VanSickle,
Caesar,	Huntley,	Piole,	Vogt,
Caputo,	Imbrie,	Powers,	Wagner,
Chervenak,	Jirolanio,	Preston,	Wall,
Coakley,	Keenan,	Readinger,	Walsh,
Cohen, H. B.,	Kelso,	Reese,	Wampole,
Cohen, R. E.,	Kilroy,	Reising,	Watkins,
Coleman,	Kline,	Richter,	Webster,
Coolahan,	Kroll,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
Decker,	Long,	Rush,	Welsh,
DeNote,	Longaker,	Sarraf,	Westrick,
Dickinson,	Lopresti,	Scanlon,	Whalen,
Donohoe,	Lovett,	Schor,	Whitenight,
Dougherty,	Lyons,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Siegel,	Zappala,
Flanagan,	McFall,	Simon,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2067, entitled:

An Act to amend section five hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" prohibiting auditors from becoming surety for certain officers.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flannery,	McGee,	Simpson,
Alexander,	Flinchbaugh,	McKinney,	Skale,
Allen,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Merrell,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Keefe,	Thomas,
Boyer,	Hess,	Ominsky,	Thompson,
Bradley,	Hetrick,	O'Neill,	Toole,
Brancato,	Hindman,	Ostroff,	Tronzo,
Brigerman,	Hirsch,	Patterson, S.,	Trout,
Broad,	Holland,	Patterson, W.,	Tumelty,
Brown,	Holmes,	Peale,	Turner,
Brownfield,	Holstrom,	Pearson,	Valibus,
Burrows,	Hontz,	Perry,	VanAllsburg,
Cadwalader,	Horting,	Pershing,	VanSickle,
Caesar,	Huntley,	Piole,	Vogt,
Caputo,	Imbrie,	Powers,	Wagner,
Chervenak,	Jirolanio,	Preston,	Wall,
Coakley,	Keenan,	Readinger,	Walsh,
Cohen, H. B.,	Kelso,	Reese,	Wampole,
Cohen, R. E.,	Kilroy,	Reising,	Watkins,
Coleman,	Kline,	Richter,	Webster,
Coolahan,	Kroll,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
Decker,	Long,	Rush,	Welsh,
DeNote,	Longaker,	Sarraf,	Westrick,
Dickinson,	Lopresti,	Scanlon,	Whalen,
Donohoe,	Lovett,	Schor,	Whitenight,
Dougherty,	Lyons,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Siegel,	Zappala,
Flanagan,	McFall,	Simon,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1349, (Senate Bill No. 98), entitled:

An Act to amend section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended extending the retirement provisions relating to former teachers to those who returned to service only temporarily.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flannery,	McGee,	Simpson,
Alexander,	Flinchbaugh,	McKinney,	Skale,
Allen,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Merrell,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Keefe,	Thomas,
Boyer,	Hess,	Ominsky,	Thompson,
Bradley,	Hetrick,	O'Neill,	Toole,
Brancato,	Hindman,	Ostroff,	Tronzo,
Brigerman,	Hirsch,	Patterson, C. S.,	Trout,
Broad,	Holland,	Patterson, J. W.,	Tumelty,
Brown,	Holmes,	Peale,	Turner,
Brownfield,	Holstrom,	Pearson,	Valibus,
Burrows,	Hontz,	Perry,	VanAllsburg,
Cadwalader,	Horting,	Pershing,	VanSickle,
Caesar,	Huntley,	Piole,	Vogt,
Caputo,	Imbrie,	Powers,	Wagner,
Chervenak,	Jirolanio,	Preston,	Wall,
Coakley,	Keenan,	Readinger,	Walsh,
Cohen, H. B.,	Kelso,	Reese,	Wampole,
Cohen, R. E.,	Kilroy,	Reising,	Watkins,
Coleman,	Kline,	Richter,	Webster,
Coolahan,	Kroll,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
Decker,	Long,	Rush,	Welsh,
DeNote,	Longaker,	Sarraf,	Westrick,
Dickinson,	Lopresti,	Scanlon,	Whalen,
Donohoe,	Lovett,	Schor,	Whitenight
Dougherty,	Lyons,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,

Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Siegel,	Zappala,
Flanagan,	McFall,	Simon,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1449, entitled:

An Act providing for the creation incorporation organization and government of County Public Utility Administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such Administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by The Public Service Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such Administrations imposing certain duties and functions in connection with such Administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes.

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. McGEE. Mr. Speaker, I would like to ask the sponsor to explain this bill.

Mr. McARDLE. Mr. Speaker, This bill allows the people of Allegheny county to vote whether or not they want to create an administration whereby they will take over and control the public utilities.

On the question, recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flannery,	McGee,	Simpson,
Alexander,	Flinchbaugh,	McKinney,	Skale,
Allen,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Merrell,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Keefe,	Thomas,
Boyer,	Hess,	Ominsky,	Thompson,
Bradley,	Hetrick,	O'Neill,	Toole,
Brancato,	Hindman,	Ostroff,	Tronzo,
Brigerman,	Hirsch,	Patterson, C. S.,	Trout,
Broad,	Holland,	Patterson, J. W.,	Tumelty,
Brown,	Holmes,	Peale,	Turner,
Brownfield,	Holstrom,	Pearson,	Valibus,
Burns,	Hontz,	Perry,	VanAllsburg,
Cadwalader,	Horting,	Pershing,	VanSickle,
Caesar,	Huntley,	Piole,	Vogt,
Caputo,	Imbrie,	Powers,	Wagner,
Chervenak,	Jirolanio,	Preston,	Wall,
Coakley,	Keenan,	Readinger,	Walsh,
Cohen, H. B.,	Kelso,	Reese,	Wampole,
Cohen, R. E.,	Kilroy,	Reising,	Watkins,
Coleman,	Kline,	Richter,	Webster,
Coolahan,	Kroll,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
Decker,	Long,	Rush,	Welsh,
DeNote,	Longaker,	Sarraf,	Westrick,
Dickinson,	Lopresti,	Scanlon,	Whalen,
Donohoe,	Lovett,	Schor,	Whitenight,
Dougherty,	Lyons,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Siegel,	Zappala,
Flanagan,	McFall,	Simon,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1766, entitled:

An Act to amend sections one thousand four hundred and forty-one and one thousand seven hundred and sixteen as added of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further defining cost of tution

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200.

Achterman,	Flinchbaugh,	McKinney,	Simpson,
Alexander,	Ganser,	McShane,	Skale,
Allen,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Keefe,	Thomas,
Boyer,	Hetrick,	Ominsky,	Thompson,
Bradley,	Hindman,	O'Neill,	Toole,
Brancato,	Hirsch,	Ostroff,	Tronzo,
Brigerman,	Holland,	Patterson, C. S.,	Trout,
Broad,	Holmes,	Patterson, J. W.,	Tumelty,
Brown,	Holstrom,	Peale,	Turner,
Brownfield,	Hontz,	Pearson,	Valibus,

Burrows,	Horting,	Perry,	VanAllsburg,
Cadwalader,	Huntley,	Pershing,	VanSickle,
Caesar,	Imbrie,	Piole,	Vogt,
Caputo,	Jirolanio,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	Leisey,	Robinson,	Weidemann,
Corrigan,	Levy,	Rothenberger,	Weiss, D. H.,
Costanzo,	Lewis,	Royer,	Weiss, S. A.,
Davies,	Long,	Ruffennach,	Welliver,
Decker,	Longaker,	Rush,	Welsh,
DeNote,	Lopresti,	Sarraf,	Westrick,
Dickinson,	Lovett,	Scanlon,	Whalen,
Donohoe,	Lyons,	Schor,	Whitenight,
Dougherty,	Marino,	Schrock,	Wilson,
Downey,	Matthews, H. T.,	Schrope,	Winner,
Dubbs,	Matthews, J. F.,	Schumacher,	Wood,
Dyson,	McArdle,	Serrill,	Woodside,
Eckels,	McCullough,	Shaw,	Wright,
Falkenstein,	McDermott,	Shea,	Yanoshat,
Finnerty,	McDevitt,	Shepard,	Yeakel,
Fiss,	McElroy,	Shoemaker,	Yourishin,
Fitch,	McFall,	Siegel,	Zappala,
Flanagan,	McGee,	Simon,	Furman,
Flannery,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

APPOINTMENT OF COMMITTEE

The SPEAKER. Pursuant to the provisions of Resolution No. 27, Serial No. 490, the Chair appoints the following members as this committee: Messrs. Harkins, Brown, Holland, Sarraf and Tronzo.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 554, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private banks defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fidiciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deed and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred four section five hundred twelve section five hundred eighteen section five hundred nineteen section seven hundred two section one thousand twenty-one section one thousand five hundred three and section one thousand five hundred four of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows and that section two section three hundred six section four hundred eleven section four hundred twelve and section seven hundred one of that act as last amended by the act approved the twenty-fourth day of April one thousand nine hundred thirty-five (Pamphlet Laws fifty-six) and that section one thousand twelve section one thousand two hundred eight and section one thousand two hundred nine of that act as last amended by the act approved the eleventh day of June one thousand nine hundred thirty-five (Pamphlet Laws three hundred six) and that section two hundred three section five hundred two and section nine hundred eight of that act as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-five (Pamphlet Laws three hundred sixty-nine) and that section one thousand seven and section one thousand nine of that act as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-five (Pamphlet Laws three hundred eighty-two) and that section one thousand three hundred two of that act as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred two) and that section two hundred four section eight hundred six section eight hundred eight section one thousand four hundred four and section one thousand four hundred six of that act as last amended by the act approved the second day of July one thousand nine hundred thirty-five (Pamphlet Laws five hundred seven) are hereby further amended to read as follows

Section 2 Definitions A The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Affiliated corporation or person" means such an [affiliate] affiliated corporation or person or a holding company affiliate as is defined [,] by the Department of Banking Code of May 15 1933 (Pamphlet Laws five hundred sixty-five) its amendments and supplements or by any Federal law or any regulation issued by any Federal authority pursuant to law to be a corporation or person affiliated with a national banking association or a member of a Federal Reserve Bank [or as a holding company affiliate]

"Articles" includes the original articles of incorporation any or all amendments thereto articles of merger consolidation or conversion and also what have heretofore been designated by law as certificates of incorporation or charters

"Assets" includes all the property and rights of every kind of an institution as herein defined

"Attorney" includes any attorney at law who receives

a general retainer as solicitor or as counsel for an institution

"Authorized capital" means the sum of the par value of the shares authorized to be issued in the articles of incorporation or in any amendment thereto

"Bank" includes any bank which does not have the power to act as trustee guardian executor administrator or in other fiduciary capacities whether incorporated under this act [or] under the act approved the thirteenth day of May one thousand eight hundred and seventy-six (Pamphlet Laws one hundred sixty-one) entitled "An act for the incorporation and regulation of banks of discount and deposit" its amendments and supplements or under any special act of the General Assembly of this Commonwealth [.] ; or any bank and trust company which renounces or has renounced its power to act as trustee guardian executor administrator or in other fiduciary capacities

"Bank and Trust Company" includes any bank and trust company incorporated under this act or any bank incorporated under the act approved the thirteenth day of May one thousand eight hundred and seventy-six (Pamphlet Laws one hundred sixty-one) entitled "An act for the incorporation and regulation of banks of discount and deposit" its amendments and supplements which has acquired the power to act as fiduciary under the act approved the seventeenth day of July one thousand nine hundred and nineteen (Pamphlet Laws one thousand thirty-two) entitled "An act authorizing banking companies incorporated and organized under the laws of the Commonwealth and having capital stock at least equal to the capital stock which trust companies are required by law to have to act in any fiduciary capacity in which trust companies organized under the laws of the Commonwealth are empowered to act and prescribing the method of acquiring such rights" or any corporation organized "for insurance of owners of real estate mortgagees and others interested in real estate from loss by reason of defective titles liens and encumbrances" under the act approved the twentyninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws seventy-three) its amendments and supplements and which has acquired the power to engage in the business of banking and to act as fiduciary under the supplement to that act approved the ninth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws one hundred fifty-nine) or a corporation organized under any special act of the General Assembly of this Commonwealth which has the power to engage in a banking business and to act as fiduciary

"Banking" means discounting and negotiating promissory notes drafts bills of exchange and other evidences of debt receiving money and commercial paper on deposit or for transmission lending money on real or personal security buying and selling gold and silver bullion foreign exchange coin or bills of exchange

"Branch" includes any branch office agency sub-office sub-agency or place of business other than the principal place of business of an institution for the transaction of any portion of its banking or trust business

"Capital" means the sum of the par value of the preferred and common shares issued and outstanding

"Corporation" means a corporation or a joint stock association organized under the laws of this Commonwealth of the United States or of any other state territory foreign country or dependency

"Department" means the Department of Banking of this Commonwealth

"Director" includes any individual who is a member of a board of directors board of managers or board of trustees of a bank bank and trust trust company or trust company

"Incorporator" means a signer of the original articles of incorporation

"Incorporated Institution" includes any bank bank and trust company savings bank or trust company

"Institution" includes any bank bank and trust company savings bank trust company or private bank

"Net worth" means the total of all the assets of every kind employed in the business of a private bank less the total of all the liabilities of every kind of such business

"Person" means an individual or an unincorporated association including a partnership a limited partnership or any other form of unincorporated enterprise owned by two or more individuals

"Private Bank" means a banking business other than those specifically exempted by this act owned and operated in this Commonwealth by an individual a partnership or any other unincorporated association but this shall not include clubs and hotels which receive money from members and guests for temporary safekeeping express steamship or telegraph companies which receive money for transmission attorneys at law real estate agents fiscal agents and attorneys in fact who are not engaged in the business of receiving moneys in this Commonwealth or for transmission but receive and transmit moneys only as an incident to their general business or profession and brokers licensed under the laws of this Commonwealth holding membership in a lawfully constituted brokerage exchange who do and have authority to do only such banking as is incidental to their brokerage business

"Private Banker" means an individual who by himself or as a member of a partnership or other unincorporated association owns or operates a private bank

"Recognized Stock Exchange" means the stock exchange of any city having a population of more than five hundred thousand according to the latest official census

"Savings Bank" includes any savings bank incorporated under this act or under the act approved the twentieth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws two hundred forty-six) entitled "An act to provide for the incorporation and regulation of savings banks and institutions without capital stock established for the encouragement of saving money" or under any special act of the General Assembly of this Commonwealth

"Shares" means the units into which the shareholders' right to participate in the control of an incorporated institution in its undivided profits or in the distribution of its assets are divided

"Shareholder" means a registered owner of shares in an incorporated institution

"Share Certificate" means a written instrument signed by the proper corporate officers as required by this act and evidencing the fact that the corporation or person therein named is the registered owner of the shares therein described it also includes the term "certificate of stock" as used in existing laws

"Trust Company" includes any trust company incorporated under this act or any corporation organized for insurance of owners of real estate mortgagees and others interested in real estate from loss by reason of defective titles liens and encumbrances under the act approved the twenty-fourth day of April one thousand eight hundred and seventy-four (Pamphlet Laws seventy-three) its amendments and supplements and which has acquired the power to engage in the business of banking and acting as fiduciary under the supplement to the act approved the ninth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws one hundred fifty-nine) which renounces or has renounced the power to transact a banking business or any other bank and trust company which renounces or has renounced its power to transact a banking business or a corporation organized under any special act of the General Assembly of this Commonwealth which has the power to engage in the banking business and act as a fiduciary but which renounces or has renounced its power to transact a banking business

"Trustee" includes any individual who is a member of the board of managers or board of trustees of a savings bank

"Written" includes printed typewritten engraved lithographed photographed photostated or telephotographed

B The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 203 Place of Business Change of Place of

Business A Except as herein otherwise provided an institution shall not transact any banking or trust business except in the case of an incorporated institution at the place or places designated in its articles and in the case of a private bank at the place or places the address or addresses of which are filed with the Department of Banking

B [An incorporated institution may change its place of business within the limitations imposed by this act in the regular manner provided by this act for an amendment to its articles Any private bank may like-wise remove its place of business within the limitations of this act if it shall first obtain the written approval of the department Such removal by an institution shall not in case be to a place where such institution would not be entitled under the provisions of this act to establish a branch at the time it applies for authority to make such change and shall not violate the provisions of this act relating to the establishment of branches agencies sub-offices or sub-agencies] An institution may in the case of an incorporated institution in the regular manner provided by this act for an amendment to its articles and in the case of a private bank with the prior written approval of the department change its principal place of business (1) within the city borough or township in which its principal place of business is located or (2) to any city borough or township either within the county of its principal place of business or in a county contiguous to the county of its principal place of business subject however to the same limitations and requirements as are by this act prescribed in the case of the establishment of a branch in such city borough or township

Any change of the principal place of business of an institution shall automatically terminate its right to maintain and operate any branch located or authorized by the articles of incorporation or otherwise to be located in a county which is not contiguous to the county in which the principal place of business is to be located

Except in the case of any change of the principal place of business within the same city borough or township an institution shall not change its principal place of business unless in the case of a bank bank and trust company or trust company its unimpaired capital is at least equal to the minimum capital required by this act for the incorporation of a bank bank and trust company or trust company as the case may be in the proposed city borough or township and in case branches are maintained and operated or are authorized by its articles of incorporation or otherwise to be maintained and operated unless it has such additional amounts of capital and surplus as are required by this act for the establishment of branches and in the case of a savings bank unless its surplus equals a minimum amount aproved by the department and in the case of a private bank unless its net worth equals a minimum amount approved by the department

Any institution may change the place of business of any of its branches subject to the same requirements and limitations as are by this act prescribed in the case of the establishment of branches

C A private bank which upon the effective date of this act lawfully maintains one or more offices or places of business in any other state or foreign country may continue to maintain and operate any such offices or places of business and do and perform all such acts and make all such loans discounts and investments at such offices or places of business as are permitted or required under the laws of such other state or foreign country subject to such restrictions or limitations as may be imposed by the laws of such other state or foreign country

D However an institution may with the prior written approval of and for the period fixed by the department change its place of business to permit of the alteration or improvement of the premises at the time occupied by it

Section 204 Branch Offices and Sub-Agencies A An institution shall not establish maintain or operate either directly or indirectly any branch [bank branch office agency sub-office sub-agency or branch place of business] within this Commonwealth for the transaction of any part of its business but all of the business of such institution shall be carried on solely and exclusively at its principal place of business except as may be permitted by this act

B Any institution may continue to maintain and operate any branch [bank branch office agency sub-office sub-agency or branch place of business] lawfully established by such institution

C Any institution may in the case of an incorporated institution in the manner provided by this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act and in the case of a private bank with the prior written approval of the department establish a branch [bank branch office agency sub-office sub-agency or branch place of business] at any place within this Commonwealth where at the time such institution proposes to establish such branch [bank branch office agency sub-office sub-agency or branch place of business] any national banking association having its principal office in the same county as that in which the principal office of the institution proposing to take such action is located would have the power under the laws of the United States now or hereafter enacted to establish a branch [bank branch office agency sub-office sub-agency or branch place of business] of such national banking association

D Any institution may in the case of an incorporated institution in the manner provided in this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act and in the case of a private bank with the prior written approval of the department (1) establish a branch [bank branch office agency sub-office sub-agency or branch place of business] within the corporate limits of the city of the first class or the second class in which the principal place of business of the institution is located or within the corporate limits of the city or borough in which the principal place of business is located and in which the institution was authorized by law to establish a branch [bank branch office agency sub-office sub-agency or branch place of business] on the first day of January one thousand nine hundred and thirty-five and may (2) establish a branch [bank branch office agency sub-office sub-agency or branch place of business] in any place within the county in which its principal place of business is located or in any place within any county contiguous to the county in which its principal place of business is located if the city borough or other community in which such branch [bank branch office agency sub-office sub-agency or branch place of business] is to be established is without adequate banking facilities or in the case of a merger or consolidation is without adequate banking facilities other than an incorporated institution or national banking association which is a party to the plan of merger or consolidation in accordance with the provisions of this act

Provided that an institution shall not have the power to establish a branch [bank branch office agency sub-office sub-agency or branch place of business] in any county other than the county in which its principal place of business is located if a branch [bank branch office agency sub-office sub-agency or branch place of business] is at the same time established or maintained or is authorized by the articles of incorporation or otherwise to be established or maintained in any county other than the county in which its principal place of business is located by

(1) Another institution or national banking association with which such institution is affiliated or

(2) An institution or national banking association with which such other institution or national banking association is affiliated or

(3) An institution or national banking association which is affiliated with any corporation or person with which such other institution or national banking association is affiliated or

(4) An institution or national banking association which is affiliated with any corporation or person with which such institution is affiliated [, nor shall an]

E An institution shall not have the power to establish any branch [bank branch office sub-office sub-agency or branch place of business ,] unless in the case of a bank

a bank and trust company or a trust company its unimpaired capital and unimpaired surplus respectively are equal to an amount not less than the aggregate capital and surplus respectively required by the act for the incorporation of such number of similar institutions as is equal to the total number of its places of business including such branch [bank branch office agency sub-office sub-agency or branch place of business, excepting that if any place of business included in such total number is located or is to be located in a borough or township the population of which does not exceed five thousand not more than fifty per centum of the capital and surplus respectively required by this act need be included for such particular place of business in the aggregate capital and surplus respectively required by this section and in the case of a savings bank unless its surplus and expense fund equal a minimum amount approved by the department and in the case of a private bank unless its net worth equals a minimum amount approved by the department

F Articles of incorporation of amendment of merger or of consolidation as the case may be the effect of which is to establish a branch shall be subject to all of the requirements prescribed by this act for articles of the same kind generally except that

(1) If the proposed branch is to be established in a county contiguous to the county of principal place of business

(a) written notice of the intention to file such articles with the Department of State shall be given at least ten days prior to the day on which the articles are to be presented to the Department of State to every institution which has its principal place of business in the county in which the proposed branch is to be located such notice shall contain all of the statements which are required by this act to be set forth in the advertisement of intention to file articles of the particular kind with the Department of State

(b) the advertisement of intention to file such articles with the Department of State shall appear at least ten days prior to the day on which the articles are to be presented to the Department of State and shall also be inserted one time in a newspaper of general circulation in the county in which the proposed branch is to be located and which is published in the city borough or township in which the proposed branch is to be located and one time in a legal newspaper published in the county in which the proposed branch is to be located and

(c) the advertisement shall set forth a statement that written notice of the intention to file articles with the Department of State has been given to every institution which has its principal place of business in the county in which the proposed branch is to be located

(2) In the case of articles of incorporation of amendment of merger or of consolidation as the case may be the effect of which is to establish a branch except such articles the effect of which is to establish a branch in any city of the first class or of the second class in which the principal place of business of the incorporated institution is or is to be located or in the city or borough in which the principal place of business of the incorporated institution is or is to be located and in which branches were authorized by law to be established on the first day of January one thousand nine hundred and thirty-five the Department of Banking shall within sixty days after the receipt of the articles from the Department of State upon the basis of the facts disclosed by the investigation or hearing provided for by this act either approved or disapprove such articles The Department of Banking may in its sole discretion disapprove articles the effect of which is to establish a branch in a county contiguous to the county in which the principal place of business of the incorporated institution is or is to be located if it shall appear as a result of the investigation or hearing provided for by this act that an incorporated institution having its principal place of business in the county in which the proposed branch is to be located has in good faith notified the Department of Banking of its intention to establish a branch in accordance with the provisions of this act in the same city borough or township in which such proposed branch is to be located

If the Department of Banking shall approve such articles it shall forward them to the Banking Board for review The Banking Board shall after such investigation or hearing as it may deem advisable either approve or disapprove the action of the Department of Banking and shall return the articles to the Department of Banking with notice of its decision and in the case of disapproval with a statement in detail of its reasons for doing so The decision of the Banking Board shall be binding upon the Department of Banking

Immediately upon receipt of the articles from the Banking Board the Department of Banking shall on the basis of the decision of the Banking Board either approve or disapprove them in the same manner as is provided for by this act in the case of articles of the same kind generally

Any application filed with the Department of Banking by a private bank for approval of the establishment of a branch shall be subject to the same requirements as are by this act prescribed for the advertisement notice and approval or disapproval by the Department of Banking or by the Banking Board of articles the effect of which is to establish a branch except that such application need not be filed with or approved by the Department of State

[E] G An institution national banking association corporation or person shall be deemed to be affiliated with an institution national banking association corporation or person for the purpose of this section if

(1) It is owned directly or indirectly by such institution national banking association corporation or person or

(2) It owns directly or indirectly such institution national banking association corporation or person or

(3) It is owned directly or indirectly by the same institution national banking association corporation or person which owns directly or indirectly such institution national banking association corporation or person or

(4) The election of a majority of its board of directors is controlled directly or indirectly by any instrumentality agency or arrangement that controls directly or indirectly the election of a majority of the board of directors or trustees of such institution national banking association or corporation or

(5) A majority of its directors or trustees or a majority of the members of the executive cimmittee of its board of directors or trustees are also directors or trustees of such institution national banking association or corporation or

(6) Members of its board of directors or trustees constitute a majority of the board of directors or trustees or a majority of the executive committee of the board of directors or trustees of such institution national banking association or corporation or

(7) Substantially all of its principal executive officers constitute a majority of the board of directors or trustees of any such institution national banking association or corporation or comprises or constitutes all of the executive officers of any such institution national banking association or corporation or

(8) Its board of directors or trustees is composed of executive officers of any such institution national banking association or corporation or

(9) It dominates or controls in whole or in part the business or policy of such institution national banking association corporation or person either by contract or otherwise or

(10) Its business or policy is dominated or controlled in whole or in part either by contract or otherwise by such institution national banking association corporation or person

Provided that the ownership of more than fifty per centum of the total number of shares voted upon at the last meeting of the shareholders of an institution national banking association or corporation for the election of its directors or trustees shall be deemed to be ownership of such institution national banking association or corporation and that shares of stock held in the name of a nominee of any institution national banking association or corporation for the benefit of such institution national banking association or corporation shall be deemed to be shares owned or controlled by the institution national banking association or corporation

Section 304 Advertisement of Articles [The] Except as otherwise provided in this act the incorporators shall advertise their intention to file articles with the Department of State one time in a newspaper of general circulation and one time in a legal newspaper Advertisement shall appear at least three days prior to the day the articles are to be filed with the Department of State and shall set forth briefly

(1) The name of the proposed incorporated institution

(2) A statement that the proposed incorporated institution is to be organized under the provisions of this act

(3) The purpose or purposes of the proposed incorporated institution and

(4) The time when the articles will be filed with the Department of State

Section 306 Approval of Articles by Department of Banking A The Department of Banking shall immediately upon the receipt of the articles from the Department of State conduct such investigation as it may deem necessary to ascertain from the best sources of information at its command

(1) Whether the name of the proposed incorporated institution is likely to mislead the public as to its character or purpose

(2) Whether the convenience and advantage of the public will be served by the proposed incorporation and whether the density of the population in the neighborhood designated for the place of business of such proposed incorporated institution and in the surrounding country affords reasonable promise of adequate support for the enterprise

(3) Whether the responsibility character and general fitness for the business of the incorporators directors and officers named in the articles are such as to command the confidence of the community and to warrant the belief that the business of the proposed incorporated institution will be honestly and efficiently conducted in accordance with the intent and purpose of this act

(4) Whether any fee commission or compensation has been paid to any corporation or person for the promotion or organization of such incorporated institution or whether any part of the money collected or to be collected from subscribers or shareholders has been or is to be applied to the payment of promoters' fees for obtaining subscriptions or selling shares or for services in starting such incorporated institution whether such fee commission or compensation is provided for by contract with the proposed incorporated institution or by contract with the subscribers to the shares

(5) Whether the amount of the authorized common capital in relation to the amount of the authorized preferred capital is adequate to the needs of the bank bank and trust company or trust company and to the convenience and safety of the public

B [Within] Except as otherwise provided in this act within thirty days after the receipt of the articles from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove the articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles it shall endorse its approval thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the proposed incorporators of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking shall be conclusive and not subject to any review

Section 411 Increase of Authorized Capital A A bank a bank and trust company or a trust company may amend its articles to increase its authorized capital in the same manner and with the same approval as is required by this act for any amendment to the articles of a bank a bank and trust company or a trust company except that written nctice of a proposed amendment for increasing the authorized capital of the institution shall be given to each shareholder entitled to vote thereon at least sixty days prior to such meeting and except that a proposed amendment for increasing the authorized capital of the institution shall titled to vote at such meeting and by the holders of at be adopted by the holders of at least a majority in amount of the aggregate par value of the outstanding shares enleast a majority in numbers of the outstanding shares entitled to vote at such meeting

Such increase of authorized capital shall however become invalid and inoperative unless the actual increase of capital which is authorized shall be made within one year from the date of the issuance of the certificate of amendment If any portion of such authorized capital shall be created and issued within such one-year period only such portion as remains unissued within such period shall become invalid and inoperative In the case of a bank a bank and trust company or a trust company which upon the effective date of this act has an authorized capital which exceeds the par value of its outstanding shares such one-year period shall date from the effective date of this act Such actual increase may be made from time to time within such period of one year but no such increase shall be made until the shares shall be paid for in full pursuant to the provisions of this act as to the creation or issuance of any share Such increase may however be made by the declaration of a share divided in accordance with the provisions of this act concerning such share dividends

However a bank a bank and trust company or a trust company may issue common shares to provide for the concurrent retirement of shares of any class other than common shares The issuance of such common shares shall be subject to all of the requirements for and limitations upon the issuance of common shares prescribed by this act except that if such issuance of common shares shall not effect an increase or decrease of capital no meeting of the shareholders nor their vote need be required The bank the bank and trust company or the trust company shall upon effecting such issuance of common shares and the retirement of shares of another class file articles of amendment in the manner provided in this act except that such articles need not state that advertisement has been made or notice given or action taken by the shareholders

B Except as otherwise specifically provided in this act a common share shall not be issued pursuant to such increase for a consideration of less than the par value of such share plus fifty per centum thereof unless a share can be issued for a consideration less than such amount without reducing the surplus of the bank the bank and trust company or the trust company below one hundred per centum of the capital as increased but in no case shall such share be created or issued for a consideration which is less than the par value thereof

C The bank the bank and trust company or the trust company may withhold any cash or share dividend due on a share certificate which has not been exchanged within six months after the date upon which the shares were issued pursuant to such increase but upon the shareholder's thereafter exchanging such certificate the bank the bank and trust company or the trust company shall pay to him any dividends which were thus withheld

Section 412 Decrease of Authorized Capital A A bank a bank and trust company or a trust company may amend its articles to decrease its authorized capital either by reducing the number of its shares of any class or classes or by reducing the par value of the shares of any class or classes provided however every share shall have the same par value as every other share of the same class or by both such methods in the same manner and with the same approval as is required by this act for any amendment to the articles of a bank a bank and trust company or a trust company but the capital of a bank a bank and trust company or a trust company shall not be decreased to an amount below the minimum prescribed by this act for the incorporation at the time of such decrease of such bank bank and trust company or trust company [.] as the case may be in the particular city borough or township plus such amount of capital if the bank the bank and trust company or the trust company maintains and operates a branch or is authorized by the articles or otherwise to maintain and operate a

branch as is required by this act for the establishment of branches

B The responsibility for the contracts debts or engagements of the bank bank and trust company or trust company to which its common shareholders are subject upon the date when the certificate of amendment is issued shall continue for one year thereafter

C Any capital gains resulting from such decrease of the authorized capital of a bank a bank and trust company or a trust company shal forthwith be transferred to the surplus of such bank bank and trust company or trust company or it may with the approval of the department be returned to the shareholders in the form of a cash dividend provided that the surplus of the institution after the payment of such cash dividend equals at least one hundred per centum of the resulting capital Nothing in this paragraph shall be construed to prohibit a bank a bank and trust company or a trust company from effecting a decrease in its authorized capital by the retirement of shares of any class other than common shares with the approval of the department even though the surplus of the institution after the retirement of such shares does not equal at least one hundred per centum of the resulting capital

D Upon effecting a decrease in its authorized capital a bank a bank and trust company or a trust company shall issue to its shareholders new share certificates setting forth any changes in the par value of each share issued in exchange for the outstanding shares of such shareholders which shall then be cancelled However in the case of any decrease in its authorized capital by the retirement of shares of any class other than common shares pursuant to the provisions of its articles of incorporation a bank a bank and trust company or a trust company shall not be required to effect the exchange of share certificates until the last of the shares of such class shall have been retired The bank the bank and trust company or the trust company may withhold any cash or share dividend due on a share certificate which has not been exchanged within six months after the date upon which the certificate of amendment authorizing the decrease in authorized capital was issued but upon the shareholder's thereafter exchanging such certificate the bank the bank and trust company or the trust company shall pay to him any dividends which were thus withheld

E Upon effecting a decrease in its authorized capital by the retirement of shares of any class other than common shares without a vote of its shareholders pursuant to the provisions of its articles of incorporation a bank a bank and trust company or a trust company shall at the time of such decrease file articles of amendment in the manner provided by this act except that such articles need not state that advertisement has been made or notice given or action taken by the shareholders Such articles which set forth the final retirement of shares of the particular class may also include an amendment for the striking out of such designations preferences qualifications privileges limitations options conversion rights and other special rights including such control over management as applied to such class of shares

Section 502 Term of Office and Qualification of Directors and Trustees A The business and affairs of every incorporated institution shal be managed in the case of a bank a bank and trust company or a trust company by a board of not less than five nor more than twenty-five directors and in the case of a savings bank by a board of at least fifteen trustees Except as otherwise provided by this act or by the articles or by-laws of the incorporated institution such board of directors or board of trustees shall exercise all the powers and fulfill all the duties granted to or imposed upon the incorporated institution by this act

B Each director shall hold office for the term for which he is elected and until his successor shall have been duly elected and qualified The names and terms of office of the first directors shall be stated in the article Except as otherwise provided in this act for the filling of vacancies directors other than those constituting the first board of directors shall be elected by the shareholders

C Except as otherwise specifically provided in any special act of the General Assembly creating a savings bank or in any amendment or supplement thereto each trustee shall hold office until he resigns or becomes disqualified The names of the first trustees shall be stated in the articles

D Every director or trustee shall during his term of office be a citizen of the United States and at least two-thirds of the directors or trustees shall during their terms of service be bona fide residents in this Commonwealth

E Every director shall own in his own right and free of any lien or encumbrance common shares of the bank the bank and trust company or the trust company to the aggregate par value of at least three hundred dollars but the number or par value of the common shares required to be owned by any person who is a director of a bank a bank and trust company or a trust company upon the effective date of this act shall not be greater than was required prior to the effective date of this act so long as such director shall serve continuously The share certificates for the minimum number or par value of common shares which each director must own shall be filed unendorsed unpledged and unassigned by him with the cashier or treasurer of the bank the bank and trust company or the trust company Such shares shall remain in the custody of the cashier or treasurer during the term of service of such director

Any director who during his term of service pledges assigns or in any other manner ceases to be the owner in his own right of the shares required by this section shall forthwith cease to be a director of the bank the bank and trust company or the trust company and his office shall be vacant He shall not be eligible for reelection as a director of such bank such bank and trust company or such trust company for the remainder of the term for which he was elected and for a further period of one year from the expiration of his term Any vacancy thus occurring shall be filled in the regular manner for filling vacancies in the board

F The following shall not be eligible to be directors or trustees in any incorporated institution

(1) A judge of any court of record in this Commonwealth but this provision shall not operate to disqualify any judge who shall be a director or trustee of an institution upon the effective date of this act as long as such judge continuously remains a director or trustee of such institution

(2) Any person holding office under this Commonwealth in the Department of Banking the Treasury Department the Auditor General's Department or the Department of Revenue

[(3) Any person authorized to receive and account for the public moneys of this Commonwealth]

G A trustee of a savings bank shall not at the same time be a trustee officer or employe of any other savings bank

Section 512 Eligibility for Cashier or Treasurer Restrictions upon Office A The following persons shall not be eligible to be cashiers or treasurers of any institution

(1) A judge of any court of record in this Commonwealth

(2) Any person holding office under this Commonwealth in the Department of Banking the Treasury Department the Auditor General's Department or the Department of Revenue

(3) [Any person authorized to receive and account for the public moneys of this Commonwealth

(4)] The treasurer of any county city township borough or other political subdivision of this Commonwealth This provision shall not apply in any case where the funds of the particular county city township borough or other political subdivision of this Commonwealth are not on deposit with the institution of which such treasurer of any county city township borough or other political subdivision is treasurer or cashier

B A cashier or treasurer of an institution shall not engage in any other gainful profession business occupation or calling either directly or indirectly but this shall

not be construed to affect the right to be at the same time a member of the board of directors or the board of trustees of the incorporated institution in which he is cashier or treasurer

Section 518 Preferential Rate of Interest to Directors Trustees Officers Attorneys or Employes An institution shall not pay to any of its officers attorney or employes or in the case of an incorporated institution any of its directors or trustees nor shall it pay to the officers attorneys or employes of an affiliated institution [or] , an affiliated national banking association or affiliated corporation as defined in this act or in the case of an affiliated incorporated institution [or] , affiliated national banking association or affiliated corporation as defined in this act to any of the directors or trustees thereof a greater rate of interest on the deposits of such director trustee officer attorney or employe than that paid to any other depositor on similar deposits with such institution nor shall a lower rate of interest be charged to any such director trustee officer agent or employe on any loan or discount granted than that charged other borrowers under similar circumstances on the same types of loans or discounts

Section 519 Overdrafts by Directors Trustees Officers Attorneys or Employes A An institution shall not permit any of its officers attorneys employes and in the case of an incorporated institution any of its directors or trustees nor any of the officers attorneys or employes of an affiliated institution [or] , affiliated national banking association or affiliated corporation as defined in this act or in the case of an affiliated incorporated institution [or] , affiliated national banking association or affiliated corporation as defined in this act any of the directors or trustees to overdraw his deposit account

B Any officer attorney or employe of an institution and in the case of an incorporated institution any director or trustee thereof who knowingly overdraws his deposit account with such institution or any officer attorney or employe of an affiliated institution [or] , an affiliated national banking association or affiliated corporation as defined in this act and in the case of an affiliated incorporated institution [or] , affiliated national banking association or affiliated corporation as defined in this act any director or trustee thereof who knowingly overdraws his deposit account with such institution and fails to repay to such institution the amount of such overdraft within ten days shall be guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount to which his account is overdrawn

Section 701 Declaration and Payment of Cash and Share Dividends A Except as otherwise provided in this act and subject to any restrictions contained in the articles of incorporation any bank any bank and trust company or any trust company by its board of directors may declare and pay dividends upon its outstanding shares out of its undivided profits as hereinafter provided from time to time and to such extent as the board of directors may deem advisable A dividend shall not be declared or paid unless at the opening of business upon the day such dividend is declared [the capital the surplus and] the reserve fund required by this act and the capital and surplus of the bank the bank and trust company or the trust company would despite such dividend be unimpaired

B Such dividends may be paid to the shareholders in cash or if such increase of capital has been authorized in the manner provided by this act it may be paid in shares of the bank the bank and trust company or the trust company If the dividend is in the form of shares of the bank the bank and trust company or the trust company it may if properly authorized be paid out of unimpaired surplus provided that such surplus is not thereby reduced to an amount less than one hundred per centum of its capital as increased by virtue of such share dividend

Section 702 Determination of Net Earning Disposition Thereof A The net earnings of a bank a bank and trust company or a trust company shall at the option of the board of directors be determined [as follows] upon either a cash basis or an accrual basis system of bookkeeping

[(1) The gross earnings for any period may include

(a) All earnings actually received during such period less accured interest included in the last previous calculation of earnings

(b) Interest accrued and unpaid upon debts owning to it secured by collateral, upon which no default of more than one year exists and upon bonds or other interest bearing obligations owned by it upon which no interest default exists less unearned discount collected

(c) Any profits actually received during such period from the sale of its securities its other personal property

(d) Sums recovered on items previously charged off

(2) The following items shall be deducted from the gross earnings

(a) Expenses paid or incurred both ordinary and extraordinary in the transaction of its business in the collection of debts owing to it and in the management of its affairs less expenses incurred included in the last previous calculation of earnings

(b) Interest paid or accured and unpaid upon deposits and debts owing by it less interest accured included in the last previous calculation of earnings

(c)] B A bank a bank and trust company or a trust company shall make the following deductions from gross earnings

(1) Losses sustained by it In the computation of such losses [,] there shall be included assets which have been disallowed by the department or by the board of directors of the bank bank and trust company or trust company [shall be included Debts due such bank such bank and trust company or such trust company upon which principal or interest is due and unpaid for six months shall likewise be included in the computation of losses to the extent of the estimated loss thereon unless such debt is adequately secured] but [no] such losses [under this paragraph] shall not be deducted from the gross earnings if [such losses shall be charged against accumulated] appropriate reserves have been set upon the books to provide [for such contingencies] therefor or of such losses be charged against undivided profits

[(d) Deferred assets in proportion to their use and prepaid expenses in proportion to the use of the service represented thereby

(3) The excess of the gross earnings over the deductions required by this section if any shall constitute the net earnings of the bank the bank and trust company or the trust company for such period]

(2) Taxes which are due and unpaid

[B] C Such portion of the net earnings of a bank a bank and trust company or a trust company as is not required by this act to be credited to surplus may be credited to undivided profits

[C] D If the deduction required by this section exceeds the gross earnings for the period the amount of such excess shall be charged against undivided profits

[D] E This section shall not be construed to limit the right of a bank a bank and trust company or a trust company to declare and pay any dividend otherwise permitted by this act out of accumulated undivided profits even if there shall be no net earnings for the current period

Section 806 Advertisement [A] Except as [herein] otherwise provided in this act the incorporated institution shall advertise its intention to file articles of amendment with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of the particular type of incorporated institution Advertisement shall appear at least three days prior to the day upon which the articles of amendment are to be presented to the Department of State [.] and

[B If the effect of the articles of amendment is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located the incorporated institution shall also advertise its intention to file articles of amendment with the Department of State

one time in a newspaper of general circulation in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and which is published in the city borough or township in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and one time in a legal newspaper published in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located Such advertisement shall appear at least ten days prior to the day on which the articles are to be presented to the Department of State The incorporated institution shall also give written notice of its intention to file such articles of amendment with the Department of State to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

C The advertisement and notice] shall set forth briefly

(1) The name and location of the principal place of business of the incorporated institution

(2) A statement that the articles of amendment are to be filed under the provisions of this act

(3) The nature and character of the proposed amendment

(4) [In the case of articles of amendment the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located a statement that written notice of the intention to file articles with the Department of State has been given to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located]

[(5)] The time when the articles of amendment will be filed with the Department of State

Section 808 Approval of Articles of Amendment by Department of Banking A [The] Except as otherwise provided in this act the Department of Banking shall immediately upon the receipt of the articles of amendment from the Department of State conduct such examination as it may deem necessary to ascertain from the best sources of information at its command whether such amendment or amendments will be lawful not injurious to the community and in accordance with the purposes of the articles of incorporation The costs of such examination and any other charges of the Department of Banking bearing upon the filing of articles of amendment shall be assessed upon the incorporated institution in the manner provided by law for assessments by the Department of Banking of costs of examinations or other charges

B [1] Excepting in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city of the first class or the second class in which the principal place of business of the institution is located or the city or borough in which the principal place of business of the incorporated institution is located and in which the institution was authorized by law to establish a branch bank branch office agency sub-office sub-agency or branch place of business on the first day of January one thousand nine hundred and thirty-five within thirty days after the receipt of the articles of amendment from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action

(2) In the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city borough or other community other than the city borough or other community in which the principal place of business of the incorporated institution is located the Department of Banking shall within sixty days after the receipt of the articles from the Department of State upon the basis of the facts disclosed by the investigation or hearing provided for by this section either approve or disapprove such articles The Department of Banking may in its sole discretion disapprove articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located if it shall appear as a result of the investigation required by this section that an incorporated instituton having its principal place of business in the county in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located has in good faith notified the Department of Banking of its intention to establish a branch bank branch office agency sub-office sub-agency or branch place of business in accordance with the provisions of this act in the same place in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

If it shall approve such articles it shall forward them to the Banking Board for review The Banking Board shall after such investigation or hearing as it may deem advisable either approve or disapprove the action of the Department of Banking and shall return the articles to the Department of Banking with notice of its decision and in the case of disapproval with a statement in detail of its reasons for doing so The decision of the Banking Board shall be binding upon the Department of Banking Immediately upon receipt of the articles from the Banking Board the Department of Banking shall on the basis of the decision of the Banking Board either approve or disapprove them in the same manner as is provided by this section in the case of articles generally

If it shall approve the articles of amendment it shall endorse its approval thereon and shall return them to the Department of State]

Within thirty days after the receipt of the articles of amendment from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles of amendment it shall endorse its approval thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of amendment it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the incorporated institution of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking in disapproving any articles of amendment shall be conclusive and not subject to any review

[D The costs of the examination required by this section and any other charges of the Department of Banking bearing upon the filing of articles of amendment shall be assessed upon the incorporated institution in the manner provided by law for assessments by the Department of Banking of costs of examinations or other charges]

Section 908 Reserve Fund against Deposits and Demand Liabilities A Every bank bank and trust company or private bank shall establish and maintain a reserve fund in an amount equal to at least fifteen per centum of the total of its demand deposits and demand liabilities plus seven and one-half per centum of its total time deposits as herein defined

B Except in the case of a savings bank the term "demand deposits" shall be construed to refer to all deposits payment of which can legally be required on demand or within any period less than thirty days after demand

The term "demand liabilities" shall be construed to refer to all obligations of the institution other than deposits payment of which can legally be required on demand

Except in the case of a savings bank the term "time deposits" shall be construed to refer to all deposits payment of which cannot legally be required within thirty days

C Except in the case of a savings bank the total of such reserve fund may and at least one-third of the re-

serve fund against demand deposits and demand liabilities shall unless the department gives its written approval of a lesser amount consist of gold bullion gold coin silver coin United States gold or silver certificates notes or bills issued by any national banking association or Federal reserve bank or any other form of currency of the United States and be kept on hand at the place of business of the institution unpledged unassigned and unhypothecated

One-third of such reserve fund may consist of bonds or other interest-bearing obligations of the United States the Commonwealth of Pennsylvania or any political subdivision thereof Such bonds while being carried in the reserve fund shall be computed at their current market value They shall be the absolute property of the institution and shall not be pledged assigned or hypothecated in any manner whatsoever

Any part of such reserve fund not required to consist of gold bullion gold coin or any form of currency kept on hand at the place of business of the institution may consist of an actual net balance of moneys on deposit subject to call without notice in any reserve agent as hereinbefore defined

D Every savings bank shall establish and maintain a reserve fund in an amount equal to at least seven and one-half per centum of the total of its deposits

E In the case of savings banks the total of such reserve fund may and at least one-third thereof shall consist of gold bullion gold coin silver coin United States gold or silver certificates notes or bills issued by any national banking association or Federal reserve bank or any other form of currency of the United States kept on hand at the place of business of the institution unpledged unassigned and unhypothecated or an actual net balance of moneys on deposit subject to call without notice in any reserve agent as hereinbefore defined

The balance of such reserve fund may consist of bonds or other interest-bearing obligations of the United States the Commonwealth of Pennsylvania or any political subdivision thereof Such bonds while being carried in the reserve fund shall be computed at their current market value They shall be the absolute property of the institution and shall not be pledged assigned or hypothecated in any manner whatsoever

F The reserve fund prescribed by this section may be increased or decreased by the department with the approval of the Banking Board However the reserve fund shall not at any time be required to be more than double the amount prescribed by this section nor shall it be decreased to less than the amount prescribed by this section

In the case of a savings bank the additional reserve fund provided for by this paragraph may consist of bonds or other interest-bearing obligations of the United States or of the Commonwealth of Pennsylvania

Section 1007 Loans to Directors Officers or Employes of a Bank [or] , Bank and Trust Company or a Trust Company Penalty A Loans to a director of a bank a bank and trust company or a trust company shall be subject to the same limitations as are by this act prescribed in the case of loans by a bank or a bank and trust company to corporations and persons generally and to the additional limitations prescribed by this section Any director however who is at the same time a salaried officer or employe of the bank the bank and trust company or the trust company or of an affiliated bank bank and trust company or trust company or an affiliated national banking association as defined in this act shall be subject to the additional limitations of this section in respect to loans to salaried officers or employes

B A bank [or], a bank and trust company or a trust company shall not unless such loan shall be secured by collateral having an ascertained market value of at least twenty per centum more than the amount of the loan so secured grant to any director officer or employe thereof any loan or line of credit without (1) the prior affirmative vote or the prior written assent filed in the place of business of the institution of a majority of all the directors of [a] the bank [or], bank and trust company or trust company granting the loan except that if it is a director who is directly or indirectly interested in obtaining the loan he shall not have a vote or (2) the prior vote of a majority of the executive committee of the board of directors subsequently ratified by an affirmative vote of a majority of the members of the board of directors present at the meeting at which such action of the executive committee shall be ratified

[B] C A bank [or], a bank and trust company or a trust company shall not grant a loan in excess of one thousand dollars to a salaried officer or employe thereof or to a salaried officer or employe of an affiliated bank bank and trust company or trust company or an affiliated national banking association as defined in this act unless the amount of the loan in excess of one thousand dollars be secured by readily marketable collateral the market value of which shall at no time be less than one hundred and twenty per centum of the amount of the loan in excess of one thousand dollars The aggregate amount of loans to any such salaried officer or employe including therein any extension of credit by means of letters of credit or by acceptance of drafts for or the discount or purchase of notes bills of exchange or other obligations of such salaried officer or employe shall not exceed ten per centum of the unimpaired capital plus ten per centum of the unimpaired surplus of such bank bank and trust company or trust company [This section shall not apply to loans to any such salaried officer or employe] The limitations of thus subsection relating to collateral and the amount thereof shall not be construed to prevent any such salaried officer or employe from obtaining a loan upon the security of a mortgage upon the home of such salaried officer or employe

[C] D Any director officer or employe of a bank [or], a bank and trust company or a trust company who on behalf of such bank [or], bank and trust company or trust company knowingly grants a loan in violation of this section and any director officer or employe of such bank bank and trust company trust company or national banking association who wilfully accepts such a loan with knowledge that it was granted in violation of this section shall be guilty of a misdeameanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount of the loan he shall furthermore be forever disqualified from acting as a director officer or employe of any institution in this Commonwealth

Section 1009 Limitation upon Investing in Shares A Except as otherwise specifically authorized by this act a bank or a bank and trust company shall not purchase or invest in the shares of capital of any corporation whatsoever

B Any bank or bank and trust company may purchase or invest in the shades of a Federal Reserve Bank a national banking association located within this Commonwealth or any bank bank and trust company or trust company incorporated under the laws of this Commonwealth or of any corporation organized for the purpose of conducting a safe-deposit business

C Any bank and trust company may in exchange or in consideration for such assets and property as comprised its title insurance business take and hold the shares of any corporation organized and existing under the laws of this Commonwealth for the purpose of conducting a title insurance business provided that such shares shall not except with the written approval of the department be entered upon its books at an amount greater than the amount at which the assets and property which comprised its title insurance business were theretofore entered upon its books

D This section shall not be construed to affect the power of a bank or a bank and trust company to take or hold shares of capital of a corporation in accordance with the provisions of this act as security for loans granted by such bank or bank and trust company

Section 1012 Loans on and Investments in Bonds and Mortgages and Judgments of Record A A bank or a bank and trust company shall have the power to lend on the security of or invest in bonds secured by mortgages upon real property but it shall lend upon or invest in only such bonds and mortgages as (1) are first liens on unencumbered improved real property including improved farm land situated within the Commonwealth and (2) do not exceed two-thirds of the actual value of such

real property and (3) become due within ten years after the making of such loan or investment unless amortized in equal annual installments over a period not exceeding fifteen years after the making of such loan or investment Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of such bank or bank and trust company by the borrower or mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the bank or bank and trust company making the investment It shall be lawful for a bank or bank and trust company to renew such policies at the expense of the borrower or mortgagor from year to year or for a longer or a shorter period not however exceeding the term of the obligation in case he shall fail to do so All necessary charges and expenses paid by such bank or bank and trust company for such renewals shall be paid by such borrower or mortgagor In case such borrower or mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of the payment of such charges and expenses constitute a lien upon the property so mortgaged All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor or borrower The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of directors They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the bank or bank and trust company The restrictions imposed by this section shall not apply to bonds secured by mortgages which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions of the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements nor to public utility railroad or industrial bonds or other securities commonly known as investment securities although such bonds may be secured in whole or in part by a mortgage upon real property

B A bank or bank and trust company shall have the power to lend on the security of or invest in judgments of record which are first liens on unencumbered real property situated within the Commonwealth to the amount of fifty per centum of the actual value of such property under the same circumstances and subject to the same conditions as are established by this section in the case of loans on the security of or investments in bonds secured by mortgages upon real property

C The aggregate amount of all loans and investments made by virtue of this section shall not at any time exceed twenty-five per centum of the unimpaired capital and twenty-five per centum of its unimpaired surplus or fifty per centum of the total time deposits of such bank or bank and trust company at the option of the bank or bank and trust company

Section 1021 Prohibition upon Guaranteeing Mortgages A A bank a bank and trust company or a trust company shall not in any manner whatsoever guarantee the payment of the principal or the interest of bonds or other obligations secured by mortgages upon real property [,] nor shall a bank and trust company or a trust company in any manner whatsoever guarantee the payment of the principal or income thereon of any funds held by it in a fiduciary capacity

B This section shall not however be construed to affect contracts and policies guaranteeing the payment of the principal or the interest of bonds or other obligations secured by mortgages upon real property when such contracts and policies have been lawfully executed by a bank a bank and trust company or a trust company and are valid and outstanding upon the effective date of this act or any continuation extension or renewal thereof

Section 1208 Authorized Investments of Savings Banks Not under Special Charter A Except as otherwise specifically provided in this act a savings bank other than a savings bank organized under a special act of the General Assembly shall not make any investments except as follows

(1) Bonds or other interest-bearing obligations of the United States or those for the payment of the principal and interest on which the faith and credit of the United States is pledged including the bonds or other interest-bearing obligations of the District of Columbia

(2) Farm loan bonds issued by Federal land banks operating under the provisions of the Federal Farm Loan Act aproved the seventeenth day of July one thousand nine hundred sixteen its amendments and supplements

(3) Bonds or other interest-bearing obligations of the Commonwealth of Pennsylvania or of any State of the United States or those for the payment of the principal and interest on which the faith and credit of this Commonwealth or of such State is pledged provided that it has not at any time within the ten years immediately preceding the date of the purchase of such bonds or other obligations by the savings bank defaulted in the payment of any part of any principal or interest due by it

(4) Bonds or other interest-bearing obligations of any county city borough township school district or other political subdivision of the Commonwealth of Pennsylvania or of any city borough township school district or other political subdivisions of any State of the United States or those for the payment of the principal and interest on which the faith and credit of such political subdivision is pledged provided that it has not within the ten years immediately preceding the date of the purchase of such bonds or other obligations by the savings bank defaulted in the payment of any part of any principal or interest due by it

(5) Obligations issued assumed or guaranteed as to principal and interest by or equipment bonds of any railroad corporation whether incorporated under the laws of this Commonwealth of any other State or of the Dominion of Canada provided that such railroad corporation has not at any time within the five years immediately preceding the date of the investment in such obligations or bonds by the savings bank failed punctually to pay the matured principal and interest on all of its indebtedness

(6) The bonds of any corporation whether incorporated under the laws of the United States of any other State or of the District of Columbia which transacts the business of supplying electrical energy artificial gas or natural gas purchased from another corporation and supplied in substitution for or in mixture with artificial gas for light heat power and other purposes or which transacts any two or all of such businesses but at least seventy-five per centum of the gross operating revenues of such corporation shall be derived from such business and not more than fifteen per centum of the gross operating revenues shall be derived from any one kind of business other than supplying electricity and gas and such corporation shall be subject to regulation by a public service commission a public utility commission or any other similar regulatory body duly established by the laws of the United States or of any State in which such corporation operates subject to the following conditions

(a) Such corporation shall have all the franchises necessary to operate in territory in which at least seventy-five per centum of its gross income is earned which franchises shall either be indeterminate permits of or agreements with or subject to the jurisdiction of a public service commission or other duly constituted regulatory body or shall extend at least five years beyond the maturity of such bond and such corporation shall file with the department and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(b) The outstanding full-paid capital stock of such corporation shall at the time of such investment be equal to at least two-thirds of the total debt secured by mortgage liens on any part or all of its property but in the case of a corporation having non-par value shares the amount of capital which such shares represent shall be the capital as shown by the books of the corporation

(c) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within such period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay promptly and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining such required period

(d) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its total funded debt applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice the interest charges for a full year on its total funded debt outstanding at the time of such investment and for such period the gross operating revenues of any such corporation shall have averaged per year not less than one million dollars and such corporation shall have for each such year either earned an amount available for dividends or paid an amount in dividends equal to four per centum upon a sum equivalent to two-thirds of its funded debt

(e) In determining the qualifications of any bond under this clause where a corporation shall have acquired its property or any substantial part thereof within the five years immediately preceding the date of such investment by consolidation or by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of the paragraph immediately preceding this one as to net and gross earnings and as to dividends have been complied with

(f) The gross operating revenues and expenses of a corporation for the purpose of this clause shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the public service commission or public utility commission or other similar regulatory body having jurisdiction in the matter The gross operating revenues and expenses as defined above of subsidiary companies may be included provided that all the mortgage bonds and a controlling interest in shares of such subsidiary companies are pledged as part of the security for the mortgage debt of the principal company

The net earnings of any corporation for the purpose of this clause shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses taxes other than Federal and State income taxes rentals and provision for renewals and retirements of the physical assets of the corporation and by adding to such balance its income from securities and miscellaneous sources but not however exceeding fifteen per centum of such balance

(g) Such bonds must be part of an issue of not less than one million dollars and must be mortgage bonds secured by a first or refunding mortgage secured by property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them but such bonds shall be refunded by a junior mortgage providing for their retirement the bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issue of additional bonds which are to be pledged under such junior mortgage The aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum of the value of the physical property owned as shown by the books of the corporation and subject to the lien of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(h) The term funded debt shall be construed to mean all interest-bearing debts maturing more than one year from date of issue

(7) The bonds of any corporation whether incorporated under the laws of the United States of any other State or of the District of Columbia which engages and is authorized to engage in the business of furnishing telephone service in the United States provided that such corporation is subject to regulation by the Interstate Commerce Commission a public service commission a public utility commission or any other similar Federal or State regulatory body duly established by the laws of the United States or by the laws of any State in which such corporation operates subject to the following conditions

(a) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within such period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay promptly and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining the required period and such corporation shall file with the department and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(b) The outstanding full-paid capital stock of such corporation shall at the time of such investment be equal to at least two-thirds of the total debt secured by mortgage liens on any part or all of its property

(c) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its total funded debt applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice the interest charges for a full year on its total funded debt outstanding at the time of such investment and for such period the gross operating revenues of any such corporation shall have averaged per year not less than five million dollars and such corporation shall have for each such year either earned an amount available for dividends or paid an amount in dividends equal to four per centum upon all its outstanding capital stock

(d) Such bonds must be part of an issue of not less than five million dollars and must be secured by a first or refunding mortgage and the aggregate principal amount of bonds secured thereby plus the principal amount of all underlying outstanding bonds shall not exceed sixty per centum of the value of the property real and personal owned absolutely and subject to the lien of such mortgage However if such mortgage is a refunding mortgage it must provide for the retirement of all bonds secured by prior liens on the property Not more than thirty-three and one-third per centum of the property constituting the specific security for such bonds may consist of shares or unsecured obligations of affiliated or other telephone companies or both

(e) In determining the qualifications of any bond under

this clause where a corporation shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of this clause as to earnings and dividends have been complied with

(f) The gross operating revenues and expenses of a corporation for the purpose of this clause shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the Interstate Commerce Commission or the public service commission or the public utility commission or any other similar Federal or State regulatory body having jurisdiction in the matter

(g) The net earnings of any corporation for the purpose of this clause shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses provision for depreciation of the physical assets of the corporation taxes other than Federal and State income taxes rentals and miscellaneous charges and by adding to such balance its income from securities and miscellaneous sources but not however to exceed fifteen per centum of such balance

(h) The term funded debt shall be construed to mean all interest-bearing debts maturing more than one year from date of issue

(8) Bonds secured by mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth to the extent of not more than two-thirds of the actual value of such real property and for a term not exceeding ten years unless amortized in equal annual installments over a period not exceeding fifteen years and bonds secured by mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions of mutual mortgage insurance [in title two] of the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements [for the purpose of financing the construction or purchase of dwellings and similar residential property and the re-financing of mortgages] Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of the savings bank by the mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the savings bank making the investment It shall be lawful for a savings bank to renew such policies at the expense of such mortgagor from year to year or for a longer or shorter period not however exceeding the term of the bond in case the mortgagor shall fail to do so All necessary charges and expenses paid by such savings bank for such renewals shall be paid by such mortgagor In the event that the mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of payment of such charges and expenses by such savings bank constitute a lien upon the property so mortgaged All expenses of searches examinations certicates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of trustees They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the savings bank

B A savings bank other than a savings bank organized under a special act of the General Assembly may make such additional investments as are authorized by its articles but it shall not purchase or invest in bonds secured by mortgage upon real property other than such as are expressly authorized by this act nor shall it invest in the shares of capital of any corporation whatsoever except a Federal Reserve Bank

Section 1209 Authorized Investments of Special Charter Savings Banks A savings bank organized under a special act of the General Assembly may make such investments as may be authorized by its articles of incorporation but no such savings bank shall purchase or invest in the shares of capital of any corporatoin whatsoever except a Federal Reserve Bank or purchase or invest in bonds secured by mortgages upon real property unless such bonds and mortgages are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth and do not exceed two-thirds of the actual value of such real property and become due within ten years after the making of such purchase or investment unless amortized in equal annual installments over a period not exceeding fifteen years after the making of such purchase or investment or unless such bonds and mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions for mutual mortgage insurance [in title two] of the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements [for the purpose of financing the construction or purchase of dwellings and similar residential property and the re-financing of mortgages] Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of the savings bank by the mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the savings bank making the purchase or investment It shall be lawful for a savings bank to renew such policies at the expense of such mortgagor from year to year or for a longer or shorter period not however exceeding the term of the bond in case the mortgagor shall fail to do so All necessary charges and expenses paid by such savings bank for such renewals shall be paid by such mortgagor In the event that the mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of payment of such charges and expenses by such savings bank constitute a lien upon the property so mortgaged All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of trustees They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the savings bank The restrictions contained in this section with reference to real estate bonds shall not apply to public utility railroad or industrial bonds or other securities commonly known as investment securities although such bonds may be secured in whole or in part by a mortgage upon real property

Section 1302 Application to Be Filed with Department Contents On or before the thirtieth day of December one thousand nine hundred thirty-three or in the case of any private bank which has by law heretofore been exempted

from the provisions of this act then on or before the thirty-first day of December one thousand nine hundred thirty-five every private bank which plans to continue in business and every private bank which is required by the provisions of this act to obtain a new certificate of authorization by reason of a change in the ownership name or place of business of such private bank shall file with the department a written application for a certificate of authorization Such application shall be signed in duplicate originals and verified in the case of a private bank owned and operated by an individual by the oath or affirmation of such individual and in the case of a private bank owned and operated by a partnership or any other unincorporated association by the oath or affirmation of [all] not less than two of the partners or members of the unincorporated association [.] and in the case of a private bank filing an application by reason of the admission of a new partner or partners the application shall also be verified by the oath or affirmation of the partner or partners being admitted The application shall be in such form as is prescribed by the department and shall be filed upon blanks supplied by the department It shall set forth

(1) The full name residence post-office address and citizenship of such individual or of each member of such partnership or other unincorporated association as well as the names and post-office addresses of the officers or agents in active charge of the business of the private bank

(2) The statement that in the case of a private bank owned by an individual such individual is a resident of Pennsylvania and in the case of a private bank owned by a partnership or other unincorporated association at least one of the partners or members is a resident of Pennsylvania

(3) The name of the private bank

(4) The exact location of the place or places of business of the private bank

(5) In the case of a partnership or other unincorporated association the partnership or other agreement under which the business of the bank is being conducted or in the case of an unlimited partnership a certified extract thereof or if the partnership or other agreement does not contain provision therefor a statement setting forth the liability of each member of such unlimited partnership

(6) A detailed statement of the resources liabilities and net worth of the private bank as well as any other information bearing upon its financial condition which the department shall prescribe

Section 1404 Advertisement [A] Except as [herein] otherwise provided in this act the incorporated institution or the national banking association shall advertise its intention to file articles of merger or articles of consolidation as the case may be with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of the particular type of surviving or new incorporated institution Advertisements shall appear at least three days prior to the day on which the articles of merger or articles of consolidation are to be presented to the Department of State [.] and

[B If the effect of the merger or consolidation is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located the incorporated institution or national banking association shall also advertise its intention to file articles of merger or articles of consolidation as the case may be with the Deparetment of State one time in a newspaper of general circulation in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and which is published in the city borough or township in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and one time in a legal newspaper published in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located Such advertisement shall appear at least ten days prior to the day on which the articles of merger or articles of consolidation are to be presented to the Department of State The incorporated institution or national banking association shall also give written notice of its intention to file such articles of merger or such articles of consolidation with the Department of State to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office or branch place of business is to be located

C The advertisement and notice] shall set forth briefly

(1) The name and the location of the principal place of business of each of the constituent corporations intending to merge or consolidate

(2) The name and the location of the principal place of business of the surviving or new incorporated institution

(3) A statement that the articles of merger or consolidation are to be filed under the provisions of this act

(4) The purpose or purposes of the surviving or new incorporated institution

(5) [In the case of articles of merger or articles of consolidation the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located a statement that written notice of the intention to file articles of merger or aricles of consolidation with the Department of State has been given to very institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

(6)] The time when the articles of merger or consolidation will be delivered to the Department of State

Section 1406 Approval of Articles of Merger or Consolidation by Department of Banking A [The] Except as otherwise provided in this act the Department of Banking shall immediately upon the receipt from the Department of State of the articles of merger or articles of consolidation conduct such examination as it may deem necessary to ascertain from the best sources of information at its command

(1) Whether the name of the surviving or new incorporated institution is likely to mislead the public as to its character or purpose

(2) Whether the consolidation or merger is made for legitimate purposes

(3) Whether the interests of the depositors or other creditors and in the case of a bank a bank and trust company or trust company the shareholders are adequately protected

(4) Whether the surviving or new incorporated institution meets all the requirements of this act and violates none of its prohibitions applicable to a bank bank and trust company trust company or a savings bank as the case may be incorporated under this act

(5) Whether where a national banking association is one of the parties of the merger or consolidation it has complied with the requirements of the laws of the United States

B [(1)] Excepting in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city of the first class or the second class in which the principal place of business of the institution is located or the city or borough in which the principal place of business of the incorporated institution is located and in which the institution was authorized by law to establish a branch bank branch office agency sub-office sub-agency or branch place of business on the first day of January one thousand nine hundred and thirty-five within thirty days after the receipt of the articles of merger or articles of consolidation from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles

(2) In the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than city borough or other community in which the principal place of business of the incorporated institutions is located the Department of Banking shall within sixty days after the receipt of the articles from the Department of State upon the

basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles The Department of Banking may in its sole discretion disapprove articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located if it shall appear as a result of the investigation or hearing required by this section that an incorporated institution having its principal place of business in the county in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located has in good faith notified the Department of Banking of its intention to establish a branch bank branch office agency sub-office sub-agency or branch place of business in accordance with the provisions of this act in the same place in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

If it shall approve such articles it shall forward them to the Banking Board for review The Banking Board shall after such investigation or hearing as it may deem advisable either approve or disapprove the action of the Department of Banking in respect to the establishment of a branch bank branch office agency sub-office sub-agency or branch place of business and shall return the articles to the Department of Banking with notice of its decision and in the case of disapproval with a statement in detail of its reasons for doing so The decision of the Banking Board shall be binding upon the Department of Banking Immediately upon receipt of the articles from the Banking Board the Department of Banking shall on the basis of the decision of the Banking Board either approve or disapprove them in the same manner as is provided by this section in the case of articles of merger or articles of consolidation generally It shall immediately notify the Department of State in writing of its action If it shall approve the articles of merger or articles of consolidation it shall sign its approval thereon and shall return them to the Department of State]

Within thirty days after the receipt of the articles of merger or articles of consolidation from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles of merger or articles of consolidation it shall endorse its approval thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of merger of the articles of consolidation it shall return them to the Department of States stating in detail its reasons for doing so The Department of State shall immediately give notice to the corporations desiring to merge or consolidate of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking shall be conclusive and not subject to review

Section 1503 Relationship of Institution with Employes of Department A An institution shall not grant or give any sum of money or other property whether as a gift credit loan or otherwise either directly or indirectly to the Secretary of Banking or to any deputy examiner clerk or other employe of the department [.] or to a deputy receiver or other employe of the Secretary of Banking as receiver However any institution may grant a loan to the Secretary of Banking or any deputy examiner clerk or other employe of the department or to a deputy receiver or other employe of the Secretary of Banking as received if such loan is secured by a mortgage upon his own home which meets all the terms and conditions provided by this act for loans secured by mortgages and which in addition meets any additional conditions imposed and followed by such institution in making such loan

This section shall not be construed to prohibit the Secretary of Banking or any deputy examiner clerk or other employe of the department or a deputy received or other employe of the Secretary of Banking as receiver from becoming a depositor in any institution

B Any officer or employe of an institution and in the case of an incorporated institution any director or trustee who knowingly violates the provisions of this section shall be guilty of a misdeameanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount of the gift credit loan or other sum of money or the value of any other property given in violation of this section

Section 1504 Forfeiture of Articles of Incorporation or Certificate of Authorization A The articles of incorporation in the case of an incorporated institution and the certificate of authorization in the case of a private bank shall be automaticaly forfeited by operation of law when

(1) In the case of a bank a bank and trust company or a trust company the capital surplus and expense fund required by law and in the case of a saving bank the expense fund required by law have not been paid in within two years after the issuance of its certificate of incorporation

(2) In the case of an incorporated institution it has not in any manner exercised at least one of the powers conferred upon it by its articles of incorporation and in the case of a private bank by its certificate of authorization within two years after the issuance thereof

(3) In the case of an incorporated institution it has formerly exercised any of the powers conferred upon it by its articles of incorporation or in the case of a private bank by its certificate of authorization but for a period of two years it has not exercised at least one of such powers

(4) The secretary after having taken possession of the business and property of an institution as receiver has completely liquidated its assets

(5) In case of a bank a bank and trust company or a trust company the secretary after having taken possession of the business and property of the bank or bank and trust company as receiver has paid the depositors and other creditors in full and has surrendered the assets remaining to liquidating trustees for the benefit of the shareholders

(6) The secretary after having taken possession of the business and property of an institution as receiver has surrendered possession to the institution itself because he was without funds to liquidate the business and property

(7) The secretary after having taken possession of the business and property of an institution as receiver has surrendered to the institution itself or to any other corporation or person the assets of the institution in order to permit the carrying out of a special plan of liquidation

B Whenever it shall appear to the department that any of the conditions which under the provisions of this section shall effect the forfeiture of the articles of an incorporated institution or the certificate of authorization of a private bank it shall issue a certificate of forfeiture of the articles of incorporation or of the certificate of authorization which shall be filed with the Department of State The Department of State shall send a copy of such certificate to the last known address of the institution and a copy to the Department of Banking

C If the articles of incorporation of an incorporated institution have been forfeited in the manner provided by this section the corporate powers may whenever necessary to effect the liquidation and winding up of the business and property of such institution continue for a period of [three] five years but they shall not be considered in existence for any other purposes whatsoever

Section 2 Effective Date This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200.

Achterman,	Flannery,	McGee,	Simpson,
Alexander,	Flinchbaugh,	McKinney,	Skale,
Allen,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Merrell,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, J. J.,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Keefe,	Thomas,
Boyer,	Hess,	Ominsky,	Thompson,
Bradley,	Hetrick,	O'Neill,	Toole,
Brancato,	Hindman,	Ostroff,	Tronzo,
Brigerman,	Hirsch,	Patterson, C. S.,	Trout,
Broad,	Holland,	Patterson, J. W.,	Tumelty,
Brown,	Holmes,	Peale,	Turner,
Brownfield,	Holstrom,	Pearson,	Valibus,
Burrows,	Hontz,	Perry,	VanAllsburg,
Cadwalader,	Horting,	Pershing,	VanSickle,
Caesar,	Huntley,	Piole,	Vogt,
Caputo,	Imbrie,	Powers,	Wagner,
Chervenak,	Jirolanio,	Preston,	Wall,
Coakley,	Keenan,	Readinger,	Walsh,
Cohen, H. B.,	Kelso,	Reese,	Wampole,
Cohen, R. E.,	Kilroy,	Reising,	Watkins,
Coleman,	Kline,	Richter,	Webster,
Coolahan,	Kroll,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
Decker,	Long,	Rush,	Welsh,
DeNote,	Longaker,	Sarraf,	Westrick,
Dickinson,	Lopresti,	Scanlon,	Whalen,
Donohoe,	Lovett,	Schor,	Whitenight,
Dougherty,	Lyons,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Siegel,	Zappala,
Flanagan	McFall,	Simon,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1051.

An Act to amend section one section two and section five of an act approved the twenty-fifth day of June one thousand nine hundred and thirteen (P. L. 555) entitled "An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof" further defining water obstructions and enlarging the powers and duties of the Water and Power Resources Board by further providing for the regulation of any changes that in any manner diminish the cross current or cross section of any stream or body of water

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is reported.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend title, page 2, line 2, by striking out after the word "the" the word "across" and inserting in lieu thereof the word "course"

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200.

Achterman,	Flannery,	McKinney,	Skale,
Alexander,	Flinchbaugh,	McShane,	Sloan,
Allen,	Ganser,	Melchiorre,	Smith, James A.,
Arnold,	Gerard,	Merrell,	Smith, John A.,
Atkins,	Gillette,	Mihm,	Snyder,
Aukerman,	Gorski,	Moomaw,	Sollenberger,
Baine,	Habbyshaw,	Mooney,	Spengler,
Baker, F. T.,	Haberlen,	Moran,	Sproul,
Baker, J. J.,	Hagerty,	Moul,	Stackpole,
Balthaser	Hall,	Muir,	Stank,
Bierly,	Hamilton, F. P.,	Munley,	Stewart,
Blank,	Hamilton, R. S.,	Murrin,	Stockham,
Bohn,	Harkins,	Nagel,	Strode,
Boles,	Harmuth,	O'Brien,	Terry,
Boltz,	Hays,	O'Keefe,	Thomas,
Boose,	Hering,	Ominsky,	Thompson,
Boyer,	Hess,	O'Neill,	Toole,
Bradley,	Hetrick,	Ostroff,	Tronzo,
Brancato,	Hindman,	Patterson, C. S.,	Trout,
Brigerman,	Hirsch,	Patterson, J. W.,	Tumelty,
Broad,	Holland,	Peale,	Turner,
Brown,	Holmes,	Pearson,	Valibus,
Brownfield,	Holstrom,	Perry,	VanAllsburg,
Burrows,	Horting,	Pershing,	VanSickle,
Cadwalader,	Huntley,	Piole,	Vogt,
Caesar,	Imbrie,	Powers,	Wagner,
Caputo,	Jirolanio,	Preston,	Wall,
Chervenak,	Keenan,	Readinger,	Walsh,
Coakley,	Kelso,	Reese,	Wampole,
Cohen, H. B.,	Kilroy,	Reising,	Watkins,
Cohen, R. E.,	Kline,	Richter,	Webster,
Coleman,	Kroll,	Robinson,	Weidemann,
Coolahan,	Leisey,	Rothenberger,	Weiss, D. H.,
Corrigan,	Levy,	Royer,	Weiss, S. A.,
Costanzo,	Lewis,	Ruffennach,	Welliver,
Davies,	Long,	Rush,	Welsh,
Decker,	Longaker,	Sarraf,	Westrick,
DeNote,	Lopresti,	Scanlon,	Whalen,
Dickinson,	Lovett,	Schor,	Whitenight,
Donohoe,	Lyons,	Schrock,	Wilson,
Dougherty,	Marino,	Schrope,	Winner,
Downey,	Matthews, H. T.,	Schumacher,	Wood,
Dubbs,	Matthews, J. F.,	Serrill,	Woodside,
Dyson,	McArdle,	Shaw,	Wright,
Eckels,	McCullough,	Shea,	Yanoshat,
Falkenstein,	McDermott,	Shepard,	Yeakel,
Finnerty,	McDevitt,	Shoemaker,	Yourishin,
Fiss,	McElroy,	Siegel,	Zappala,
Fitch,	McFall,	Simon,	Furman,
Flanagan,	McGee,	Simpson,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned

bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 537.

An Act to amend section four hundred and eleven of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added providing for the attendance of pupils at certain exhibitions and places of interest at the expense of school districts.

With the information that the Senate has passed the same without amendment.

BILL INTRODUCED AND REFERRED

By Mr. HERBERT B. COHEN. HOUSE BILL No. 2154.

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June. one thousand nine hundred thirty-seven, evidenced by tax anticipation notes secured by, and payable from, current revenues, levied, assessed, collectible and accuring during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on, and the repayment of, such loans; and making an appropriation.

Referred to the Committee on Ways and Means.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 79. (HOUSE BILL No. 2155).

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws thereto" requiring all county officers hereafter appointed or elected upon the expiration of their terms to pay over to the county treasurer all moneys in their possession for which they are liable to account under their respective bonds together with a statement thereof and providing for the payment out of such moneys providing for the escheat of certain moneys, held in the county treasury and releasing such county officers.

Referred to the Committee on Counties.

SENATE BILL No. 637. (HOUSE BILL No. 2156),

An Act to further amend article twenty of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to established a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by designating the type of contract which shall be used for certain employes in the Teachers Colleges and in the Cheyney Training School for Teachers in this Commonwealth and specifying the means where they may be dismissed.

Referred to the Committee on Education.

SENATE BILL No. 638. (HOUSE BILL No. 2157).

An Act to further amend section four of the act approved the eighteenth day of June one thousand nine hundred and nineteen (P. L. 498) entitled "An act defining consolidation of schools providing for the establishment and regulation of consolidated schools and providing for the transportation of pupils to and from consolidated schools" by making certain changes in the provisions for reimbursements by the Commonwealth.

Referred to the Committee on Education.

SENATE BILL No. 808. (HOUSE BILL No. 2158).

An Act to amend section one of the act approved the twenty-eighth day of April one thousand nine hundred and fifteen (P. L. 197) entitled "An act regulating the manner and time of payment of employes of cities of the first class" by eliminating the provision requiring the payment of employes on the first and fifteenth day of each month.

Referred to the Committee on Cities.

RESOLUTION INTRODUCED AND REFERRED

By Mr. BRADLEY. (Concurrent) RESOLUTION No. 64.

In the House of Representatives, April 7, 1937.

Whereas, A commission, known as the Anthracite Coal Industry Commission was created by the act, approved the eigth day of February, one thousand nine hundred and thirty-seven, to make a study and an investigation of the economic and social conditions in the anthracite coal regions of this State and to determine the causes underlying and producing these conditions; and

Whereas, The opinion has been advanced that the anthracite coal mine owners and operators have been investigating the profits derived from such coal mining operations, in various industrial concerns engaged in the manufacture and sale of equipment or products to be used in substitution of anthracite coal, therefore be it

Resolved, (if the Senate concur) That the Anthracite Coal Industry Commission, direct part of its study and investigation to determine to what extent, the profits of the coal industry have been re-invested in industrial concerns manufacturing and selling products to be used in substitution of anthracite coal; and be it further

Resolved, That a division of their report to the General Assembly, shall be devoted to a discussion of their findings on this subject of investigation.

Referred to the Committeee on Mines and Mining.

RESOLUTIONS

Mr. HAGERTY offered a resolution which was filed with the Clerk under the rules.

SYMPATHY EXTENDED

Mr. CLIFF S. PATTERSON offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, April 7, 1937.

Honorable D. Glenn Moore, a former Member of this House from Washington County, died suddenly yesterday. He was born at Lawrence, Washington County, in 1873, educated in the public schools, Washington and Jefferson College, and the Allegheny Theological Seminary. For four years he taught in the American Mission Boys School at Cairo, Egypt, after which he became news

editor of the Washington Observer. He served in the ministry for seven years in Wichita, Kansas and in Butler and Johnstown, Pennsylvania, and then returned to Washington as associate editor of "The Observer" with which he was previously connected.

In 1924 he was elected as a Member of this House and served in the Sessions of 1925, 1927, 1929 and 1931. In this House he soon evidenced qualities of leadership among those of independent thought, and during his entire service he was recognized as an independent liberal who desired to give to the State his best services at all times.

Resolved, That the Members of this House of Representatives extend their sincere sympathy to the family of the late D. Glenn Moore, and that a copy of this resolution be transmitted to the family by the Chief Clerk of this House.

RESOLUTION INTRODUCED AND REFERRED

By Mr. HAGERTY. RESOLUTION No. 65.

In the House of Representatives, April 7, 1937.

Whereas, during the past few years it has become prevalent for banking institutions to make charges for services in respect to deposits made by its customers, including charges for services in connection with checks cashed or deposits made and otherwise; and

Whereas, the bases upon which service charges are made are varied throughout the Commonwealth; and

Whereas, it is not clear that the practice of, or the basis for, making service charges, as aforesaid, are conducive to the welfare of those dealing with banking institutions; now, therefore be it

Resolved, That the Department of Banking be and is hereby directed to make a study of the basis, practices and procedure in respect to charges for service in connection with deposits made with banking institutions and make a report thereon to the next regular session of the House of Representatives together with its recommendations, if any, which are deemed appropriate under the circumstances.

Referred to the Committee on Banking.

REPORTS FROM COMMITTEE

Mr. HARKINS, from the Committee on Forestry, reported as amended, House Bill No. 752, entitled:

An Act regulating the removal of sand, gravel and coal from the beds of streams, lakes and other bodies of water, wholly or partly within, or forming part of the boundary of this Commonwealth and providing for the imposition, collection and lien of charges for such materials taken, removed or dredged from such waters title to which is in whole or in part in the Commonwealth, requiring persons, associations copartnerships and corporations to secure permits from the Water and Power Resources Board and to file bonds with the Department of Revenue; providing for appeals and providing penalties and refunds.

Mr. MARINO, from the Committee on Townships, reported as committed, House Bill No. 1628, entitled:

An Act to amend section eight hundred and one of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one, (P. L. 1206), entitled "An act concerning townships of the first class; amending, consolidating, and changing the law relating thereto," limiting the requirement of bonds of township treasurers to fidelity bonds and regulating such bonds.

Mr. SHOEMAKER, from the Committee on Townships, reported as committed, House Bill No. 1619, entitled:

An Act to amend sections one thousand one and one thousand seven hundred one of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," as amended; further regulating the annual budgets of such townships.

USE OF HALL OF HOUSE GRANTED

Mr. WESTRICK asked and obtained permission for the Committee on Agriculture to use the Hall of the House to hold a public hearing on Tuesday, April 13, 1937, at 7:00 p. m.

SENATE MESSAGES

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1296.

An Act to amend section one of article fifteen of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of cities of the second class" as amended further regulating the giving of contracts relating to city affairs.

With the information that the Senate has passed the same without amendment.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 742.

A Supplement to the act approved the twentieth day of July one thousand nine hundred thirty-five (Appropriation Acts page seventy-one) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Department of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-seven and making appropriations to the Legislature Department for the legislative session of one thousand nine hundred and thirty-seven.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 476.

An Act abating certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the non-payment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

With the information that that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 1, line 8 by striking out after the word "and" the word "thirty-six" and inserting in lieu thereof the word "thirty-four"; also in same line by inserting after the word "years" the following: "and all penalties imposed on such taxes for the tax years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six"; also on page 2, line 1, by inserting after the word "estate" the words "and on delinquent poll taxes levied for any of such years"; also in line 3 by inserting after the word "provided" the following: "This section shall not be construed to abate the interest accrued on the taxes for the years of one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six but no further interest shall be imposed on such taxes after the payment of the first installment as hereafter provided so long as the taxpayer complies with the provisions of this act"; also by striking out in lines 5 to 7 inclusive the following: "the taxes for the year one thousand nine hundred and thirty-seven and all penalties and accrued interest thereon and"; also in line 10 by inserting after the word "years" the words "and of the accrued interest due on the one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six taxes"; also in line 20 by inserting after the word "estate" the words "and on delinquent poll taxes levied"; also in line 24 by striking out the words "during the then current year" and inserting in lieu thereof the words "For the purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax."

Amend section 2, page 3, line 13, by inserting after the word "taxpayer" the words "or owner having the right of redemption"; also in line 18, by inserting after the word "taxes" the words "and interest due on the one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six taxes."

Amend section 3, page 4, line 6, by striking out the words "and the" and inserting in lieu thereof the word "The"; also in lines 7 and 8 by striking out the words "in such proceedings"; also in line 8 by inserting at the end of the line after the word "fees" the words "where liens for such taxes have been returned for nonpayment or have been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court."

Amend section 4, page 4, by inserting after the word "mortgagee" in line 11 the words "or owner having the right of redemption under a tax sale"; also in line 14 by inserting after the word "levied" the words "whether separated or not"; also by striking out all of line 15 to 17 inclusive as follows: "For the purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax."

Amend section 5, page 4, line 18, by inserting after the word "taxpayer" the words "or owner having the right of redemption"; also by inserting after line 23 the following:

"The county commissioners of each county may at their discretion and at the cost of the county cause to be published two times in not more than two newspapers of general circulation throughout the county a notice to the taxpayers giving a synopsis of the terms of this act setting forth the benefits provided by the act and the necessary conditions required by the taxpayers in order to receive the same"; also in line 25, by inserting after the word "taxpayer" the words "or owner"; also on page 5, line 1, by inserting after the word "taxpayer" the words "or owner"; also by inserting after line 5 on page 5 the following new paragraph:

"Every collector of taxes whose duty it is to send to the respective taxpayers any notice or statement of their annual taxes shall include in each such notice or statement an additional notice of the date when the next installment payment is due under the provisions of this act."

Amend section 6, page 5, line 6, by inserting after the word "taxpayer" the words "or owner having the right of redemption under a tax sale"; also in line 10, by inserting after the word "readjourned" the words "or right of redemption extended"; also in line 12 by inserting after the word "readjourned" the words "or right of redemption extended"; also in same line by inserting after the word "advertisement" the words "or sale"; also in line 14, by inserting after the word "sale" the words "or right of redemption"; also at the end of same line by inserting after the word "readjournment" the words "or redemption"; also in line 16 by inserting after the word "unpaid" the words "or sale had subject to redemption."

Amend bill, page 6, by inserting after line 20 the following new section:

"Section 9. Nothing in this act shall be so construed as to prevent any taxpayer who has heretofore taken advantage and accepted the benefits of any of the acts referred to in section eight and who at the time this act becomes effective has lost all future rights benefits privileges and opportunities under such act from taking advantage and receiving the benefits of this act in the same manner as if such person had never attempted to comply with the provisions of such previous abatement act."

Amend section 9, page 6, line 21, by striking out after the word "Section" the figure "9" and inserting in lieu thereof the figure "10."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flannery,	McGee,	Simpson,
Alexander,	Flinchbaugh,	McKinney,	Skale,
Allen,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Merrell,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Keefe,	Thomas,
Boyer,	Hess,	Ominsky,	Thompson,
Bradley,	Hetrick,	O'Neill,	Toole,
Brancato,	Hindman,	Ostroff,	Tronzo,
Brigerman,	Hirsch,	Patterson, S.,	Trout,
Broad,	Holland,	Patterson, W.,	Tumelty,
Brown,	Holmes,	Peale,	Turner,
Brownfield,	Holstrom,	Pearson,	Valibus,
Burrows,	Hontz,	Perry,	VanAllsburg,
Cadwalader,	Horting,	Pershing,	VanSickle,
Caesar,	Huntley,	Piole,	Vogt,
Caputo,	Imbrie,	Powers,	Wagner,
Chervenak,	Jirolanio,	Preston,	Wall,
Coakley,	Keenan,	Readinger,	Walsh,
Cohen, H. B.,	Kelso,	Reese,	Wampole,
Cohen, R. E.,	Kilroy,	Reising,	Watkins,
Coleman,	Kline,	Richter,	Webster,
Coolahan,	Kroll,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
Decker,	Long,	Rush,	Welsh,
DeNote,	Longaker,	Sarraf,	Westrick,
Dickinson,	Lopresti,	Scanlon,	Whalen,
Donohoe,	Lovett,	Schor,	Whitenight,
Dougherty,	Lyons,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Siegel,	Zappala,
Flanagan,	McFall,	Simon,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 679.

An Act abating certain interest charges expenses and fees added to county city borough town township school district or poor district claims imposed or assessed for improvements or for the abatement of nuisances prohibiting the sale of real property for the nonpayment of such claims for a certain period preserving the liens of such claims and providing for the extension thereof

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1 at the beginning of line 1 by striking out the word "Abating" and inserting in lieu thereof the words "Authorizing the abatement of."

Amend section 1, page 2 by striking out in line 15 the words "shall be and are hereby abated" and inserting in lieu thereof the words "may be abated by the political subdivision in behalf of which the claim was filed."

Amend bill, page 5 by inserting after line 9 the following new paragraphs:

"Within thirty days after the acceptance of the provisions of this act by any political subdivison and once again during the last week of October one thousand nine hundred and thirty-seven the corporate authorities of the political subdivision shall have published in their official newspaper or newspapers and in the legal newspapers if any a notice in display type relative to the provisions of this act which shall read as follows

Notice to Property Owners

Under the provisions of Act No. approved 1937 all persons owing any county city borough town township school district or poor district delinquent municipal claims (such as street and sewer delinquent municipal claims) for the year one thousand nine hundred and thirty-five and all previous years may have certain of the interest charges expenses and fees thereon abated by paying the amount or amounts due on such delinquent claims in five equal annual installments if the first twenty per centum installment is paid on or before the thirty-first day of December one thousand nine hundred and thirty-seven or the entire amount or the balance due of such delinquent claims may be paid at face at any time prior to December thirty-first one thousand nine hundred and thirty-seven Further information may be obtained from the undersigned"

Amend section 7, page 6, line 8 by striking out the word "effect" and inserting in lieu thereof the word "affect".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flannery,	McGee,	Simpson,
Alexander,	Flinchbaugh,	McKinney,	Skale,
Allen,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Merrell,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Keefe,	Thomas,
Boyer,	Hess,	Ominsky,	Thompson,
Bradley,	Hetrick,	O'Neill,	Toole,
Brancato,	Hindman,	Ostroff,	Tronzo,
Brigerman,	Hirsch,	Patterson, S.,	Trout,
Broad,	Holland,	Patterson, W.,	Tumelty,
Brown,	Holmes,	Peale,	Turner,
Brownfield,	Holstrom,	Pearson,	Valibus,
Burrows,	Hontz,	Perry,	VanAllsburg,
Cadwalader,	Horting,	Pershing,	VanSickle,
Caesar,	Huntley,	Piole,	Vogt,
Caputo,	Imbrie,	Powers,	Wagner,
Chervenak,	Jirolanio,	Preston,	Wall,
Coakley,	Keenan,	Readinger,	Walsh,
Cohen, H. B.,	Kelso,	Reese,	Wampole,
Cohen, R. E.,	Kilroy,	Reising,	Watkins,
Coleman,	Kline,	Richter,	Webster,
Coolahan,	Kroll,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
Decker,	Long,	Rush,	Welsh,
DeNote,	Longaker,	Sarraf,	Westrick,
Dickinson,	Lopresti,	Scanlon,	Whalen,
Donohoe,	Lovett,	Schor,	Whitenight,
Dougherty,	Lyons,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Siegel,	Zappala,
Flanagan,	McFall,	Simon,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 476.

An Act abating certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the non-payment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof.

HOUSE BILL No. 537.

An Act to amend section four hundred and eleven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to

establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added providing for the attendance of pupils at certain exhibitions and places of interest at the expense of school districts.

HOUSE BILL No. 742.

A Supplement to the act approved the twentieth day of July one thousand nine hundred thirty-five (Appropriation Acts page seventy-one) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five" providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-seven and making appropriations to the Legislative Department for the legislative session of one thousand nine hundred and thirty-seven.

HOUSE BILL No. 679.

An Act authorizing the abatement of certain interest charges expenses and fees added to county city borough town township school district or poor district claims imposed or assessed for improvements or for the abatement of nuisances prohibiting the sale of real property for the non-payment of such claims for a certain period preserving the liens of such claims and providing for the extension thereof

HOUSE BILL No. 1051.

An Act to amend section one section two and section five of an act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entitled "An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof" further defining water obstructions and enlarging the powers and duties of the Water and Power Resources Board by further providing for the regulation of any changes that in any manner diminish the course current or cross section of any stream or body of water.

HOUSE BILL No. 1296.

An Act to amend section one of article fifteen o fthe act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" as amended further regulating the giving of contracts relating to city affairs

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL INTRODUCED

Mr. MURRIN asked and obtained permission of the House to introduce a bill the title of which was read as follows:

An Act requiring the Department of Labor and Industry to inspect the mechanism and appliances used for heating, with gas, school houses and other buildings used for public or private school purposes requiring repairs and replacements of same and the remedying of dangerous conditions in connection therewith; and prohibiting the use of such school houses and other buildings for school purposes, under certain conditions.

BILL INTRODUCED AND REFERRED

By Messrs. IMBRIE and MURRIN.

HOUSE BILL No. 2159.

An Act requiring the Department of Labor and Industry to inspect the mechanism and appliances used for heating, with gas, school houses and other buildings used for public or private school purposes requiring repairs and replacements of same and the remedying of dangerous conditions in connection therewith; and prohibiting the use of such school houses and other buildings for school purposes, under certain conditions.

Referred to the Committee on State Government.

ANNOUNCEMENTS BY THE CLERK

The Committee on Ways and Means will meet Monday, April 12, 1937, at 8:00 p. m. in Room 100.

There will be a public hearing on Tuesday, April 13, at 6:30 p. m. on House Bills Nos. 1574 and 1649, known as the milk control bills, before the Committee on Agriculture in the Hall of the House.

There will be a public hearing next Tuesday, April 13 at 8:00 p. m. on House Bill No. 608 known as the abolition of capital punishment bill before the Committee on Judiciary General in the House Caucus Room.

ADJOURNMENT

Mr. McCULLOUGH. Mr. Speaker, I move that this House do now adjourn until Monday, April 12, 1937, at 9:00 p. m.

The motion was agreed to, and (at 3:58 p. m.) the House adjourned until Monday, April 12, 1937, at 9:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., MONDAY, APRIL 12, 1937. No. 41.

SENATE

MONDAY, April 12, 1937.

The Senate met at 9 o'clock p. m.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, L.L. D., offered the following prayer.

Our Father, Who art in Heaven, hallowed be Thy name, Thy kingdom come, Thy will be done, on earth as it is in Heaven.

Thy Kingdom, O God, whereof we speak, and for which we pray, is not a realm of glittering crowns, nor of mighty throne; but a kingdom wherein is righteousness;

In which every man is of the royal line, every woman a queen; every daughter fair a princess, every son a prince;

No crouching slaves; no master's lash; no tyrant's vain caprice. Its rule is right, its law is love; its dominions the uttermost regions of truth.

Our Father, we would commit ourselves to the inbringing of this, Thy realm, for the joy of Thy people, the glory of Thy name. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. McCREESH, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

PETITIONS PROTESTING AGAINST THE RIPPING OUT OF THE MUNICIPAL COURT OF PHILADELPHIA

Mr. SALUS presented petition of twenty thousand citizens of the City of Philadelphia, protesting against the ripping out of the Municipal Court of Philadelphia and taking away its jurisdiction either by the creation of a Family Court or other courts.

Which was referred to the Committee on Judiciary General.

The Chair cleared his table and laid before the Senate the following:

PROTESTS AGAINST THE CHAIN STORE TAX BILL

Communication from Rev. Joshua Sewell, Lamberton, Pa., protesting against the passage of the Chain Store Tax Bill.

Also communication from Mrs. Julia Rueben, urging the defeat of the Chain Store Tax Bill.

Which was referred to the Committee on Finance.

URGING PASSAGE OF THE CHAIN STORE TAX BILL

Communication from Charles F. Lentz, Secretary of the Pennsylvania Restaurant Association, imploring the Senate to give support to the Chain Store Tax Bill.

Which was referred to the Committee on Finance.

URGING THE ADOPTION OF HOUSE BILL No. 500

Petition from Rowe Stewart, President of the Taxpayers' Forum of Pennsylvania, urging the adoption of House Bill No. 500 which is to abolish excessive fees in the collection of taxes.

Which was referred to the Committee on Municipal Government.

OPPOSING THE PASSAGE OF THE TRAIN LIMIT AND FULL CREW BILL

Petitions from the Reading Traffic Club requesting the Senate to refrain from passing the proposed legislation to increase the Train Limit Bill and Full Crew Bill.

Which was referred to the Committee on Labor and Industry.

REQUESTING INCREASE OF WAGES FOR MIFFLIN COUNTY WORKERS.

Petition from the President, Wm. H. Allison and the Secretary E. J. Miller of the Central Labor Union, Lewistown, Pa., asking for an increase of wages for Mifflin County workers of the Dept. of Highways.

Which was referred to the Committee on Highways.

URGING THE PASSAGE OF THE HOME RULE BILL.

Numerous petitions from citizens of Schuylkill County, urging the passage of the Home Rule Bill.

Which was referred to the Committee on Municipal Government.

OPPOSING THE PASSAGE OF HOUSE BILL No. 587.

Petition from Julia Biddle Taler, of Philadelphia, Pa., opposing the passage of House Bill No. 587 which is to license the cropping of dog's ears.

Which was referred to the Committee on Agriculture.

OPPOSING HOUSE BILLS No. 639, No. 657, No. 1189 and No. 1200 ENDORSING HOUSE BILL No. 896, SENATE BILL No. 402.

Resolution adopted by the Alcoma Country Club opposing House Bills No. 639, No. 657, No. 1189 and No. 1200 and endorsing House Bill No. 896, Senate Bill No. 402.

Which was referred to the Committee on Highways.

REQUESTS HOME RULE BILL

Communication from Lottie Mosser, Greencastel, Pa. requesting the continuance of the Home Rule Bill.

Which was referred to the Committee on Municipal Government.

RESOLUTION ADOPTING THE SENATE BILL NO. 736

Mr. McCREESH presented resolution from Miss Margaret V. Killian, Secretary of the Lawrence F. Flick Forum of the American Catholic Historical Society stating that the Senate Bill No. 736 calling for the sterilization of all mental defectives was unanimously adopted by every member of the Society.

Which was referred to the Committee on Public Health.

TIME OF NEXT MEETING

Mr. HENNEY offered the following resolution which was twice read considered and agreed to:

In the Senate, April 12, 1937.

Resolved (If the House of Representatives concur), that when the Senate adjourns this week, it reconvene on Monday evening, April 19th, at nine o'clock; and when the House of Representatives adjourns this week, it reconvene on Monday evening, April 19th, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives.

REPORTS FROM COMMITTEES

Mr. CAVALCANTE, from the Committee on Game and Fisheries, reported as amended, Senate Bill No. 720, (House Bill No. 1130), entitled:

An Act to amend sections fifty and seventy-two as amended, sub-section (b) of section one hundred ninety-one, sections two hundred twenty and two hundred twenty-six as amended, sections two hundred twenty-eight and two hundred fifty-six, and section two hundred eighty-five as amended, of, and to add sections two hundred eighty-two and two hundred eighty-three to the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," further regulating the taking of fish; changing certain penalties and providing new penalties; requiring certain persons to possess fishing licenses; providing for and regulating the revocation of fishing licenses; providing for the payment over of fines collected, and the return of fines erroneously collected; vesting certain additional powers in the Board of Fish Commissioners; eliminating certain restrictions on the use of license fees; and regulating closed seasons on boundary lakes.

Mr. BUCKMAN, from the Committee on Finance, reported as committed, Senate Bill No. 768, (House Bill No. 1635), entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 284), entitled, as amended "An act imposing a State tax, payable by those herein defined as manufacturers, and by others, on malt or brewed beverages used, sold, transported, or delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, or in the transportation, of malt or brewed beverages taxable hereunder; and providing penalties," as amended and re-enacted, by imposing an additional reciprocal tax; by providing for the assessment and revision of, and appeal from, additional taxes; and by making further provision with regard to refunds, evidence of payment of the tax, and penalties.

BILLS INTRODUCED

Mr. REED read in his place and presented to the Chair Senate Bill No. 904 entitled:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation.

Which was committed to the Committee on Judiciary Special.

Also read in his place and presented to the Chair Senate Bill No. 905, entitled:

An Act to authorize boroughs, incorporated towns, townships and school districts to file suggestions on nonpayment and averments of default or to sue out writs of scire facias on certain tax on municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

Which was committed to the Committee on Judiciary Special.

Also read in his place and presented to the Chair Senate Bill No. 906, entitled:

An Act regulating procedure in actions of assumpsit and trespass.

Which was committed to the Committee on Judiciary Special.

Also read in his place and presented to the Chair Senate Bill No. 907, entitled:

An Act to repeal certain parts of acts relating to struck juries.

Which was committed to the Committee on Judiciary Special.

Also read in his place and presented to the Chair Senate Bill No. 908, entitled:

An Act to amend section six of the Act approved the twelfth day of May, one thousand nine hundred and twenty-five (P. L. six hundred three), entitled "An Act condemning conditional sales and to make uniform the law relating thereto," by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court.

Which was committed to the Committee on Judiciary Special.

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 909, entitled:

An Act imposing an annual tax for school purposes; providing for the collection and the exoneration of taxables from the payment thereof; imposing certain duties on collectors of school taxes and county commissioners and providing penalties.

Which was committed to the Committee on Finance.

Mr. OWLETT read in his place and presented to the Chair Senate Bill No. 910, entitled:

An Act to amend section seventeen of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 570), entitled "An act to provide revenue for State and county purposes, and in cities coextensive with counties for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith, and modifying existing legislation which provided for raising revenue for State purposes," as amended by relieving municipalities of the State tax on their obligations.

Which was committed to the Committee on Finance.

Mr. JACOBS read in his place and presented to the Chair Senate Bill No. 911, entitled:

An Act providing for the payment into the State Treasury, without escheat, of certain moneys and property subject to escheat under existing law, namely, unclaimed dividends and profits, debts and interest on debts, proceeds of policies of insurance, stock, and customers deposits held by certain limited partnerships and unincorporated associations, joint-stock associations, companies and corporations doing business under the laws of this Commonwealth; declaring the legislative intent with respect to such payments; requiring reports of such money and property by, and imposing other duties upon, such partnerships, associations and corporations; conferring powers and imposing duties on certain State officers, boards and departments; providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General, at the suggestion of the Department of Revenue; providing for refunds of such moneys and property; and prescribing penalties.

Which was committed to the Committee on Finance.

Mr. HALUSKA read in his place and presented to the Chair Senate Bill No. 912, entitled:

A Suplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Cambria.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair Senate Bill No. 913, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Cambria.

Which was committed to the Committee on Highways.

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 914, entitled:

An Act to further amend the act approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops, barber schools and barber colleges, and apprentices and students therein; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," by further regulating barber shops, barber schools and persons desiring licenses under the provisions of this act.

Which was committed to the Committee on State Boards.

Mr. KILGALLEN read in his place and presented to the Chair Senate Bill No. 915, entitled:

An Act to amend the act approved the twenty-fifth day of July, one thousand nine hundred and seventeen (P. L. 1195), entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions; providing State aid for certain agricultural associations and regulating the payment thereof;" as amended, providing for aid to counties holding agricultural exhibitions.

Which was committed to the Committee on Agriculture.

Mr. SHAPIRO read in his place and presented to the Chair Senate Bill No. 916 entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number seven and providing for the election and appointment of judges for said court.

Which was committed to the Committee on City Government.

Mr. RICE read in his place and presented to the Chair Senate Bill No. 917 entitled:

An Act to establish as a State highway a certain section of public road in the County of Franklin, and providing for its construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

Mr. RANKIN read in his place and presented to the Chair Senate Bill No. 918 entitled:

An Act to amend Article nineteen of the act approved the enghteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered; and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general, special or local or any parts thereof that are, or may be inconsistent therewith," by authorizing school districts alone or jointly with other school districts to cooperate with colleges in establishing undergraduate centers or to establish courses of college studies, and to fix fees therefor.

Which was committed to the Committee on Education.

Also read in his place and presented to the Chair Senate Bill No. 919 entitled:

An Act creating a commission to participate on behalf of the Commonwealth in the sesqui-centennial celebration of the organization of the county of Allegheny; defining the powers of said commission; and making an appropriation.

Which was committed to the Committee on Appropriations.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 920 entitled:

An Act requiring corporations incorporated under the laws of this Commonwealth (other than nonprofit corporations) to designate the Secretary of the Commonwealth as their agent for the service of process; and regulating the issuance, manner of service and effect of such process.

Which was committed to the Committee on Corporations.

RESOLUTION

ON THE DEATH OF HONORABLE CHARLES JOHNSON

Mr. BEAN offered the following resolution which was twice read and agreed to:

In the Senate of Pennsylvania, April 12, 1937.

Charles Johnson, famous political leader and prominent in the affairs of the State Government for many years, has passed away at the age of eighty-three years. He was born on a farm in Montgomery County where he spent his early life filling various local township offices. Later he engaged in real estate business and was elected sheriff of Montgomery County. Subsequently, he became Resident Clerk of the House of Representatives, then Insurance Commissioner, Deputy Auditor General, Secretary of the Commonwealth and Secretary of Revenue. He was for many years the Republican leader of Montgomery County, was at different times Treasurer and Secretary of the Republican State Committee, and attended National and State Conventions of the Republican Party.

He was president of the Peoples National Bank, a director of the Norristown Penn Trust Company, and of a number of industrial corporations.

Quiet and unassuming in his private and public life he yet possessed a quality of leadership equaled by but few men in the history of the Commonwealth.

Resolved, That the Members of the Senate express their sincere sympathy to the members of the family of Charles Johnson in their bereavement and that a copy of this resolution be transmitted to the family by the Chief Clerk of this House.

RESOLUTION REQUESTING CHANGE OF NAME OF HIGHWAY KNOWN AS UNITED STATES ROUTE NUMBER SIX TO THE GRAND ARMY OF THE REPUBLIC HIGHWAY.

Mr. RICE offered the following resolution which was twice read:

In the Senate of Pennsylvania, April 12, 1937.

Whereas, there is a National Movement to name a transcontinental highway as the Grand Army of the Republic Highway, and

Whereas, several other states have already designated in their states such a highway which connects up with United States Route Number six in Pennsylvania, therefore be it

Resolved, (if the House of Representatives concur) that the General Assembly requests the Secretary of Highways in the exercise of the powers conferred upon him by law to change the name of the Highway known as United State Route Number Six to the Grand Army of the Republic Highway.

Resolved, that a copy of this resolution be transmitted to the Secretary of Highways by the Chief Clerk of the Senate.

Mr. RICE. Mr. President, I ask unanimous consent that Rule 39 which requires concurrent resolutions be referred to an appropriate committee, be suspended and that the Senate do now proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

Ordered, That the Clerk present same to the House of Representatives for concurrence.

RESOLUTION TO FORMULATE POLICIES ENCOURAGING INDUSTRIES.

Mr. DENT. Mr. President, I move that the Senate do now proceed to the consideration of Senate Resolution reported from the Committee on Labor and Industry on April 7th.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

The resolution was read as follows:

In the Senate, April 5, 1937.

Whereas, We have in Pennsylvania many diversified industries engaged in the business of manufacturing, producing and selling various products and commodities; and

Whereas, The State Government through its various agencies is a large consumer and distributor of many of these products and commodities; and

Whereas, In certain instances discriminatory practices have been set up by certain administrative agencies, which tend to handicap Pennsylvania industries which are in competition with certain foreign state industries of like nature; and

Whereas, This practice results in a lessened employment in the State; and

Whereas, It is the duty of the General Assembly to deal with the problem of unemployment and relief, and particularly when such problems are directly traceable to the question of unemployment; therefore be it

Resolved, (if the House of Representatives concur), That any economic advantage granted to foreign industries works to the disadvantage of Pennsylvania industry and tends to increase unemployment in this Commonwealth, and where such advantage results from policies adopted by an administrative agency, it is hereby declared that such policies are deemed contrary to the spirit of the discretionary powers vested in such agency.

Resolved, That the General Assembly believes that the policies of all administrative agencies should at all times be formulated to encourage and foster Pennsylvania industry by requiring it, in order to gain a market, to sell certain products and commodities below a price charged by and paid to industries outside Pennsylvania for products and commodities of the same grade or character.

Mr. DENT. Mr. President, I move the adoption of this resolution.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION MEMORIALIZING THE GOVERNOR, THE SENATE OF PENNSYLVANIA AND SENATE COMMITTEE ON APPROPRIATIONS FOR SPEEDY AND FAVORABLE ACTION ON SENATE BILL APPROPRIATING $25,000 TO JOINT LEGISLATIVE COMMITTEE TO INVESTIGATE TAX BURDENS UPON PENNSYLVANIA INDUSTRIES

Mr. DENT offered the following resolution which was twice read.

RESOLUTION

April 12, 1937.

Whereas, pursuant to the adoption of Senate Resolution No. 4, (Senate Printer's No. 64) and the concurrence therewith by the House a Joint Legislative Committee to investigate tax burdens placed upon industries in Pennsylvania and other industrial and mining states has been created, and,

Whereas, the membership of the Senate Committee on Labor and Industry is of the opinion that the activities and the investigation by the above mentioned Joint Legislative Committee will be conducive to the welfare of the Commonwealth of Pennsylvania generally and to the industries of Pennsylvania particularly, and,

Whereas, a bill is now pending in the Senate and the Committee on Appropriations thereof providing for an appropriation of $25,000.00 for the purpose of investigations embraced by the proposed scope of the activities of said Committee, and,

Whereas, the membership of the Senate Committee on Labor and Industry is of the opinion that such appropriation is of vital importance to the success of the activities of said Joint Legislative Committee and the ensuing benefits to the people of the Commonwealth of Pennsylvania,

Now be it Resolved, that the membership of the Senate Committee on Labor and Industry memorialize his Excellency the Governor of Pennsylvania, the Senate of Pennsylvania, and the Senate Committee on Appropriations that favorable and speedy action be given to the bill now pending in the Senate Committee on Appropriations providing for the appropriation of the sum of $25,000.00 for the activities of the Joint Legislative Committee to investigate tax burdens placed upon industries in Pennsylvania and other industrial and mining states, and,

Be it Resolved, that copies of said resolution be sent to his Excellency the Governor of Pennsylvania, the Speaker of the House, and to the Chairman of the Senate Committee on Appropriations.

On the question,

Will the Senate agree to the resolution?

Mr. HUFFMAN. Mr. President, I move that the resolution be referred to the Committee on Rules.

Mr. RODGERS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, I desire to interrogate the Senator from Monroe, Mr. Huffman.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated?

Mr. HUFFMAN. Mr. President, I will.

Mr. DENT. Mr. President, may I ask what the purpose is in sending such a simple resolution to the Committee on Rules?

Mr. HUFFMAN. Mr. President, it is for the purpose of giving the resolution some consideration.

Mr. DENT. Mr. President, I desire to make a short statement.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will confine his statement to the motion, which is to refer the resolution to the Committee on Rules.

Mr. DENT. Mr. President, on the motion to refer this resolution to committee, I might state this is merely a resolution urging the Committee on Appropriations to give favorable and speedy action to the bill which is now in that committee, appropriating the money to enable the Committee on Labor and Industry to carry out the work authorized by Senate Resolution No. 4. The withholding of this appropriation at this time makes it difficult for this committee to get the necessary information to act intelligently upon certain legislation pending in the Senate Committee on Labor and Industry. We feel that this resolution is nothing more nor less than an expression—an expression of the opinion of the Senate Committee. I see no sense in sending this resolution to any committee of the Senate, whereas it is nothing but the action of a committee of the Senate.

QUESTION OF LEGISLATIVE INQUIRY

Mr. LAW. Mr. President, I rise to a question of legislative inquiry.

The PRESIDENT. The Senator from Mercer, Mr. Law, will state his question of legislative inquiry.

Mr. LAW. Mr. President, as I heard this resolution read it sounded very much like a committee resolution rather than a Senate resolution. I would like to ask if that is what it is.

Mr. DENT. Mr. President, it is a committee resolution presented to the Senate, for the information of the Senate.

Mr. LAW. Mr. President, I suggest it is not in order, under the rules of the Senate, to present it as a resolution; but that it should be brought in under petitions and remonstrances.

The PRESIDENT. It is a resolution from a committee of the Senate memorializing the Governor and the Senate on matters of legislation now pending.

The Chair rules that the resolution is pertinent to that legislation, and is, therefore, properly before the Senate. The motion is in order, to refer the resolution to the Committee on Rules.

And the question recurring,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, I ask for a roll call on the motion to refer this—what is it, a motion to refer or only an objection?

The PRESIDENT. The motion is to refer the resolution to the Committee on Rules.

Mr. DENT. Mr. President, I ask for a roll call on the motion.

Mr. LAW. Mr. President, I desire to interrogate the Senator from Bucks, Mr. Buckman.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, there is nothing in order before the Senate at this time but the calling of the roll.

The PRESIDENT. The point of order of the Senator from Philadelphia is well taken.

The yeas and nays were required by Mr. DENT and Mr. McCREESH and were as follows, viz:

YEAS—15

Deitrick,	Law,	Reed,	Rupp,
Huffman,	Mallery,	Rice,	Ruth,
Kilgallen,	McCreesh,	Roberts,	Sones,
Lanius,	Pytko,	Rodgers,	

NAYS—34

Bean,	Gelder,	Kahle,	Scarlett,
Buckman,	Gilson,	Kunkel,	Shapiro,
Cavalcante,	Haluska,	McGinnis,	Sipe,
Dando,	Henney,	Mundy,	Sordoni,
Dent,	Heyburn,	Owlett,	Stiefel,
DiSilvestro,	Homsher,	Pierson,	Thompson,
Ealy,	Howell,	Rankin,	Wolfenden,
Eroe,	Jacobs,	Salus,	Woodward,
Frey,	Jaspan,		

So the question was determined in the negative.

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, my point of order is that this, being a resolution which is not privileged, must be referred to committee by the Chair unless unanimous consent is given otherwise.

The PRESIDENT. The point of order of the Senator from Bucks is sustained.

MOTION TO SUSPEND RULE No. 39

Mr. DENT. Mr. President, I move that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended, and that the Senate do now proceed to the consideration of the resolution just read.

Mr. HOWELL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. DiSILVESTRO. Mr. President, I ask that the roll be called.

Whereupon, a viva voce vote was taken.

The PRESIDENT. The Chair is of the opinion that the motion is carried—

Mr. HUFFMAN. Mr. President, it takes a two-thirds vote to suspend a rule of the Senate.

The PRESIDENT. —and it is so ordered.

Mr. HUFFMAN. Mr. President, a roll call was asked for before the decision of the Chair was announced.

The PRESIDENT. It is not too late for a roll call.

Mr. HUFFMAN. Mr. President, it was asked for.

The PRESIDENT. A roll call was asked for on the motion to suspend rule 39.

Mr. DENT. Mr. President, was the request for a roll call seconded?

The PRESIDENT. A request for a roll call on a motion does not need a seconder.

Mr. HUFFMAN. Mr. President, this is a resolution asking that the Committee on Finance, or rather, the Committee on Appropriations, send out a bill before it has been considered. There are twenty-nine members on this committee, and it is a very unusual thing—in fact, I have never heard of its being done—for a resolution to be offered directing a committee to send out a bill that is in the committee. I should think that a matter of this importance would take its regular course.

I have been in favor of this appropriation, and I see no reason for a resolution to be put through to repremand this committee that has this bill in its charge. It seems to me that is a matter that should be taken up in the regular order; and there is no demand for this particular appropriation to go through at this time; I expect the Chairman of the Committee on Appropriations will call a meeting of his committee in the regular way, and therefore this resolution should not prevail—because of the precedent it would set.

Mr. RICE. Mr. President, the bill referred to in this resolution is in the Committee on Appropriations. It seems to me—

POINT OF ORDER

Mr. SALUS. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Salus, will state his point of order.

Mr. SALUS. Mr. President, my point of order is, there is nothing before the Senate but the roll call now.

The PRESIDENT. The point of order of the Senator from Philadelphia is well taken.

And the question recurring,

Will the Senate agree to the motion?

Mr. DiSILVESTRO. Mr. President, I withdraw my request for a roll call.

Mr. RODGERS. Mr. President, I second the motion.

The PRESIDENT. On the withdrawal?

Is there any demand for the calling of the roll?

Mr. RICE. Mr. President, I ask for a roll call.

Mr. RODGERS. Mr. President, I second the motion.

The yeas and nays were required by Mr. RICE and Mr. RODGERS and were as follows, viz:

YEAS—30

Bean,	Ealy,	Jacobs,	Shapiro,
Buckman,	Eroe,	Jaspan,	Sipe,
Cavalcante,	Gelder,	Mundy,	Sordoni,
Chapman,	Haluska,	Owlett,	Stiefel,
Dando,	Henney,	Pierson,	Thompson,
Deitrick,	Heyburn,	Salus,	Wolfenden,
Dent,	Homsher,	Scarlett,	Woodward,
DiSilvestro,	Howell,		

NAYS—20

Frey,	Kunkel,	McGinnis,	Roberts,
Gilson,	Lanius,	Pytko,	Rodgers,
Huffman,	Law,	Rankin,	Rupp,
Kahle,	Mallery,	Reed,	Ruth,
Kilgallen,	McCreesh,	Rice,	Sones,

The PRESIDENT. The vote lacks a two-thirds majority, and the motion is lost.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of personal privilege.

Mr. DENT. Mr. President and members of the Senate, upon this last vote taken relative to this resolution, I may state this: This was not a discharge resolution, it was simply a resolution letting the Committee on Appropriations of the Senate know—letting the members of the Senate know the sentiment of the members of the Committee on Labor and Industry.

I want to read into the record at this time something relative to this resolution, something received by a very close friend of mine during the past week. We are dealing with legislation, in this Senate today,—and particularly in the Committee on Labor and Industry—that may have a serious effect upon the future welfare of the State of Pennsylvania. That Committee, in trying to deal with these particular questions, have tried to come to some sound basis upon which to act. Early in the session a resolution was introduced calling for an investigation of

the tax ratio set, between this and other States, with regard to industries, particularly the mining industry; later we introduced an act asking for an appropriation to enable this committee to work. I have been a member of the State Legislature for a couple of years, and I have voted for many resolutions, and for bills appropriating money for the purpose of investigating certain phases of State Government. Right at this session we have voted for money to investigate the Judiciary. Upon outcome of that investigation nothing serious will happen insofar as the State of Pennsylvania is concerned; but if we, in this Senate, vote for a group of bills that may send one industry out of the State, because of over-taxation, then I say to you we will be derelict in our duties to the people who sent us down here to represent them.

I do not know whether there is any truth in the charges that we are voting for tax measures that may send an industry out of the State, and I doubt whether any member of this Senate can tell truthfully whether it is or not. I have often been told the story of the kid who was sent to watch the sheep, and who was told that if a wolf came he should call out and the men in the neighboring field would come and help him. So, the boy got lonesome the first day, and hollered "Wolf! Wolf!" and the men came over from the field, but found no wolf; the boy was just playing a prank. They repremanded him, but the next day the boy played the same prank. Finally the men got tired of running over, and would not run over any more. One day a real wolf appeared on the scene, and, when the boy called for help nobody same, and the wolf eat up the sheep.

I am of the opinion that letters sent out to stock-holders by industrial companies are serious matters; I do not believe they are just idle propaganda, spread for the misinformation of the Legislature or of any particular group. This was given me by a friend of mine, who asked me to answer the questions contained in the letter. Personally, I cannot them; some of you who voted on this resolution in the negative probably can answer them; I admit I cannot. I want to read, for this particular discourse, two paragraphs out of this letter:

"During the past year, the Pennsylvania State Legislature has established a ten per cent. income tax, in addition to the Federal income tax, which for 1936 cost approximately $310,000, and has established a capital stock tax which for 1936 cost approximately $406,000. These taxes are included in the foregoing figures, but both were new taxes placed on industry during 1935 and 1936. (The State income tax has recently been reduced from ten per cent. to seven per cent.)

"The most graphic way of presenting the Pennsylvania State taxes to stockholders is to say that for 1936 they are approximately $716,000 as against the 1934 tax of $6,000. If we were located in New Jersey, the similar tax for 1936 would have been about $8,000. If in Delaware, the 1936 tax would have been about $7,000. These are merely examples for comparison. Many other states offer an equally attractive opportunity.

"In addition, we will, of course, pay our share of the new Social Security taxes, which will total $270,000 for the year 1937. There is other state legislation pending which, if adopted, will further increase our expense.

"Many of these taxes are based on volume of business and therefore will increase in future years as the volume of our business increases. Because of this situation, your officers are actively canvassing the possibility of removing your corporation from the State of Pennsylvania. It is, however, too early for us to make any definite statement in this connection. We shall move from our present location with great regret and only if the condition continues to be intolerable."

Now, I do not know whether these figures are true; I do not know whether they are just propaganda; but I want to know,—and I think this Senate wants to know, and that is the only reason for memorializing the Committee on Appropriations to act upon this piece of legislation. We have spent much money in the past, and I assure this Senate that, whether the appropriation is forthcoming or not, this is a very important matter to the people of Pennsylvania—to find out the truth of the situation in the neighboring States.

QUESTION OF PERSONAL PRIVILEGE

Mr. RICE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Adams, Mr. Rice, will state his question of personal privilege.

Mr. RICE. Mr. President, this bill, providing for an appropriation, was referred to the Committee on Appropriations, some time ago. The Committee on Appropriations, very obviously, cannot report out such bills without due consideration as to where the money is to come from. Last Tuesday or Wednesday the Chairman of the Committee on Labor and Industry informed me that his committee had taken action requesting that this bill be reported out of the Committee on Appropriations. Very obviously, up to this moment, there has not been time, since that request for the Committee on Appropriations to hold a meeting for the purpose of considering the bill in question.

It seems to me that it is entirely unnecessary for the Chairman on Labor and Industry, or for the Committee on Labor and Industry, to memorialize the Committee on Appropriations to have the bill reported out. I can assure the Chairman of the Committee on Labor and Industry that at the first opportunity, which will be this week, the Committee on Appropriations will meet, as was requested last Tuesday or Wednesday—will meet and consider this bill.

Mr. THOMPSON. Mr. President, I would suggest that the best way, perhaps, to memorialize the Committee on Appropriations would be to refer this resolution to the Committee on Appropriations.

Mr. OWLETT. Mr. President, I desire to interrogate the Chairman of the Committee on Appropriations.

The PRESIDENT. Will the Senator from Adams, Mr. Rice, permit himself to be interrogated?

Mr. RICE. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Chairman of the Committee on Appropriations if it is not a fact that the Committee on Appropriations has appropriated a large sum of money for the investigation of the Anthracite Industry, which the Governor of this State investigated before this Legislature convened.

Mr. RICE. Mr. President, I might answer the Senator from Tioga by saying that the Committee on Appropriations did report out such a bill, which was passed by the Senate; but the Budget Officer informed the Chairman of the Committee on Appropriations that that item would be taken care of in the budget.

Mr. OWLETT. Mr. President, I would also like to ask the Chairman of the Committee on Appropriations if it is not a fact that a large appropriation has already been made for the investigation of the Courts of Philadelphia, with the idea of ripping them out .

Mr. RICE. Mr. President, it is true; and the same answer I made to the other question applies to this one.

Mr. OWLETT. Mr. President, the position taken by the Senator from Westmoreland County with reference to the serious situation in this State by reason of the various pieces of legislation that have been passed in the last two years is the position that has been taken by the Republican members of this Senate, who have called attention, time and time again, to the fact that this is a great industrial Commonwealth, whose very life depends on the industries in the State.

It seems to me that the time has come when we as legislators should know whether these reports of industries moving out of this State are true. If they are, it is time to call a halt on the kind of legislation that has been passed here. It is for that reason I supported the Senator from Westmoreland on this attempt—an attempt merely to give the Senate of Pennsylvania the information with reference to the moving out of industries from this State; and it seems to me, Mr. President that this great Commonwealth might better spend its money finding out whether we are driving industries out of Pennsylvania than spend it, at a thousand dollars a month, on an investigation of the Anthracite Industry, that everybody knows about, and spending it on a committee investigating the City of Philadelphia, so that they can rip out all the Republicans and put in Democratic job-holders, and spending it trying to bring disrepute on the Courts of this Commonwealth . It is time to call a halt on that kind of legislation, and appropriate a little sum to find out what is happening to the industries of this Commonwealth.

QUESTION OF PERSONAL PRIVILEGE

Mr. MUNDY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Luzerne, Mr. Mundy, will state his question of personal privilege.

Mr. MUNDY. Mr. President, the Senator from Tioga has minimized the investigation of the Anthracite Industry. Let me say that the Anthracite Industry represents an investment of about two billion dollars, and it affords employment to nearly a hundred and twenty thousand men. Certainly the Commonwealth of Pennsylvania should not regret spending a small sum of money to investigate an industry of this size.

The Anthracite Industry is suffering now from three forces: first the high cost of production; second ,the high cost of transportation; and, third, from certain measures of taxation. There was a time when, if the men employed around the Anthracite Industry ceased to work most of the mills and most of the industries throughtout this country also ceased to function; but that time has passed, and, with competition from other fuels and through other elements, the Anthracite Industry is very sorely pressed, and I say to you, Mr. President, that the time has come when we must cease bleeding the Anthracite Industry, and when the industry needs a transfusion of new blood.

Mr. OWLETT. Mr. President, I merely want to say—

POINT OF ORDER

Mr. JASPAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Jaspan, will state his point of order.

Mr. JASPAN. Mr. President, there is nothing before the Senate.

QUESTION OF PERSONAL PRIVILEGE

Mr. OWLETT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Tioga, Mr. OWLETT, will state his question of personal privilege.

Mr. OWLETT. Mr. President, I merely want to say I agree with the Senator from Luzerne as to the condition of the Anthracite Industry. I would like to ask the Senator if he will permit himself to be interrogated.

The PRESIDENT. Will the Senator from Luzerne, Mr. Mundy,permit himself to be interrogated?

Mr. MUNDY. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Luzerne if he thinks it is necessary to bring five men, at a thousand dollars a month, from outside the State of Pennsylvania, to investigate the situation.

Mr. MUNDY. Mr. President, I think it is decidedly wise to spend the money to educate the Legislature as to the real condition of the Anthracite Industry.

Mr. OWLETT. Mr. President, I would like to ask the Senator further if he thinks there is anyone in Pennsylvania competent to make the investigation of the Anthracite Industry.

Mr. MUNDY. Mr. President, at the time this Commission was appointed I filed certain objections to the Commission as appointed, but on investigation from every angle of this thing I find that we want to arrive at an opinion without prejudice, and if we seek our investigators from the Anthracite side of it we certainly shall receive some prejudice from the industrial side, and if we seek them entirely from the legal element we are liable to receive some prejudice from that side; so I think the Commission was fairly selected, I think it has been giving us a non-partisan, non-political view of the situation as it exists.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, falling into the same error as the rest of the members of this Senate, I also rise to a question of personal privilege—for a good reason.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, I notice this discussion has deteriorated into the discussion of another point, and I would not rise at all if it were not for the fact that the Senator from Tioga has attempted to make capital out of this situation for his own purposes.

My view of the Anthracite proposition is that it is important that it should be stated that the reason for bringing outsiders in was during the Republican regime there arose a situation, that has continued since, that was never corrected or attempted to be, in which the marketing of bootleg coal in the Anthracite region was started, and it has continued for economic reasons, and the Republican organization was willing to forget about it because they were afraid that if the Governor of the State of Penn-

slyvania would appoint a Commission composed of Pennsylvanians they would be declared to be Democratic—which are not my words.

Now, in our investigation into the government in Philadelphia we have found that the courts in Philadelphia have gotten so rotten they are a stench in the nostrils of decent citizens. And because we have found this rottenness in the courts there we are blamed, the fault is laid to us, for having found out the condition that exists, rather than the courts being blamed for having fallen into disrepute.

I think the Senator from Tioga would better wake up and realize that the election is over.

QUESTION OF PERSONAL PRIVILEGE

Mr. DiSILVESTRO. Mr. President, I am in this thing of personal privilege, too, tonight.

The PRESIDENT. The Senator from Philadelphia, Mr. DiSilvestro, will state his question of personal privilege.

Mr. DiSILVESTRO. Mr. President, I want the Senator from Tioga and the other members of the Senate to know that I belong to no ripping-out committee. When I was appointed as a member of the Joint Legislative Committee to Investigate the Cost of Government in the City and County of Philadelphia I was appointed as one of the component parts of that Committee in order to get facts; and the Senator from Tioga knows that we found plenty of facts in this City of Brotherly Love.

I do not want anybody, and especially any of my constituents, to feel that I am "a ripper". If I do rip anything, I assure you it is for the benefit of the citizens of Philadelphia.

ORDER OF THE DAY

Mr. HALUSKA. Mr. President, I move the order of the day.

The PRESIDENT. The question before the Senate is on the reference of the resolution. Inasmuch as the resolution memorializes the Governor and a Senate Committee, the Chair is of the opinion that the proper Committee to which it should be referred is the Committee on Rules, and it is so referred.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I had nearly forgotten my speech on personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, will state his question of personal privilege.

Mr. WOODWARD. Mr. President, I read in this Evening's Ledger that the Senate Committee on Labor and Industry has rebelled against orders, and the fight against the "Little Wagner Act" in this State has been transferred to the floor of that body; and I rise to a question of personal privilege because I have the benefit of inside information about these Labor Relation bills.

On Wednesday of last week the Committee on Labor and Industry because a committee of labor only—it became a case of obstetrics. The committee were "lying in" with bills on Labor Relations. Their chief obstetrician was Dr. John Dent. The committee labored for an hour. At ten o'clock Dr. Dent delivered a healthy male child. Later it was named Billy Rodgers Richberg,—that is it, little Billy Rodgers Richberg.

All went well then, Mr. President, until noon, and at noon we discovered it to be a case of twins. There was a complication, also, in the fact that the second child is what is called "the breach presentation"—what the doctors call "the breach presentation".

Now, for the sake of the laymen, I would like to explain that the breach presentation is where everything is hind side before. Whenever the doctors have a breach presentation they always have a consultation; and this time there was a consultation. So, the consultation was held in the office of the Chief of Staff, and Dr. John Dent took his Democratic internes over there, and the Republican internes remaned in the Chamber and played solitaire—and did not have any lunch.

When Dr. Dent and his internes arrived at the office of the Chief of Staff they found there what I call a mighty midwife—Mrs. Davey Lawrence. Mrs. Davey Lawrence took immediate charge of the case.

The committee returned and went into labor again, and at 12:45 Mrs. Lawrence delivered another prefectly healthy male child, a lovely boy, who was immediately christened Barney McGinnis Lawrence.

We have tonight on the calendar little Billy Rodgers Richberg and little Barney McGinnis Lawrence. The Republican side of this Chamber is somewhat doubtful about the first twin, they are somewhat fearful that this first twin is somewhat rickety; but we are quite sure that the second twin is what I would call "rackety".

Now, we are all godfathers of these twins; it is our duty to provide for them, and fill the pap bowl of political patronage; and it must not be subject to any sterilizing of the merit system. Imagine any good Democrat submitting himself to the I. Q. test! Why, there are so many Democrats and so few offices I cannot, myself, understand why we should drag in Civil Service.

However, we Republicans, of the brass rail,—well, we wish to extend our sympathy, of course, to our obstetrician, Dr. John Dent. It is hard to have the obstetrician displaced by a mere midwife; but we wish him to know that Mrs. Lawrence is not a mere midwife; we see her going around the halls with a big pair of forceps, delivering many bills each day. She has a worried look—what I would call a hunted look, and if you do not do right you will get pinched.

Well, the Republican members of this Senate have decided to vote here for the rickety twin, and the party on the other side of the Chamber will, I have no doubt, vote for the rackety twin; and the Clerk will call the roll.

Mr. DENT. Mr. President, as one doctor to another I would say to the Senator from Philadelphia, Mr. Woodward, that he is violating the ethics by exposing that which happens in a maternity chamber.

QUESTION OF PERSONAL PRIVILEGE

Mr. LAW. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Mercer, Mr. Law, will state his question of personal privilege.

Mr. LAW. Mr. President, I rise to my question of personal privilege for the purpose of informing the Senator from Chestnut Hill that the look which he saw in the face of Mr. Lawrence was probably a hunting and not a hunted look.

Mr. KAHLE. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. KAHLE. Mr. President, I would like to ask the Senator from Philadelphia, Mr. Woodward, if there was any twilight sleep used.

Mr. WOODWARD. Mr. President, no, the only people who get twilight sleep are the Republican members of the Senate over here near the brass rail.

Mr. KAHLE. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Woodward, further.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated further?

Mr. WOODWARD. Mr. President, I will.

Mr. KAHLE. Mr. President, may I ask the Senator from Philadelphia, Mr. Woodward, whether this was a Democratic boy that was born.

Mr. WOODWARD. Oh, yes, Mr. President, they are both Democrats.

Mr. KAHLE. Mr. President, may I also ask the Senator from Philadelphia, Mr. Woodward, to inform me if this child should develop richets, and I will see to it that he gets Kahle's Vitamin.

Mr. WOODWARD. Mr. President, I only want to say, in reply to Dr. Kahle,—finishing my reply to the Doctor, that one of the most conspicuous symptoms in rickets is a swelled head.

RESOLUTION

AUTHORIZING THE PRINTING OF COPIES OF SENATE BILLS 876, 877, 883

Mr. THOMPSON offered the following resolution which was twice read considered and agreed to:

In the Senate, April 12, 1937.

Resolved, That the Chief Clerk of the Senate be directed to have printed, one thousand copies each of Senate Bills 876, 877, 883 relating to public assistance and outdoor relief.

COMMUNICATION FROM THE GOVERNOR

The Chair cleared his table and laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILL No. 370.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 8, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 370, Printer's No. 94, entitled "An Act Authorizing cities of the first class to set-off delinquent taxes and interest penalties and costs due thereon against claims and accounts due by such cities and prescribing the powers and duties of the city controller in such cases."

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Commitee on Executive Nominations.

MEMBER OF WASHINGTON CROSSING PARK COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 12, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas Evans, of 215 South 16th Street, Philadelphia, for appointment as a member of the Washington Crossing Park Commission (to fill a vacancy), until the 3rd Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

BRIGADIER GENERAL, PENNSYLVANIA NATIONAL GUARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 12, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Charles Blaine Smathers, of Scotland, Franklin County, for appointment as Brigadier General, Pennsylvania National Guard, vice Robert Morris Brokfield, retired, to serve until lawfully determined or annulled.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 12, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the folowing persons for re-appointment as Notaries Public for the term of four years to compute from the date set opposite their names:

LUZERNE COUNTY

Lawrence C. McHugh, Wilkes-Barre, April 13, 1937.

SCHUYLKILL COUNTY

Mrs. Bert F. Burns, Shenandoah, April 16, 1937.

WARREN COUNTY

Joseph H. Goldstein, Warren, April 22, 1937.

ERIE COUNTY

Harry M. Schuwerk, Erie, April 24, 1937.

FAYETTE COUNTY

Joseph C. McGill, Dawson, April 26, 1937.

CENTRE COUNTY

Musser K. Gettig, Bellefonte, May 3, 1937.

ALLEGHENY COUNTY

Henry Romersa, Turtle Creek, May 4, 1937.

JEFFERSON COUNTY

Burt S. Burns, Reynoldsville, May 4, 1937.

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office (Harrisburg, April 12, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public

for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Henry C. Carr, 1715 Union Bank Bdg., Pittsburgh.
Harold H. Day, 312 4th Ave., Pittsburgh.
Robert J. Kauffman, 524 Grant Bldg., Pittsburgh.
Miss Florence McKenna, Duquesne.

ARMSTRONG COUNTY

Vincent E. Oswald, Kittanning.

BERKS COUNTY

George W Gillingham, Reading.

BUTLER COUNTY

Miss Lucille Berlin, Butler.
W. T. Furey, Butler.

CAMBRIA COUNTY

Ray J. Dumm, Spangler.

CARBON COUNTY

Winfred D Lewis, Lansford.

CHESTER COUNTY

Miss Edna B. Howett, Oxford.

CLARION COUNTY

Chester C Hulings, Clarion.

DAUPHIN COUNTY

Giovanni Di Santo, Harrisburg.

DELAWARE COUNTY

Edmund B. Lynch, Drexel Hill, Upper Darby Twp.

FAYETTE COUNTY

M. F. Smeach, Brownsville.

JEFFERSON COUNTY

Mrs. Alice E. Carrier, Summerville.

LEHIGH COUNTY

Harry L. Silverman, Allentown.
Pasquale Stravino, Allentown.

McKEAN COUNTY

Miss Florence E. Hokenson, Bradford.

NORTHUMBERLAND COUNTY

Miss Evelyn M. Deibler, Sunbury.

PHILADELPHIA COUNTY

William J. Benham, 5239 Chestnut St. Philadelphia.
Miss Catherine Graham, 12 S. 12th St. Philadelphia.
Isaac K. Johnson, 3160 Kensington Ave., Philadelphia.
Mrs. Jeannette B. Welch, 1328 Chestnut St., Philadelphia.
Miss Marion P. Williams, 123 S. Broad St., Philadelphia.
Samuel Yaffe, 1106 Jefferson Bldg., Philadelphia.

WARREN COUNTY

Chas. A. Hall, Sheffield, Sheffield Twp.

WASHINGTON COUNTY

Miss Martha Jane Fergus Washington, Canton Twp.

YORK COUNTY

H. M. Findley, Delta.

GEORGE H. EARLE.

JUSTICES OF THE PEACE

Commonwealth of Pennsylania,
Governor's Office, Harrisburg, April 12, 1937.

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Charles R. Hoover, of Harrisburg R. D. 2, Dauphin County, for appointment as Justice of the Peace in the Township of Susquehanna, Dauphin County, vice Clyde M. DeHart, resigned, until the first Monday of January, 1938.

Guy L. Schrope, of Hegins, Schuylkill County, for appointment as Justice of the Peace in the Township of Hegins, Schuylkill County, (to fill a vacancy), until first Monday of January, 1938.

GEORGE H. EARLE.

HOUSE MESSAGE

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 1183.

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, April 12, 1937.

Resolved, (if the Senate concur), that House Bill No. 1183, Printer's No. 494, entitled:

An Act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the first class as State highways and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of said streets, imposing duties on such cities and on public utility companies using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon; authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies, prohibiting the making of any opening in said streets after improvement without a permit and providing penalty therefor; regulating the maintenance of detours, authorizing the increase for city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act.

be called from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 291, (House Bill No. 553), as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised

corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" as amended by providing for the creation of the Building and Loan Board the appointment of its members the payment of its expenses and defining its powers and duties and by modifying the powers and duties of the Department of Banking and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision making further provisions with regard to appeals in certain proceedings and by making inapplicable said act to certain corporations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eleven of the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" is hereby amended to read as follows and that section fifteen of that act as last amended by the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws five hundred thirty-eight) and section three hundred one section five hundred one and section one thousand eleven of that act as amended by the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws five hundred twenty-six) are hereby further amended to read as follows

Section 11 Appeals from Court Orders Whenever pursuant to the provisions of this act any judgment decree or other order is entered by any court in this Commonwealth either for or against the department or the secretary as receiver or any relief requested by or against the department or the secretary as receiver is refused by such court either the department the secretary as receiver or any other party to such proceeding shall have a right of appeal (a) if the Department is a party to such proceeding to the Supreme Court in the manner provided by law for appeals to that court regardless of the amount in controversy and (b) if the secretary as receiver is a party to such proceeding to the Supreme or the Superior Court in the manner provided by law for appeals to such court

Section 15 Act Not Applicable to Small Loan Companies and Credit Unions A This act does not apply to and does not affect any act relating to corporations and persons licensed by the department to make small loans as provided by the act approved the seventeenth day of June one thousand nine hundred fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300.00) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" its amendments and supplements [.] nor to credit unions incorporated under the act approved the twenty-sixth day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand seventy-six) entitled "An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" its amendments and supplements

Section 301 Relationships of Employes of Department with Institutions Penalty A Neither the secretary nor any deputy examiner clerk or other employe of the department nor any deputy receiver or other employe of the Secretary of Banking as receiver shall be an officer director trustee manager or employe [or shareholder] of or directly or indirectly have any pecuniary interest in any institution nor shall he in the case of an institution other than a building and loan association after becoming secretary or a deputy examiner clerk or other employe of the department or a deputy receiver or other employe of the Secretary of Banking as receiver be a shareholder thereof except that an examiner assigned to the examination of building and loan associations shall not be a shareholder of any building and loan association nor shall he after becoming secretary or a deputy examiner clerk or other employe of the department or a deputy receiver or other employe of the Secretary of Banking as receiver directly or indirectly receive from any institution or from any officer director or employe thereof any sum of money or other property whether as a gift credit loan or otherwise However the secretary or any deputy examiner clerk or other employe of the department or any deputy receiver or other employe of the Secretary of Banking as receiver may secure from any institution a mortgage loan upon his own home upon the same terms and in the same manner as are provided by law for mortgage loans by such institutions upon real property and as are customarily imposed and followed by the institution making such loan

This section shall not be construed to prohibit the secretary or any deputy examiner clerk or other employe of the department or any deputy receiver or other employe of the Secretary of Banking as receiver from becoming a depositor in any institution

B A violation by the secretary deputy deputy receiver examiner clerk or other employe of the prohibitions of this section shall constitute sufficient ground for his removal from office In addition the secretary deputy deputy receiver examiner clerk or other employe committing such violation shall be deemed guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount of the gift credit loan or other sum of money which he has directly or indirectly received in violation of this section

Section 501 Orders by Department A Whenever it shall appear to the department that any institution is violating any provision of its charter or of this act or of any other law regarding the business of such institution or that such institution is conducting business in an unsafe or unsound manner the department may issue a written order under the seal of the department directing such institution to discontinue within such period as shall be specified in the order such violation of law or such unsafe or unsound practice

B Whenever it shall appear to the department that an attorney officer or employe of an institution [other than a building and loan association] and in the case of

an incorporated institution [other than a building and loan association] a director or trustee thereof shall have continued to violate any law relating to such institution or shall have continued unsafe or unsound practices in conducting the business of such institution after having been warned by the department to discontinue such violations of law or such unsafe or unsound practices the department may issue an order directing such attorney officer employe director or trustee to appear on the day fixed in such order in the case of a building and loan association before the Building and Loan Board and in the case of any other institution before the Banking Board and show cause why he should not be removed from his office or position and such office or position declared vacant A copy of such order shall be sent to the institution of which such person is an attorney officer employe director or trustee and a copy of such order shall be sent to the Building and Loan Board or to the Banking Board [.] as the case may be

The office or position of any attorney officer employe director or trustee so ordered by the department to appear before the Building and Loan Board or the Banking Board as the case may be who does not appear on the day fixed in such order shall unless the date for his appearance shall previously have been extended by the department upon such failure to appear be declared vacant Notice of such failure to appear shall be given by the Building and Loan Board or the Banking Board as the case may be to the department

On the day fixed [by the board] in the department's order such attorney officer employe director or trustee shall be heard in person or by counsel by the Building and Loan Board or the Banking Board [.] as the case may be If after such hearing it shall appear to the Building and Loan Board or the Banking Board as the case may be that such attorney officer employe director or trustee has not shown cause why he should not be removed from his office or position and such office or position declared vacant it shall within sixty days of such hearing notify the department of its decision Upon receipt of such notice or of notice that an attorney officer employe director or trustee has failed to appear on the day fixed the department shall issue an order directing the institution to remove such attorney officer employe director or trustee from his office or position and declare such office or position vacant A copy of such order shall be sent to the attorney officer employe director or trustee so removed

The department shall set forth in its order the date upon which any such removal and declaration of vacancy shall become effective

If after such hearing it shall appear to the Building and Loan Board or the Banking Board as the case may be that such attorney officer employe director or trustee has shown proper cause for not removing him or declaring his office or position vacant it shall within sixty days of such hearing notify the department to that effect

If the institution of which such person ordered by the department to appear before the Building and Loan Board or the Banking Board as the case may be is an attorney officer director or trustee is a member of a Federal Reserve Bank [or], the Federal Deposit Insurance Corporation the Federal Home Loan Bank or the Federal Savings and Loan Insurance Corporation the department may notify such Federal Reserve Bank [or], Federal Deposit Insurance Corporation Federal Home Loan Bank or Federal Savings and Loan Insurance Corporation as the case may be of its order directing such attorney officer employe director or trustee to appear before the Building and Loan Board or the Banking Board as the case may be and of the decision of the Building and Loan Board or the Banking Board [.] as the case may be At such hearing any duly authorized representative of such Federal Reserve Bank [or], Federal Deposit Insurance Corporation Federal Home Loan Bank or Federal Savings and Loan Insurance Corporation as the case may be may appear as a witness against such attorney officer employe director or trustee

Except as herein otherwise specifically provided the proceedings of the Building and Loan Board and the Banking Board and [its] their decisions shall not be published or divulged to anyone

The decision of the Building and Loan Board or of the Banking Board as the case may be shall be conclusive and not subject to any review Any attorney officer employe director or trustee who is removed from his office or position as provided in this section shall [forever] thereafter be disqualified from acting as an attorney officer employe director or trustee of any institution in this Commonwealth for such period as the Building and Loan Board or the Banking Board as the case may be shall prescribe

C There is hereby created a board to be known as the "Banking Board" which shall hear any attorney officer employe director or trustee of any corporation or person subject to the supervision of the Department of Banking who shall have been ordered by the Department of Banking to appear before such board to show cause why his office or position should not be declared vacant The board shall also exercise such additional powers as shall be given to it and shall act upon such matters as shall be referred to it by any laws of this Commonwealth

There is hereby created a board to be known as the "Building and Loan Board" which shall hear any attorney officer employe director or trustee of any building and loan association subject to the supervision of the Department of Banking who shall have been ordered by the Department of Banking to appear before such board to show cause why his office or position should not be declared vacant The board shall also exercise such additional powers as shall be given to it and shall act upon such matters as shall be referred to it by any laws of this Commonwealth

[The] Each board shall consist of nine members one of which shall be the Secretary of Banking who shall act as chairman Two of [its] the members of each board shall be appointed by the Governor to serve in the case of the Banking Board for two years from September first one thousand nine hundred and thirty-five and in the case of the Building and Loan Board for two years from September first one thousand nine hundred and thirty-seven and may be removed from [the board] office at his pleasure [,]; the remaining six members of each board shall be appointed by the Governor from [a list] lists of nominations submitted to him as herein provided but any such member shall not be removed from office unless he shall have been absent from six consecutive meetings of such board

In the case of members of the Banking Board

(1) The Pennsylvania Bankers Association shall nominate in writing to the Governor five persons from groups one and two of the Pennsylvania Bankers Association two of whom shall be appointed by him as members of the board to serve for four years from September first one thousand nine hundred and thirty-five

(2) The Pennsylvania Bankers Association shall nominate in writing to the Governor five persons from groups three four five and six of the Pennsylvania Bankers Association two of whom shall be appointed by him as members of the board to serve for eight years from September first one thousand nine hundred and thirty-five

(3) The Pennsylvania Bankers Association shall nominate in writing to the Governor five persons from groups seven and eight of the Pennsylvania Bankers Association two of whom shall be appointed by him as members of the board to serve for six years from September first one thousand nine hundred and thirty-five

In the case of members of the Building and Loan Board the Pennsylvania League of Building and Loan Associations shall nominate in writing to the Governor fifteen persons who shall be duly representative of the geographical distribution of building and loan associations in this Commonwealth six of whom shall be appointed by him as members of the board two to serve for four years from September first one thousand nine hundred and thirty-seven two to serve for six years from September first one thousand nine hundred and thirty-seven and two to serve for eight years from September first one thousand nine hundred and thirty-seven

Such nominations shall in the case of the Banking Board be submitted to the Governor not less than thirty days before July first one thousand nine hundred and

thirty-five and in the case of the Building and Loan Board not less than thirty days before September first one thousand nine hundred and thirty-seven and thereafter not less than thirty days before September first of the year in which the Governor shall make appointments of successors to fill the offices of such members whose terms will expire on September first of such year If such nominations are not so submitted to the Governor he shall appoint as members in the case of the Banking Board attorneys officers employes directors or trustees of corporations or persons subject to the supervision of the Department of Banking two of whom shall be from groups 1 and 2 of the Pennsylvania Bankers Association two from groups 3 4 5 and 6 of the Pennsylvania Bankers Association and two from groups 7 and 8 of the Pennsylvania Bankers Association and in the case of the Building and Loan Board attorneys officers employes or directors of building and loan associations subject to the supervision of the Department of Banking but any such member shall not be removed from office unless he shall have been absent from six consecutive meetings of such board

Upon expiration of the respective initial terms of office members shall be appointed to serve for eight years Members shall serve until their successors are duly appointed and have qualified Appointed members of the board shall qualify by giving written notice to the Secretary of Banking of their acceptance of such appointment

[The] Each board may by the vote of a majority of all its members excuse any member for failure to attend its meetings but if not so excused the officer of the member who shall have been absent from six consecutive meetings shall be declared vacant and the vacancy filled as herein provided

Vacancies in the [board] boards caused by death resignation failure to attend meetings or otherwise shall be filled by the Governor but in the case of a vacancy caused by death resignation failure to attend meetings or otherwise of a member appointed from nominations submitted to the Governor as herein provided the Governor shall fill such vacancy by appointing as a member in the case of the Banking Board an attorney officer employe director or trustee of a corporation or person subject to the supervision of the Department of Banking having its principal place of business within the same groups of the Pennsylvania Bankers Association as was represented by the list of nominations from which was appointed the member whose office became vacant [.] and in the case of the Building and Loan Board an attorney officer employe or director of a building and loan association subject to the supervision of the Department of Banking

[The] Each board shall meet upon the call of the chairman notice of which shall be given to each member in writing not less than five days prior to the date fixed for such meeting

[A] In the case of each board a majority of all the members [of the board] in office shall be necessary to constitute a quorum for the transaction of business and the acts of a majority of the members who are present at a meeting at which a quorum is present shall be the acts of the board provided that the chairman shall have no vote unless they be equally divided

Members of the [board] boards shall serve without compensation but shall be entitled to personal expenses actually incurred in the performance of duties which if approved by the Department of Banking shall be paid by it

The [board] boards shall meet in the office of the Department of Banking for which purpose the Department of Banking shall furnish [to the board] adequate office space and such other facilities as are necessary for [its] their administration The Department of Banking shall designate [one of] from among its employes [to act as] a secretary to [the] each board and shall furnish such other employes as may be required

[The secretary shall keep full] Full minutes of the proceedings of [the] each board [,] shall be kept by the secretary which shall be available only to the members thereof

In connection with any hearing or investigation the [board] boards shall have power to issue subpoenas requiring the attendance of or the production of pertinent books and papers by the officers directors agents employes or members respectively of any corporation or person which the department is authorized under the provisions of this act to examine The Building and Loan Board or the Banking Board as the case may be shall upon application of the attorney officer employe director or trustee to be heard subpoena such witnesses as are set forth in such application The [board] boards shall also have the power to question such witnesses under oath or affirmation and to examine such books and papers.

Any witness who refuses to obey a subpoena issued under this section or who refuses to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court and for this purpose an application may be made to any court of common pleas within whose territorial jurisdiction the offense was committed for which purpose such court is hereby given jurisdiction

D Whenever it shall appear to the department that the capital of a corporation under its supervision has been impaired or the capital and surplus reduced below the minimum required by law or below the amount required by its articles of incorporation the department may issue a written order under the seal of the department directing such corporation to make good the deficiency within such period as shall be specified in the order

E Whenever it shall appear to the department that the bond or securities of a person under its supervision which are required by law to be deposited with the department have depreciated in value so that their present value is below the minimum amount required by law the department may issue a written order under the seal of the department directing such person to make good the deficiency within such period as shall be specified in the order

F Whenever it shall appear to the department that any institution is not keeping its books and accounts in such manner as to enable the department with reasonable facility to ascertain the true condition of the institution the department may issue a written order under the seal of the department requiring such institution within such period as shall be specified in the order to open and keep such books as the department may in its discretion reasonably determine are essential for the purpose of keeping accurate and convenient records of the transactions and accounts of such institution

G Whenever any institution shall refuse to submit its records and affairs to a legally conducted examination or investigation by the department the department may issue a written order under its seal requiring such institution to permit the secretary or other duly authorized examiner to make such examination or investigation within such period as shall be specified in the order

Section 1011 Order of Preference in Distribution A The following shall be the order followed by the secretary in the distribution pursuant to the provisions of this act of the assets of any institution with the exception of a building and loan association which he as receiver is liquidating

First Any expenditure made by the secretary as receiver which under the provisions of this act is to be paid out of the assets of the institution

Second Any fee or other debt owing to the department for examinations or other services rendered or penalties incurred prior to the taking of possession by the secretary as receiver any deposit or other claim of the Commonwealth of Pennsylvania and any other claim which is given a preference by law

Third Any deposit and any interest due thereon which has been or according to the by-laws or rules and regulations of the institution should have been credited to such deposit prior to the date of the taking of possession of the institution by the secretary as receiver whether subject to withdrawal by check or by any other method not requiring notice or to withdrawal only after notice or after the expiration of a fixed period whether or not such notice has been given or such period has expired at the date of distribution any holder of a certified check drawn on the institution the claim of any holder of a certificate of deposit of the institution which evidences an actual deposit of moneys in such institution and any

interest which may be due thereon whether such certificate of deposit is payable upon demand or is payable only after notice or after the expiration of a fixed period whether or not such notice has been given or such period has expired at the date of distribution the claim of any holder of a check or draft of the institution which has been given in exchange for or in payment of a check or draft drawn upon such institution by a depositor therein or which has otherwise been charged to the account of a depositor therein provided that the amount of such check or draft does not exceed the balance to the credit of such depositor or which has been given in exchange for cash or for any check or draft the proceeds of which have been received by the institution excepting claims which are preferred by the Bank Collection Act of one thousand nine hundred and thirty-one its amendments and supplements any claim for cash or for any check or draft the proceeds of which have been received by the institution which was delivered to the commercial department of such institution as fiduciary either for transmission or for any purpose other than as a deposit irrespective of whether all or part of such cash or the funds realized from such check or draft has been mingled with the assets of such institution

Fourth Any claim for the amount of any deficiency in the funds property or investments of an estate of which the institution was fiduciary or any surcharge with respect to such estate which is found to be due by the court in which the account for such estate is filed and any claim of a creditor of the institution not listed under any other category in this section

Fifth Any part of the amounts paid by shareholders after an assessment upon them by the secretary pursuant to the provisions of this act which has proved unnecessary to pay in full all depositors or other creditors of the institution such payments are to be made pro rata up to the respective amounts paid by each shareholder This clause shall not be construed to refer to payments made by shareholders on account of unpaid subscriptions to shares

Sixth Any moneys of the institution which still remain in the hands of the secretary shall be paid to shareholders in proportion to the number of shares held by them respectively minus any amounts still owing by them on the assessment made by the secretary pursuant to the provisions of this act or on unpaid subscriptions to shares Provided however If the articles of incorporation or any amendments thereto prefer any class of shareholders over another class then distribution shall be made in conformity with the articles of incorporation and any amendments thereto

Seventh Any unliquidated assets to trustees for shareholders appointed pursuant to the provisions of this act

B The following shall be the order and preference followed by the secretary in the distribution pursuant to the provisions of this act of the assets of any building and loan association the affairs of which he as receiver is liquidating

First Any expenditure made by the secretary as receiver which under the provisions of this act is to be paid out of the assets of the institution

Second Any fee or other debt owing to the department for examinations or other services rendered or penalties incurred prior to the taking of possession by the secretary as receiver any other claim of the Commonwealth of Pennsylvania and any other claim which is given a preference by law

Third Any claim of a creditor of the association other than the claim of a shareholder arising from his ownership of shares

Fourth Any claim of a shareholder whether or not reduced to a judgment arising from his ownership of shares whether such shares be installment optional payment full-paid prepaid matured or any other type and whether or not notice or withdrawal of such shares has been given to the association The amount of the claim arising from each share shall be the amount actually paid in on account of such share less any amount lawfully deductible therefrom by the association except in the case of a lawfully and properly matured share in which case the amount of the claim shall be the actual par value of the share less any payment received on account thereof from the association and less any other amount lawfully deductible therefrom by the association

C Every claim enumerated above shall have the same rank and priority as every other claim in the same numbered paragraph regardless of the order in which such claims are enumerated

D All claims provided for in this section shall be construed to refer only to claims presented to the secretary and approved by the court in accordance with the proivsions of this act

Section 2 Effective Date This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Yeas 48

Bean,	Gilson,	Lanius,	Roberts,
Buckman,	Haluska	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Howell,	Mundy,	Shapiro,
Dent,	Huffman,	Owlett,	Sipe,
DiSilvestro,	Jacobs,	Pierson,	Sones,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	Woodward,

Nays 0.

A majority of all Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 326, (House Bill No. 554), as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private banks defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fidiciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deed and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the

authority of the same That section three hundred four section five hundred twelve section five hundred eighteen section five hundred nineteen section seven hundred two section one thousand twenty-one section one thousand five hundred three and section one thousand five hundred four of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows and that section two section three hundred six section four hundred eleven section four hundred twelve and section seven hundred one of that act as last amended by the act approved the twenty-fourth day of April one thousand nine hundred thirty-five (Pamphlet Laws fifty-six) and that section one thousand twelve section one thousand two hundred eight and section one thousand two hundred nine of that act as last amended by the act approved the eleventh day of June one thousand nine hundred thirty-five (Pamphlet Laws three hundred six) and that section two hundred three section five hundred two and section nine hundred eight of that act as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-five (Pamphlet Laws three hundred sixty-nine) and that section one thousand seven and section one thousand nine of that act as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-five (Pamphlet Laws three hundred eighty-two) and that section one thousand three hundred two of that act as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred two) and that section two hundred four section eight hundred six section eight hundred eight section one thousand four hundred four and section one thousand four hundred six of that act as last amended by the act approved the second day of July one thousand nine hundred thirty-five (Pamphlet Laws five hundred seven) are hereby further amended to read as follows

Section 2 Definitions A The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Affiliated corporation or person" means such an [affiliate] affiliated corporation or person or a holding company affiliate as is defined [,] by the Department of Banking Code of May 15 1933 (Pamphlet Laws five hundred sixty-five) its amendments and supplements or by any Federal law or any regulation issued by any Federal authority pursuant to law to be a corporation or person affiliated with a national banking association or a member of a Federal Reserve Bank [or as a holding company affiliate]

"Articles" includes the original articles of incorporation any or all amendments thereto articles of merger consolidation or conversion and also what have heretofore been designated by law as certificates of incorporation or charters

"Assets" includes all the property and rights of every kind of an institution as herein defined

"Attorney" includes any attorney at law who receives a general retainer as solicitor or as counsel for an institution

"Authorized capital" means the sum of the par value of the shares authorized to be issued in the articles of incorporation or in any amendment thereto

"Bank" includes any bank which does not have the power to act as trustee guardian executor administrator or in other fiduciary capacities whether incorporated under this act [or] under the act approved the thirteenth day of May one thousand eight hundred and seventy-six (Pamphlet Laws one hundred sixty-one) entitled "An act for the incorporation and regulation of banks of discount and deposit" its amendments and supplements or under any special act of the General Assembly of this Commonwealth [.] ; or any bank and trust company which renounces or has renounced its power to act as trustee guardian executor administrator or in other fiduciary capacities

"Bank and Trust Company" includes any bank and trust company incorporated under this act or any bank incorporated under the act approved the thirteenth day of May one thousand eight hundred and seventy-six (Pamphlet Laws one hundred sixty-one) entitled "An act for the incorporation and regulation of banks of discount and deposit" its amendments and supplements which has acquired the power to act as fiduciary under the act approved the seventeenth day of July one thousand nine hundred and nineteen (Pamphlet Laws one thousand thirty-two) entitled "An act authorizing banking companies incorporated and organized under the laws of the Commonwealth and having capital stock at least equal to the capital stock which trust companies are required by law to have to act in any fiduciary capacity in which trust companies organized under the laws of the Commonwealth are empowered to act and prescribing the method of acquiring such rights" or any corporation organized "for insurance of owners of real estate mortgagees and others interested in real estate from loss by reason of defective titles liens and encumbrances" under the act approved the twentyninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws seventy-three) its amendments and supplements and which has acquired the power to engage in the business of banking and to act as fiduciary under the supplement to that act approved the ninth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws one hundred fifty-nine) or a corporation organized under any special act of the General Assembly of this Commonwealth which has the power to engage in a banking business and to act as fiduciary

"Banking" means discounting and negotiating promissory notes drafts bills of exchange and other evidences of debt receiving money and commercial paper on deposit or for transmission lending money on real or personal security buying and selling gold and silver bullion foreign exchange coin or bills of exchange

"Branch" includes any branch office agency sub-office sub-agency or place of business other than the principal place of business of an institution for the transaction of any portion of its banking or trust business

"Capital" means the sum of the par value of the preferred and common shares issued and outstanding

"Corporation" means a corporation or a joint stock association organized under the laws of this Commonwealth of the United States or of any other state territory foreign country or dependency

"Department" means the Department of Banking of this Commonwealth

"Director" includes any individual who is a member of a board of directors board of managers or board of trustees of a bank bank and trust trust company or trust company

"Incorporator" means a signer of the original articles of incorporation

"Incorporated Institution" includes any bank bank and trust company savings bank or trust company

"Institution" includes any bank bank and trust company savings bank trust company or private bank

"Net worth" means the total of all the assets of every kind employed in the business of a private bank less the

total of all the liabilities of every kind of such business

"Person" means an individual or an unincorporated association including a partnership a limited partnership or any other form of unincorporated enterprise owned by two or more individuals

"Private Bank" means a banking business other than those specifically exempted by this act owned and operated in this Commonwealth by an individual a partnership or any other unincorporated association but this shall not include clubs and hotels which receive money from members and guests for temporary safekeeping express steamship or telegraph companies which receive money for transmission attorneys at law real estate agents fiscal agents and attorneys in fact who are not engaged in the business of receiving moneys in this Commonwealth or for transmission but receive and transmit moneys only as an incident to their general business or profession and brokers licensed under the laws of this Commonwealth holding membership in a lawfully constituted brokerage exchange who do and have authority to do only such banking as is incidental to their brokerage business

"Private Banker" means an individual who by himself or as a member of a partnership or other unincorporated association owns or operates a private bank

"Recognized Stock Exchange" means the stock exchange of any city having a population of more than five hundred thousand according to the latest official census

"Savings Bank" includes any savings bank incorporated under this act or under the act approved the twentieth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws two hundred forty-six) entitled "An act to provide for the incorporation and regulation of savings banks and institutions without capital stock established for the encouragement of saving money" or under any special act of the General Assembly of this Commonwealth

"Shares" means the units into which the shareholders' right to participate in the control of an incorporated institution in its undivided profits or in the distribution of its assets are divided

"Shareholder" means a registered owner of shares in an incorporated institution

"Share Certificate" means a written instrument signed by the proper corporate officers as required by this act and evidencing the fact that the corporation or person therein named is the registered owner of the shares therein described it also includes the term "certificate of stock" as used in existing laws

"Trust Company" includes any trust company incorporated under this act or any corporation organized for insurance of owners of real estate mortgagees and others interested in real estate from loss by reason of defective titles liens and encumbrances under the act approved the twenty-fourth day of April one thousand eight hundred and seventy-four (Pamphlet Laws seventy-three) its amendments and supplements and which has acquired the power to engage in the business of banking and acting as fiduciary under the supplement to the act approved the ninth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws one hundred fifty-nine) which renounces or has renounced the power to transact a banking business or any other bank and trust company which renounces or has renounced its power to transact a banking business or a corporation organized under any special act of the General Assembly of this Commonwealth which has the power to engage in the banking business and act as a fiduciary but which renounces or has renounced its power to transact a banking business

"Trustee" includes any individual who is a member of the board of managers or board of trustees of a savings bank

"Written" includes printed typewritten engraved lithographed photographed photostated or telephotographed

B The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 203 Place of Business Change of Place of Business A Except as herein otherwise provided an institution shall not transact any banking or trust business except in the case of an incorporated institution at the place or places designated in its articles and in the case of a private bank at the place or places the address or addresses of which are filed with the Department of Banking

B [An incorporated institution may change its place of business within the limitations imposed by this act in the regular manner provided by this act for an amendment to its articles Any private bank may like-wise remove its place of business within the limitations of this act if it shall first obtain the written approval of the department Such removal by an institution shall not in case be to a place where such institution would not be entitled under the provisions of this act to establish a branch at the time it applies for authority to make such change and shall not violate the provisions of this act relating to the establishment of branches agencies sub-offices or sub-agencies] An institution may in the case of an incorporated institution in the regular manner provided by this act for an amendment to its articles and in the case of a private bank with the prior written approval of the department change its principal place of business (1) within the city borough or township in which its principal place of business is located or (2) to any city borough or township either within the county of its principal place of business or in a county contiguous to the county of its principal place of business subject however to the same limitations and requirements as are by this act prescribed in the case of the establishment of a branch in such city borough or township

Any change of the principal place of business of an institution shall automatically terminate its right to maintain and operate any branch located or authorized by the articles of incorporation or otherwise to be located in a county which is not contiguous to the county in which the principal place of business is to be located

Except in the case of any change of the principal place of business within the same city borough or township an institution shall not change its principal place of business unless in the case of a bank bank and trust company or trust company its unimpaired capital is at least equal to the minimum capital required by this act for the incorporation of a bank bank and trust company or trust company as the case may be in the proposed city borough or township and in case branches are maintained and operated or are authorized by its articles of incorporation or otherwise to be maintained and operated unless it has such additional amounts of capital and surplus as are required by this act for the establishment of branches and in the case of a savings bank unless its surplus equals a minimum amount aproved by the department and in the case of a private bank unless its net worth equals a minimum amount approved by the department

Any institution may change the place of business of any of its branches subject to the same requirements and limitations as are by this act prescribed in the case of the establishment of branches

C A private bank which upon the effective date of this act lawfully maintains one or more offices or places of business in any other state or foreign country may continue to maintain and operate any such offices or places of business and do and perform all such acts and make all such loans discounts and investments at such offices or places of business as are permitted or required under the laws of such other state or foreign country subject to such restrictions or limitations as may be imposed by the laws of such other state or foreign country

D However an institution may with the prior written approval of and for the period fixed by the department change its place of business to permit of the alteration or improvement of the premises at the time occupied by it

Section 204 Branch Offices and Sub-Agencies A An institution shall not establish maintain or operate either directly or indirectly any branch [bank branch office agency sub-office sub-agency or branch place of business] within this Commonwealth for the transaction of any part of its business but all of the business of such institution shall be carried on solely and exclusively at its principal

place of business except as may be permitted by this act

B Any institution may continue to maintain and operate any branch [bank branch office agency sub-office sub-agency or branch place of business] lawfully established by such institution

C Any institution may in the case of an incorporated institution in the manner provided by this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act and in the case of a private bank with the prior written approval of the department establish a branch [bank branch office agency sub-office sub-agency or branch place of business] at any place within this Commonwealth where at the time such institution proposes to establish such branch [bank branch office agency sub-office sub-agency or branch place of business] any national banking association having its principal office in the same county as that in which the principal office of the institution proposing to take such action is located would have the power under the laws of the United States now or hereafter enacted to establish a branch [bank branch office agency sub-office sub-agency or branch place of business] of such national banking association

D Any institution may in the case of an incorporated institution in the manner provided in this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act and in the case of a private bank with the prior written approval of the department (1) establish a branch [bank branch office agency sub-office sub-agency or branch place of business] within the corporate limits of the city of the first class or the second class in which the principal place of business of the institution is located or within the corporate limits of the city or borough in which the principal place of business is located and in which the institution was authorized by law to establish a branch [bank branch office agency sub-office sub-agency or branch place of business] on the first day of January one thousand nine hundred and thirty-five and may (2) establish a branch [bank branch office agency sub-office sub-agency or branch place of business] in any place within the county in which its principal place of business is located or in any place within any county contiguous to the county in which its principal place of business is located if the city borough or other community in which such branch [bank branch office agency sub-office sub-agency or branch place of business] is to be established is without adequate banking facilities or in the case of a merger or consolidation is without adequate banking facilities other than an incorporated institution or national banking association which is a party to the plan of merger or consolidation in accordance with the provisions of this act

Provided that an institution shall not have the power to establish a branch [bank branch office agency sub-office sub-agency or branch place of business] in any county other than the county in which its principal place of business is located if a branch [bank branch office agency sub-office sub-agency or branch place of business] is at the same time established or maintained or is authorized by the articles of incorporation or otherwise to be established or maintained in any county other than the county in which its principal place of business is located by

(1) Another institution or national banking association with which such institution is affiliated or

(2) An institution or national banking association with which such other institution or national banking association is affiliated or

(3) An institution or national banking association which is affiliated with any corporation or person with which such other institution or national banking association is affiliated or

(4) An institution or national banking association which is affiliated with any corporation or person with which such institution is affiliated [, nor shall an]

E An institution shall not have the power to establish any branch [bank branch office sub-office sub-agency or branch place of business ,] unless in the case of a bank a bank and trust company or a trust company its unimpaired capital and unimpaired surplus respectively are equal to an amount not less than the aggregate capital and surplus respectively required by the act for the incorporation of such number of similar institutions as is equal to the total number of its places of business including such branch [bank branch office agency sub-office sub-agency or branch place of business, excepting that if any place of business included in such total number is located or is to be located in a borough or township the population of which does not exceed five thousand not more than fifty per centum of the capital and surplus respectively required by this act need be included for such particular place of business in the aggregate capital and surplus respectively required by this section and in the case of a savings bank unless its surplus and expense fund equal a minimum amount approved by the department and in the case of a private bank unless its net worth equals a minimum amount approved by the department

F Articles of incorporation of amendment of merger or of consolidation as the case may be the effect of which is to establish a branch shall be subject to all of the requirements prescribed by this act for articles of the same kind generally except that

(1) If the proposed branch is to be established in a county contiguous to the county of principal place of business

(a) written notice of the intention to file such articles with the Department of State shall be given at least ten days prior to the day on which the articles are to be presented to the Department of State to every institution which has its principal place of business in the county in which the proposed branch is to be located such notice shall contain all of the statements which are required by this act to be set forth in the advertisement of intention to file articles of the particular kind with the Department of State

(b) the advertisement of intention to file such articles with the Department of State shall appear at least ten days prior to the day on which the articles are to be presented to the Department of State and shall also be inserted one time in a newspaper of general circulation in the county in which the proposed branch is to be located and which is published in the city borough or township in which the proposed branch is to be located and one time in a legal newspaper published in the county in which the proposed branch is to be located and

(c) the advertisement shall set forth a statement that written notice of the intention to file articles with the Department of State has been given to every institution which has its principal place of business in the county in which the proposed branch is to be located

(2) In the case of articles of incorporation of amendment of merger or of consolidation as the case may be the effect of which is to establish a branch except such articles the effect of which is to establish a branch in any city of the first class or of the second class in which the principal place of business of the incorporated institution is or is to be located or in the city or borough in which the principal place of business of the incorporated institution is or is to be located and in which branches were authorized by law to be established on the first day of January one thousand nine hundred and thirty-five the Department of Banking shall within sixty days after the receipt of the articles from the Department of State upon the basis of the facts disclosed by the investigation or hearing provided for by this act either approved or disapprove such articles The Department of Banking may in its sole discretion disapprove articles the effect of which is to establish a branch in a county contiguous to the county in which the principal place of business of the incorporated institution is or is to be located if it shall appear as a result of the investigation or hearing provided for by this act that an incorporated institution having its principal place of business in the county in which the proposed branch is to be located has in good faith notified the Department of Banking of its intention to establish a branch in accordance with the provisions of this act in the same city borough or township in which such proposed branch is to be located

If the Department of Banking shall approve such articles it shall forward them to the Banking Board for re-

view The Banking Board shall after such investigation or hearing as it may deem advisable either approve or disapprove the action of the Department of Banking and shall return the articles to the Department of Banking with notice of its decision and in the case of disapproval with a statement in detail of its reasons for doing so The decision of the Banking Board shall be binding upon the Department of Banking

Immediately upon receipt of the articles from the Banking Board the Department of Banking shall on the basis of the decision of the Banking Board either approve or disapprove them in the same manner as is provided for by this act in the case of articles of the same kind generally

Any application filed with the Department of Banking by a private bank for approval of the establishment of a branch shall be subject to the same requirements as are by this act prescribed for the advertisement notice and approval or disapproval by the Department of Banking or by the Banking Board of articles the effect of which is to establish a branch except that such application need not be filed with or approved by the Department of State

[E] G An institution national banking association corporation or person shall be deemed to be affiliated with an institution national banking association corporation or person for the purpose of this section if

(1) It is owned directly or indirectly by such institution national banking association corporation or person or

(2) It owns directly or indirectly such institution national banking association corporation or person or

(3) It is owned directly or indirectly by the same institution national banking association corporation or person which owns directly or indirectly such institution national banking association corporation or person or

(4) The election of a majority of its board of directors is controlled directly or indirectly by any instrumentality agency or arrangement that controls directly or indirectly the election of a majority of the board of directors or trustees of such institution national banking association or corporation or

(5) A majority of its directors or trustees or a majority of the members of the executive cimmittee of its board of directors or trustees are also directors or trustees of such institution national banking association or corporation or

(6) Members of its board of directors or trustees constitute a majority of the board of directors or trustees or a majority of the executive committee of the board of directors or trustees of such institution national banking association or corporation or

(7) Substantially all of its principal executive officers constitute a majority of the board of directors or trustees of any such institution national banking association or corporation or comprises or constitutes all of the executive officers of any such institution national banking association or corporation or

(8) Its board of directors or trustees is composed of executive officers of any such institution national banking association or corporation or

(9) It dominates or controls in whole or in part the business or policy of such institution national banking association corporation or person either by contract or otherwise or

(10) Its business or policy is dominated or controlled in whole or in part either by contract or otherwise by such institution national banking association corporation or person

Provided that the ownership of more than fifty per centum of the total number of shares voted upon at the last meeting of the shareholders of an institution national banking association or corporation for the election of its directors or trustees shall be deemed to be ownership of such institution national banking association or corporation and that shares of stock held in the name of a nominee of any institution national banking association or corporation for the benefit of such institution national banking association or corporation shall be deemed to be shares owned or controlled by the institution national banking association or corporation

Section 304 Advertisement of Articles [The] Except as otherwise provided in this act the incorporators shall advertise their intention to file articles with the Department of State one time in a newspaper of general circulation and one time in a legal newspaper Advertisement shall appear at least three days prior to the day the articles are to be filed with the Department of State and shall set forth briefly

(1) The name of the proposed incorporated institution

(2) A statement that the proposed incorporated institution is to be organized under the provisions of this act

(3) The purpose or purposes of the proposed incorporated institution and

(4) The time when the articles will be filed with the Department of State

Section 306 Approval of Articles by Department of Banking A The Department of Banking shall immediately upon the receipt of the articles from the Department of State conduct such investigation as it may deem necessary to ascertain from the best sources of information at its command

(1) Whether the name of the proposed incorporated institution is likely to mislead the public as to its character or purpose

(2) Whether the convenience and advantage of the public will be served by the proposed incorporation and whether the density of the population in the neighborhood designated for the place of business of such proposed incorporated institution and in the surrounding country affords reasonable promise of adequate support for the enterprise

(3) Whether the responsibility character and general fitness for the business of the incorporators directors and officers named in the articles are such as to command the confidence of the community and to warrant the belief that the business of the proposed incorporated institution will be honestly and efficiently conducted in accordance with the intent and purpose of this act

(4) Whether any fee commission or compensation has been paid to any corporation or person for the promotion or organization of such incorporated institution or whether any part of the money collected or to be collected from subscribers or shareholders has been or is to be applied to the payment of promoters' fees for obtaining subscriptions or selling shares or for services in starting such incorporated institution whether such fee commission or compensation is provided for by contract with the proposed incorporated institution or by contract with the subscribers to the shares

(5) Whether the amount of the authorized common capital in relation to the amount of the authorized preferred capital is adequate to the needs of the bank bank and trust company or trust company and to the convenience and safety of the public

B [Within] Except as otherwise provided in this act within thirty days after the receipt of the articles from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove the articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles it shall endorse its approval thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the proposed incorporators of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking shall be conclusive and not subject to any review

Section 411 Increase of Authorized Capital A A bank a bank and trust company or a trust company may amend its articles to increase its authorized capital in the same manner and with the same approval as is required by this act for any amendment to the articles of a bank a bank and trust company or a trust company except that written notice of a proposed amendment for increasing the authorized capital of the institution shall be given to each shareholder entitled to vote thereon at least sixty days prior to such meeting and except that a proposed amendment for increasing the authorized capital of the institution shall

titled to vote at such meeting and by the holders of at be adopted by the holders of at least a majority in amount of the aggregate par value of the outstanding shares enleast a majority in numbers of the outstanding shares entitled to vote at such meeting

Such increase of authorized capital shall however become invalid and inoperative unless the actual increase of capital which is authorized shall be made within one year from the date of the issuance of the certificate of amendment If any portion of such authorized capital shall be created and issued within such one-year period only such portion as remains unissued within such period shall become invalid and inoperative In the case of a bank a bank and trust company or a trust company which upon the effective date of this act has an authorized capital which exceeds the par value of its outstanding shares such one-year period shall date from the effective date of this act Such actual increase may be made from time to time within such period of one year but no such increase shall be made until the shares shall be paid for in full pursuant to the provisions of this act as to the creation or issuance of any share Such increase may however be made by the declaration of a share divided in accordance with the provisions of this act concerning such share dividends

However a bank a bank and trust company or a trust company may issue common shares to provide for the concurrent retirement of shares of any class other than common shares The issuance of such common shares shall be subject to all of the requirements for and limitations upon the issuance of common shares prescribed by this act except that if such issuance of common shares shall not effect an increase or decrease of capital no meeting of the shareholders nor their vote need be required The bank the bank and trust company or the trust company shall upon effecting such issuance of common shares and the retirement of shares of another class file articles of amendment in the manner provided in this act except that such articles need not state that advertisement has been made or notice given or action taken by the shareholders

B Except as otherwise specifically provided in this act a common share shall not be issued pursuant to such increase for a consideration of less than the par value of such share plus fifty per centum thereof unless a share can be issued for a consideration less than such amount without reducing the surplus of the bank the bank and trust company or the trust company below one hundred per centum of the capital as increased but in no case shall such share be created or issued for a consideration which is less than the par value thereof

C The bank the bank and trust company or the trust company may withhold any cash or share dividend due on a share certificate which has not been exchanged within six months after the date upon which the shares were issued pursuant to such increase but upon the shareholder's thereafter exchanging such certificate the bank the bank and trust company or the trust company shall pay to him any dividends which were thus withheld

Section 412 Decrease of Authorized Capital A A bank a bank and trust company or a trust company may amend its articles to decrease its authorized capital either by reducing the number of its shares of any class or classes or by reducing the par value of the shares of any class or classes provided however every share shall have the same par value as every other share of the same class or by both such methods in the same manner and with the same approval as is required by this act for any amendment to the articles of a bank a bank and trust company or a trust company but the capital of a bank a bank and trust company or a trust company shall not be decreased to an amount below the minimum prescribed by this act for the incorporation at the time of such decrease of such bank bank and trust company or trust company [.] as the case may be in the particular city borough or township plus such amount of capital if the bank the bank and trust company or the trust company maintains and operates a branch or is authorized by the articles or otherwise to maintain and operate a branch as is required by this act for the establishment of branches

B The responsibility for the contracts debts or engagements of the bank bank and trust company or trust company to which its common shareholders are subject upon the date when the certificate of amendment is issued shall continue for one year thereafter

C Any capital gains resulting from such decrease of the authorized capital of a bank a bank and trust company or a trust company shal forthwith be transferred to the surplus of such bank bank and trust company or trust company or it may with the approval of the department be returned to the shareholders in the form of a cash dividend provided that the surplus of the institution after the payment of such cash dividend equals at least one hundred per centum of the resulting capital Nothing in this paragraph shall be construed to prohibit a bank a bank and trust company or a trust company from effecting a decrease in its authorized capital by the retirement of shares of any class other than common shares with the approval of the department even though the surplus of the institution after the retirement of such shares does not equal at least one hundred per centum of the resulting capital

D Upon effecting a decrease in its authorized capital a bank a bank and trust company or a trust company shall issue to its shareholders new share certificates setting forth any changes in the par value of each share issued in exchange for the outstanding shares of such shareholders which shall then be cancelled However in the case of any decrease in its authorized capital by the retirement of shares of any class other than common shares pursuant to the provisions of its articles of incorporation a bank a bank and trust company or a trust company shall not be required to effect the exchange of share certificates until the last of the shares of such class shall have been retired The bank the bank and trust company or the trust company may withhold any cash or share dividend due on a share certificate which has not been exchanged within six months after the date upon which the certificate of amendment authorizing the decrease in authorized capital was issued but upon the shareholder's thereafter exchanging such certificate the bank the bank and trust company or the trust company shall pay to him any dividends which were thus withheld

E Upon effecting a decrease in its authorized capital by the retirement of shares of any class other than common shares without a vote of its shareholders pursuant to the provisions of its articles of incorporation a bank a bank and trust company or a trust company shall at the time of such decrease file articles of amendment in the manner provided by this act except that such articles need not state that advertisement has been made or notice given or action taken by the shareholders Such articles which set forth the final retirement of shares of the particular class may also include an amendment for the striking out of such designations preferences qualifications privileges limitations options conversion rights and other special rights including such control over management as applied to such class of shares

Section 502 Term of Office and Qualification of Directors and Trustees A The business and affairs of every incorporated institution shal be managed in the case of a bank a bank and trust company or a trust company by a board of not less than five nor more than twenty-five directors and in the case of a savings bank by a board of at least fifteen trustees Except as otherwise provided by this act or by the articles or by-laws of the incorporated institution such board of directors or board of trustees shall exercise all the powers and fulfill all the duties granted to or imposed upon the incorporated institution by this act

B Each director shall hold office for the term for which he is elected and until his successor shall have been duly elected and qualified The names and terms of office of the first directors shall be stated in the article Except as otherwise provided in this act for the filling of vacancies directors other than those constituting the first board of directors shall be elected by the shareholders

C Except as otherwise specifically provided in any special act of the General Assembly creating a savings

bank or in any amendment or supplement thereto each trustee shall hold office until he resigns or becomes disqualified The names of the first trustees shall be stated in the articles

D Every director or trustee shall during his term of office be a citizen of the United States and at least two-thirds of the directors or trustees shall during their terms of service be bona fide residents in this Commonwealth

E Every director shall own in his own right and free of any lien or encumbrance common shares of the bank the bank and trust company or the trust company to the aggregate par value of at least three hundred dollars but the number or par value of the common shares required to be owned by any person who is a director of a bank a bank and trust company or a trust company upon the effective date of this act shall not be greater than was required prior to the effective date of this act so long as such director shall serve continuously The share certificates for the minimum number or par value of common shares which each director must own shall be filed unendorsed unpledged and unassigned by him with the cashier or treasurer of the bank the bank and trust company or the trust company Such shares shall remain in the custody of the cashier or treasurer during the term of service of such director

Any director who during his term of service pledges assigns or in any other manner ceases to be the owner in his own right of the shares required by this section shall forthwith cease to be a director of the bank the bank and trust company or the trust company and his office shall be vacant He shall not be eligible for re-election as a director of such bank such bank and trust company or such trust company for the remainder of the term for which he was elected and for a further period of one year from the expiration of his term Any vacancy thus occurring shall be filled in the regular manner for filling vacancies in the board

F The following shall not be eligible to be directors or trustees in any incorporated institution

(1) A judge of any court of record in this Commonwealth but this provision shall not operate to disqualify any judge who shall be a director or trustee of an institution upon the effective date of this act as long as such judge continuously remains a director or trustee of such institution

(2) Any person holding office under this Commonwealth in the Department of Banking the Treasury Department the Auditor General's Department or the Department of Revenue

[(3) Any person authorized to receive and account for the public moneys of this Commonwealth]

G A trustee of a savings bank shall not at the same time be a trustee officer or employe of any other savings bank

Section 512 Eligibility for Cashier or Treasurer Restrictions upon Office A The following persons shall not be eligible to be cashiers or treasurers of any institution

(1) A judge of any court of record in this Commonwealth

(2) Any person holding office under this Commonwealth in the Department of Banking the Treasury Department the Auditor General's Department or the Department of Revenue

(3) [Any person authorized to receive and account for the public moneys of this Commonwealth

(4)] The treasurer of any county city township borough or other political subdivision of this Commonwealth This provision shall not apply in any case where the funds of the particular county city township borough or other political subdivision of this Commonwealth are not on deposit with the institution of which such treasurer of any county city township borough or other political subdivision is treasurer or cashier

B A cashier or treasurer of an institution shall not engage in any other gainful profession business occupation or calling either directly or indirectly but this shall not be construed to affect the right to be at the same time a member of the board of directors or the board of trustees of the incorporated institution in which he is cashier or treasurer

Section 513 Preferential Rate of Interest to Directors Trustees Officers Attorneys or Employes An institution shall not pay to any of its officers attorney or employes or in the case of an incorporated institution any of its directors or trustees nor shall it pay to the officers attorneys or employes of an affiliated institution [or] , an affiliated national banking association or affiliated corporation as defined in this act or in the case of an affiliated incorporated institution [or] , affiliated national banking association or affiliated corporation as defined in this act to any of the directors or trustees thereof a greater rate of interest on the deposits of such director trustee officer attorney or employe than that paid to any other depositor on similar deposits with such institution nor shall a lower rate of interest be charged to any such director trustee officer agent or employe on any loan or discount granted than that charged other borrowers under similar circumstances on the same types of loans or discounts

Section 519 Overdrafts by Directors Trustees Officers Attorneys or Employes A An institution shall not permit any of its officers attorneys employes and in the case of an incorporated institution any of its directors or trustees nor any of the officers attorneys or employes of an affiliated institution [or] , affiliated national banking association or affiliated corporation as defined in this act or in the case of an affiliated incorporated institution [or] , affiliated national banking association or affiliated corporation as defined in this act any of the directors or trustees to overdraw his deposit account

B Any officer attorney or employe of an institution and in the case of an incorporated institution any director or trustee thereof who knowingly overdraws his deposit account with such institution or any officer attorney or employe of an affiliated institution [or] , an affiliated national banking association or affiliated corporation as defined in this act and in the case of an affiliated incorporated institution [or] , affiliated national banking association or affiliated corporation as defined in this act any director or trustee thereof who knowingly overdraws his deposit account with such institution and fails to repay to such institution the amount of such overdraft within ten days shall be guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount to which his account is overdrawn

Section 701 Declaration and Payment of Cash and Share Dividends A Except as otherwise provided in this act and subject to any restrictions contained in the articles of incorporation any bank any bank and trust company or any trust company by its board of directors may declare and pay dividends upon its outstanding shares out of its undivided profits as hereinafter provided from time to time and to such extent as the board of directors may deem advisable A dividend shall not be declared or paid unless at the opening of business upon the day such dividend is declared [the capital the surplus and] the reserve fund required by this act and the capital and surplus of the bank the bank and trust company or the trust company would despite such dividend be unimpaired

B Such dividends may be paid to the shareholders in cash or if such increase of capital has been authorized in the manner provided by this act it may be paid in shares of the bank the bank and trust company or the trust company If the dividend is in the form of shares of the bank the bank and trust company or the trust company it may if properly authorized be paid out of unimpaired surplus provided that such surplus is not thereby reduced to an amount less than one hundred per centum of its capital as increased by virtue of such share dividend

Section 702 Determination of Net Earning Disposition Thereof A The net earnings of a bank a bank and trust company or a trust company shall at the option of the board of directors be determined [as follows] upon either a cash basis or an accrual basis system of bookkeeping

[(1) The gross earnings for any period may include

(a) All earnings actually received during such period

less accured interest included in the last previous calculation of earnings

(b) Interest accrued and unpaid upon debts owning to it secured by collateral, upon which no default of more than one year exists and upon bonds or other interest bearing obligations owned by it upon which no interest default exists less unearned discount collected

(c) Any profits actually received during such period from the sale of its securities its other personal property

(d) Sums recovered on items previously charged off

(2) The following items shall be deducted from the gross earnings

(a) Expenses paid or incurred both ordinary and extraordinary in the transaction of its business in the collection of debts owing to it and in the management of its affairs less expenses incurred included in the last previous calculation of earnings

(b) Interest paid or accured and unpaid upon deposits and debts owing by it less interest accured included in the last previous calculation of earnings

(c)] B A bank a bank and trust company or a trust company shall make the following deductions from gross earnings

(1) Losses sustained by it In the computation of such losses [,] there shall be included assets which have been disallowed by the department or by the board of directors of the bank bank and trust company or trust company [shall be included Debts due such bank such bank and trust company or such trust company upon which principal or interest is due and unpaid for six months shall likewise be included in the computation of losses to the extent of the estimated loss thereon unless such debt is adequately secured] but [no] such losses [under this paragraph] shall not be deducted from the gross earnings if [such losses shall be charged against accumulated] appropriate reserves have been set upon the books to provide [for such contingencies] therefor or of such losses be charged against undivided profits

[(d) Deferred assets in proportion to their use and prepaid expenses in proportion to the use of the service represented thereby

(3) The excess of the gross earnings over the deductions required by this section if any shall constitute the net earnings of the bank the bank and trust company or the trust company for such period]

(2) Taxes which are due and unpaid

[B] C Such portion of the net earnings of a bank a bank and trust company or a trust company as is not required by this act to be credited to surplus may be credited to undivided profits

[C] D If the deduction required by this section exceeds the gross earnings for the period the amount of such excess shall be charged against undivided profits

[D] E This section shall not be construed to limit the right of a bank a bank and trust company or a trust company to declare and pay any dividend otherwise permitted by this act out of accumulated undivided profits even if there shall be no net earnings for the current period

Section 806 Advertisement [A] Except as [herein] otherwise provided in this act the incorporated institution shall advertise its intention to file articles of amendment with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of the particular type of incorporated institution Advertisement shall appear at least three days prior to the day upon which the articles of amendment are to be presented to the Department of State [.] and

[B If the effect of the articles of amendment is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located the incorporated institution shall also advertise its intention to file articles of amendment with the Department of State one time in a newspaper of general circulation in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and which is published in the city borough or township in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and one time in a legal newspaper published in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located Such advertisement shall appear at least ten days prior to the day on which the articles are to be presented to the Department of State The incorporated institution shall also give written notice of its intention to file such articles of amendment with the Department of State to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

C The advertisement and notice] shall set forth briefly

(1) The name and location of the principal place of business of the incorporated institution

(2) A statement that the articles of amendment are to be filed under the provisions of this act

(3) The nature and character of the proposed amendment

(4) [In the case of articles of amendment the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located a statement that written notice of the intention to file articles with the Department of State has been given to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located]

[(5)] The time when the articles of amendment will be filed with the Department of State

Section 808 Approval of Articles of Amendment by Department of Banking A [The] Except as otherwise provided in this act the Department of Banking shall immediately upon the receipt of the articles of amendment from the Department of State conduct such examination as it may deem necessary to ascertain from the best sources of information at its command whether such amendment or amendments will be lawful not injurious to the community and in accordance with the purposes of the articles of incorporation The costs of such examination and any other charges of the Department of Banking bearing upon the filing of articles of amendment shall be assessed upon the incorporated institution in the manner provided by law for assessments by the Department of Banking of costs of examinations or other charges

B [1] Excepting in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city of the first class or the second class in which the principal place of business of the institution is located or the city or borough in which the principal place of business of the incorporated institution is located and in which the institution was authorized by law to establish a branch bank branch office agency sub-office sub-agency or branch place of business on the first day of January one thousand nine hundred and thirty-five within thirty days after the receipt of the articles of amendment from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action

(2) In the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city borough or other community other than the city borough or other community in which the principal place of business of the incorporated institution is located the Department of Banking shall within sixty days after the receipt of the articles from the Department of State upon the basis of the facts disclosed by the investigation or hearing provided for by this section either approve or disapprove such articles The Department of Banking may in its sole discretion dis-

approve articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located if it shall appear as a result of the investigation required by this section that an incorporated instituton having its principal place of business in the county in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located has in good faith notified the Department of Banking of its intention to establish a branch bank branch office agency sub-office sub-agency or branch place of business in accordance with the provisions of this act in the same place in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

If it shall approve such articles it shall forward them to the Banking Board for review The Banking Board shall after such investigation or hearing as it may deem advisable either approve or disapprove the action of the Department of Banking and shall return the articles to the Department of Banking with notice of its decision and in the case of disapproval with a statement in detail of its reasons for doing so The decision of the Banking Board shall be binding upon the Department of Banking Immediately upon receipt of the articles from the Banking Board the Department of Banking shall on the basis of the decision of the Banking Board either approve or disapprove them in the same manner as is provided by this section in the case of articles generally

If it shall approve the articles of amendment it shall endorse its approval thereon and shall return them to the Department of State]

Within thirty days after the receipt of the articles of amendment from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles of amendment it shall endorse its approval thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of amendment it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the incorporated institution of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking in disapproving any articles of amendment shall be conclusive and not subject to any review

[D The costs of the examination required by this section and any other charges of the Department of Banking bearing upon the filing of articles of amendment shall be assessed upon the incorporated institution in the manner provided by law for assessments by the Department of Banking of costs of examinations or other charges]

Section 908 Reserve Fund against Deposits and Demand Liabilities A Every bank bank and trust company or private bank shall establish and maintain a reserve fund in an amount equal to at least fifteen per centum of the total of its demand deposits and demand liabilities plus seven and one-half per centum of its total time deposits as herein defined

B Except in the case of a savings bank the term "demand deposits" shall be construed to refer to all deposits payment of which can legally be required on demand or within any period less than thirty days after demand

The term "demand liabilities" shall be construed to refer to all obligations of the institution other than deposits payment of which can legally be required on demand

Except in the case of a savings bank the term "time deposits" shall be construed to refer to all deposits payment of which cannot legally be required within thirty days

C Except in the case of a savings bank the total of such reserve fund may and at least one-third of the reserve fund against demand deposits and demand liabilities shall unless the department gives its written approval of a lesser amount consist of gold bullion gold coin silver coin United States gold or silver certificates notes or bills issued by any national banking association or Federal reserve bank or any other form of currency of the United States and be kept on hand at the place of business of the institution unpledged unassigned and unhypothecated

One-third of such reserve fund may consist of bonds or other interest-bearing obligations of the United States the Commonwealth of Pennsylvania or any political subdivision thereof Such bonds while being carried in the reserve fund shall be computed at their current market value They shall be the absolute property of the institution and shall not be pledged assigned or hypothecated in any manner whatsoever

Any part of such reserve fund not required to consist of gold bullion gold coin or any form of currency kept on hand at the place of business of the institution may consist of an actual net balance of moneys on deposit subject to call without notice in any reserve agent as hereinbefore defined

D Every savings bank shall establish and maintain a reserve fund in an amount equal to at least seven and one-half per centum of the total of its deposits

E In the case of savings banks the total of such reserve fund may and at least one-third thereof shall consist of gold bullion gold coin silver coin United States gold or silver certificates notes or bills issued by any national banking association or Federal reserve bank or any other form of currency of the United States kept on hand at the place of business of the institution unpledged unassigned and unhypothecated or an actual net balance of moneys on deposit subject to call without notice in any reserve agent as hereinbefore defined

The balance of such reserve fund may consist of bonds or other interest-bearing obligations of the United States the Commonwealth of Pennsylvania or any political subdivision thereof Such bonds while being carried in the reserve fund shall be computed at their current market value They shall be the absolute property of the institution and shall not be pledged assigned or hypothecated in any manner whatsoever

F The reserve fund prescribed by this section may be increased or decreased by the department with the approval of the Banking Board However the reserve fund shall not at any time be required to be more than double the amount prescribed by this section nor shall it be decreased to less than the amount prescribed by this section

In the case of a savings bank the additional reserve fund provided for by this paragraph may consist of bonds or other interest-bearing obligations of the United States or of the Commonwealth of Pennsylvania

Section 1007 Loans to Directors Officers or Employes of a Bank [or] , Bank and Trust Company or a Trust Company Penalty A Loans to a director of a bank a bank and trust company or a trust company shall be subject to the same limitations as are by this act prescribed in the case of loans by a bank or a bank and trust company to corporations and persons generally and to the additional limitations prescribed by this section Any director however who is at the same time a salaried officer or employe of the bank the bank and trust company or the trust company or of an affiliated bank bank and trust company or trust company or an affiliated national banking association as defined in this act shall be subject to the additional limitations of this section in respect to loans to salaried officers or employes

B A bank [or], a bank and trust company or a trust company shall not unless such loan shall be secured by collateral having an ascertained market value of at least twenty per centum more than the amount of the loan so secured grant to any director officer or employe thereof any loan or line of credit without (1) the prior affirmative vote or the prior written assent filed in the place of business of the institution of a majority of all the directors of [a] the bank [or], bank and trust company or trust company granting the loan except that if it is a director who is directly or indirectly interested in obtaining the loan he shall not have a vote or (2) the prior vote of a majority of the executive committee of the board of directors subsequently ratified by an affirmative vote of a majority of the members of the board of directors present at the meeting at which such action of the executive committee shall be ratified

[B] C A bank [or], a bank and trust company or

a trust company shall not grant a loan in excess of one thousand dollars to a salaried officer or employe thereof or to a salaried officer or employe of an affiliated bank bank and trust company or trust company or an affiliated national banking association as defined in this act unless the amount of the loan in excess of one thousand dollars be secured by readily marketable collateral the market value of which shall at no time be less than one hundred and twenty per centum of the amount of the loan in excess of one thousand dollars The aggregate amount of loans to any such salaried officer or employe including therein any extension of credit by means of letters of credit or by acceptance of drafts for or the discount or purchase of notes bills of exchange or other obligations of such salaried officer or employe shall not exceed ten per centum of the unimpaired capital plus ten per centum of the unimpaired surplus of such bank bank and trust company or trust company [This section shall not apply to loans to any such salaried officer or employe] The limitations of this subsection relating to collateral and the amount thereof shall not be construed to prevent any such salaried officer or employe from obtaining a loan upon the security of a mortgage upon the home of such salaried officer or employe

[C] D Any director officer or employe of a bank [or], a bank and trust company or a trust company who on behalf of such bank [or], bank and trust company or trust company knowingly grants a loan in violation of this section and any director officer or employe of such bank bank and trust company trust company or national banking association who wilfully accepts such a loan with knowledge that it was granted in violation of this section shall be guilty of a misdeameanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount of the loan he shall furthermore be forever disqualified from acting as a director officer or employe of any institution in this Commonwealth

Section 1009 Limitation upon Investing in Shares A Except as otherwise specifically authorized by this act a bank or a bank and trust company shall not purchase or invest in the shares of capital of any corporation whatsoever

B Any bank or bank and trust company may purchase or invest in the shades of a Federal Reserve Bank a national banking association located within this Commonwealth or any bank bank and trust company or trust company incorporated under the laws of this Commonwealth or of any corporation organized for the purpose of conducting a safe deposit business

C Any bank and trust company may in exchange or in consideration for such assets and property as comprised its title insurance business take and hold the shares of any corporation organized and existing under the laws of this Commonwealth for the purpose of conducting a title insurance business provided that such shares shall not except with the written approval of the department be entered upon its books at an amount greater than the amount at which the assets and property which comprised its title insurance business were theretofore entered upon its books

D This section shall not be construed to affect the power of a bank or a bank and trust company to take or hold shares of capital of a corporation in accordance with the provisions of this act as security for loans granted by such bank or bank and trust company

Section 1012 Loans on and Investments in Bonds and Mortgages and Judgments of Record A A bank or a bank and trust company shall have the power to lend on the security of or invest in bonds secured by mortgages upon real property but it shall lend upon or invest in only such bonds and mortgages as (1) are first liens on unencumbered improved real property including improved farm land situated within the Commonwealth and (2) do not exceed two-thirds of the actual value of such real property and (3) become due within ten years after the making of such loan or investment unless amortized in equal annual installments over a period not exceeding fifteen years after the making of such loan or investment Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of such bank or bank and trust company by the borrower or mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the bank or bank and trust company making the investment It shall be lawful for a bank or bank and trust company to renew such policies at the expense of the borrower or mortgagor from year to year or for a longer or a shorter period not however exceeding the term of the obligation in case he shall fail to do so All necessary charges and expenses paid by such bank or bank and trust company for such renewals shall be paid by such borrower or mortgagor In case such borrower or mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of the payment of such charges and expenses constitute a lien upon the property so mortgaged All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor or borrower The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of directors They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the bank or bank and trust company The restrictions imposed by this section shall not apply to bonds secured by mortgages which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions of the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements nor to public utility railroad or industrial bonds or other securities commonly known as investment securities although such bonds may be secured in whole or in part by a mortgage upon real property

B A bank or bank and trust company shall have the power to lend on the security of or invest in judgments of record which are first liens on unencumbered real property situated within the Commonwealth to the amount of fifty per centum of the actual value of such property under the same circumstances and subject to the same conditions as are established by this section in the case of loans on the security of or investments in bonds secured by mortgages upon real property

C The aggregate amount of all loans and investments made by virtue of this section shall not at any time exceed twenty-five per centum of the unimpaired capital and twenty-five per centum of its unimpaired surplus or fifty per centum of the total time deposits of such bank or bank and trust company at the option of the bank or bank and trust company

Section 1021 Prohibition upon Guaranteeing Mortgages A A bank a bank and trust company or a trust company shall not in any manner whatsoever guarantee the payment of the principal or the interest of bonds or other obligations secured by mortgages upon real property [.] nor shall a bank and trust company or a trust company in any manner whatsoever guarantee the payment of the principal or income thereon of any funds held by it in a fiduciary capacity

B This section shall not however be construed to affect contracts and policies guaranteeing the payment of the principal or the interest of bonds or other obligations secured by mortgages upon real property when such contracts and policies have been lawfully executed by a bank a bank and trust company or a trust company and are valid and outstanding upon the effective date of this act or any continuation extension or renewal thereof

Section 1208 Authorized Investments of Savings Banks Not under Special Charter A Except as otherwise specifically provided in this act a savings bank other than a savings bank organized under a special act of the Gen-

eral Assembly shall not make any investments except as follows

(1) Bonds or other interest-bearing obligations of the United States or those for the payment of the principal and interest on which the faith and credit of the United States is pledged including the bonds or other interest-bearing obligations of the District of Columbia

(2) Farm loan bonds issued by Federal land banks operating under the provisions of the Federal Farm Loan Act aproved the seventeenth day of July one thousand nine hundred sixteen its amendments and supplements

(3) Bonds or other interest-bearing obligations of the Commonwealth of Pennsylvania or of any State of the United States or those for the payment of the principal and interest on which the faith and credit of this Commonwealth or of such State is pledged provided that it has not at any time within the ten years immediately preceding the date of the purchase of such bonds or other obligations by the savings bank defaulted in the payment of any part of any principal or interest due by it

(4) Bonds or other interest-bearing obligations of any county city borough township school district or other political subdivision of the Commonwealth of Pennsylvania or of any city borough township school district or other political subdivisions of any State of the United States or those for the payment of the principal and interest on which the faith and credit of such political subdivision is pledged provided that it has not within the ten years immediately preceding the date of the purchase of such bonds or other obligations by the savings bank defaulted in the payment of any part of any principal or interest due by it

(5) Obligations issued assumed or guaranteed as to principal and interest by or equipment bonds of any railroad corporation whether incorporated under the laws of this Commonwealth of any other State or of the Dominion of Canada provided that such railroad corporation has not at any time within the five years immediately preceding the date of the investment in such obligations or bonds by the savings bank failed punctually to pay the matured principal and interest on all of its indebtedness

(6) The bonds of any corporation whether incorporated under the laws of the United States of any other State or of the District of Columbia which transacts the business of supplying electrical energy artificial gas or natural gas purchased from another corporation and supplied in substitution for or in mixture with artificial gas for light heat power and other purposes or which transacts any two or all of such businesses but at least seventy-five per centum of the gross operating revenues of such corporation shall be derived from such business and not more than fifteen per centum of the gross operating revenues shall be derived from any one kind of business other than supplying electricity and gas and such corporation shall be subject to regulation by a public service commission a public utility commission or any other similar regulatory body duly established by the laws of the United States or of any State in which such corporation operates subject to the following conditions

(a) Such corporation shall have all the franchises necessary to operate in territory in which at least seventy-five per centum of its gross income is earned which franchises shall either be indeterminate permits of or agreements with or subject to the jurisdiction of a public service commission or other duly constituted regulatory body or shall extend at least five years beyond the maturity of such bond and such corporation shall file with the department and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(b) The outstanding full-paid capital stock of such corporation shall at the time of such investment be equal to at least two-thirds of the total debt secured by mortgage liens on any part or all of its property but in the case of a corporation having non-par value shares the amount of capital which such shares represent shall be the capital as shown by the books of the corporation

(c) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within such period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay promptly and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining such required period

(d) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its total funded debt applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice the interest charges for a full year on its total funded debt outstanding at the time of such investment and for such period the gross operating revenues of any such corporation shall have averaged per year not less than one million dollars and such corporation shall have for each such year either earned an amount available for dividends or paid an amount in dividends equal to four per centum upon a sum equivalent to two-thirds of its funded debt

(e) In determining the qualifications of any bond under this clause where a corporation shall have acquired its property or any substantial part thereof within the five years immediately preceding the date of such investment by consolidation or by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of the paragraph immediately preceding this one as to net and gross earnings and as to dividends have been complied with

(f) The gross operating revenues and expenses of a corporation for the purpose of this clause shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the public service commission or public utility commission or other similar regulatory body having jurisdiction in the matter The gross operating revenues and expenses as defined above of subsidiary companies may be included provided that all the mortgage bonds and a controlling interest in shares of such subsidiary companies are pledged as part of the security for the mortgage debt of the principal company

The net earnings of any corporation for the purpose of this clause shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses taxes other than Federal and State income taxes rentals and provision for renewals and retirements of the physical assets of the corporation and by adding to such balance its income from securities and miscellaneous sources but not however exceeding fifteen per centum of such balance

(g) Such bonds must be part of an issue of not less than one million dollars and must be mortgage bonds secured by a first or refunding mortgage secured by property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them but such bonds shall be refunded by a junior mortgage providing for their retirement the bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issue of additional bonds which are to be pledged under such junior mortgage The aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of

all the underlying outstanding bonds shall not exceed sixty per centum of the value of the physical property owned as shown by the books of the corporation and subject to the lien of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(h) The term funded debt shall be construed to mean all interest-bearing debts maturing more than one year from date of issue

(7) The bonds of any corporation whether incorporated under the laws of the United States of any other State or of the District of Columbia which engages and is authorized to engage in the business of furnishing telephone service in the United States provided that such corporation is subject to regulation by the Interstate Commerce Commission a public service commission a public utility commission or any other similar Federal or State regulatory body duly established by the laws of the United States or by the laws of any State in which such corporation operates subject to the following conditions

(a) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within such period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay promptly and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining the required period and such corporation shall file with the department and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(b) The outstanding full-paid capital stock of such corporation shall at the time of such investment be equal to at least two-thirds of the total debt secured by mortgage liens on any part or all of its property

(c) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its total funded debt applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice the interest charges for a full year on its total funded debt outstanding at the time of such investment and for such period the gross operating revenues of any such corporation shall have averaged per year not less than five million dollars and such corporation shall have for each such year either earned an amount available for dividends or paid an amount in dividends equal to four per centum upon all its outstanding capital stock

(d) Such bonds must be part of an issue of not less than five million dollars and must be secured by a first or refunding mortgage and the aggregate principal amount of bonds secured thereby plus the principal amount of all underlying outstanding bonds shall not exceed sixty per centum of the value of the property real and personal owned absolutely and subject to the lien of such mortgage However if such mortgage is a refunding mortgage it must provide for the retirement of all bonds secured by prior liens on the property Not more than thirty-three and one-third per centum of the property constituting the specific security for such bonds may consist of shares or unsecured obligations of affiliated or other telephone companies or both

(e) In determining the qualifications of any bond under this clause where a corporation shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of this clause as to earnings and dividends have been complied with

(f) The gross operating revenues and expenses of a corporation for the purpose of this clause shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the Interstate Commerce Commission or the public service commission or the public utility commission or any other similar Federal or State regulatory body having jurisdiction in the matter

(g) The net earnings of any corporation for the purpose of this clause shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses provision for depreciation of the physical assets of the corporation taxes other than Federal and State income taxes rentals and miscellaneous charges and by adding to such balance its income from securities and miscellaneous sources but not however to exceed fifteen per centum of such balance

(h) The term funded debt shall be construed to mean all interest-bearing debts maturing more than one year from date of issue

(8) Bonds secured by mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth to the extent of not more than two-thirds of the actual value of such real property and for a term not exceeding ten years unless amortized in equal annual installments over a period not exceeding fifteen years and bonds secured by mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions of mutual mortgage insurance [in title two] of the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements [for the purpose of financing the construction or purchase of dwellings and similar residential property and the re-financing of mortgages Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of the savings bank by the mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the savings bank making the investment It shall be lawful for a savings bank to renew such policies at the expense of such mortgagor from year to year or for a longer or shorter period not however exceeding the term of the bond in case the mortgagor shall fail to do so All necessary charges and expenses paid by such savings bank for such renewals shall be paid by such mortgagor In the event that the mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of payment of such charges and expenses by such savings bank constitute a lien upon the property so mortgaged All expenses of searches examinations certicates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of trustees They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the savings bank

B A savings bank other than a savings bank organized under a special act of the General Assembly may make such additional investments as are authorized by its

articles but it shall not purchase or invest in bonds secured by mortgage upon real property other than such as are expressly authorized by this act nor shall it invest in the shares of capital of any corporation whatsoever except a Federal Reserve Bank

Section 1209 Authorized Investments of Special Charter Savings Banks A savings bank organized under a special act of the General Assembly may make such investments as may be authorized by its articles of incorporation but no such savings bank shall purchase or invest in the shares of capital of any corporatoin whatsoever except a Federal Reserve Bank or purchase or invest in bonds secured by mortgages upon real property unless such bonds and mortgages are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth and do not exceed two-thirds of the actual value of such real property and become due within ten years after the making of such purchase or investment unless amortized in equal annual installments over a period not exceeding fifteen years after the making of such purchase or investment or unless such bonds and mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions for mutual mortgage insurance [in title two] of the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements [for the purpose of financing the construction or purchase of dwellings and similar residential property and the re-financing of mortgages] Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of the savings bank by the mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the savings bank making the purchase or investment It shall be lawful for a savings bank to renew such policies at the expense of such mortgagor from year to year or for a longer or shorter period not however exceeding the term of the bond in case the mortgagor shall fail to do so All necessary charges and expenses paid by such savings bank for such renewals shall be paid by such mortgagor In the event that the mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of payment of such charges and expenses by such savings bank constitute a lien upon the property so mortgaged All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of trustees They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the savings bank The restrictions contained in this section with reference to real estate bonds shall not apply to public utility railroad or industrial bonds or other securities commonly known as investment securities although such bonds may be secured in whole or in part by a mortgage upon real property

Section 1302 Application to Be Filed with Department Contents On or before the thirtieth day of December one thousand nine hundred thirty-three or in the case of any private bank which has by law heretofore been exempted from the provisions of this act then on or before the thirty-first day of December one thousand nine hundred thirty-five every private bank which plans to continue in business and every private bank which is required by the provisions of this act to obtain a new certificate of authorization by reason of a change in the ownership name or place of business of such private bank shall file with the department a written application for a certificate of authorization Such application shall be signed in duplicate originals and verified in the case of a private bank owned and operated by an individual by the oath or affirmation of such individual and in the case of a private bank owned and operated by a partnership or any other unincorporated association by the oath or affirmation of [all] not less than two of the partners or members of the unincorporated association [.] and in the case of a private bank filing an application by reason of the admission of a new partner or partners the application shall also be verified by the oath or affirmation of the partner or partners being admitted The application shall be in such form as is prescribed by the department and shall be filed upon blanks supplied by the department It shall set forth

(1) The full name residence post-office address and citizenship of such individual or of each member of such partnership or other unincorporated association as well as the names and post-office addresses of the officers or agents in active charge of the business of the private bank

(2) The statement that in the case of a private bank owned by an individual such individual is a resident of Pennsylvania and in the case of a private bank owned by a partnership or other unincorporated association at least one of the partners or members is a resident of Pennsylvania

(3) The name of the private bank

(4) The exact location of the place or places of business of the private bank

(5) In the case of a partnership or other unincorporated association the partnership or other agreement under which the business of the bank is being conducted or in the case of an unlimited partnership a certified extract thereof or if the partnership or other agreement does not contain provision therefor a statement setting forth the liability of each member of such unlimited partnership

(6) A detailed statement of the resources liabilities and net worth of the private bank as well as any other information bearing upon its financial condition which the department shall prescribe

Section 1404 Advertisement [A] Except as [herein] otherwise provided in this act the incorporated institution or the national banking association shall advertise its intention to file articles of merger or articles of consolidation as the case may be with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of the particular type of surviving or new incorporated institution Advertisements shall appear at least three days prior to the day on which the articles of merger or articles of consolidation are to be presented to the Department of State [.] and

[B If the effect of the merger or consolidation is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located the incorporated institution or national banking association shall also advertise its intention to file articles of merger or articles of consolidation as the case may be with the Deparetment of State one time in a newspaper of general circulation in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and which is published in the city borough or township in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and one time in a legal newspaper published in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located Such advertisement shall appear at least ten days prior to the day on which the articles of merger or articles of consolidation are to be presented to the Department of State The incorporated institution or national banking association shall also give written notice of its intention to file such articles of merger or such articles of consolidation with the Department of State to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office or branch place of business is to be located

C The advertisement and notice] shall set forth briefly

(1) The name and the location of the principal place of business of each of the constituent corporations intending to merge or consolidate

(2) The name and the location of the principal place of business of the surviving or new incorporated institution

(3) A statement that the articles of merger or consolidation are to be filed under the provisions of this act

(4) The purpose or purposes of the surviving or new incorporated institution

(5) [In the case of articles of merger or articles of consolidation the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located a statement that written notice of the intention to file articles of merger or aricles of consolidation with the Department of State has been given to very institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

(6)] The time when the articles of merger or consolidation will be delivered to the Department of State

Section 1406 Approval of Articles of Merger or Consolidation by Department of Banking A [The] Except as otherwise provided in this act the Department of Banking shall immediately upon the receipt from the Department of State of the articles of merger or articles of consolidation conduct such examination as it may deem necessary to ascertain from the best sources of information at its command

(1) Whether the name of the surviving or new incorporated institution is likely to mislead the public as to its character or purpose

(2) Whether the consolidation or merger is made for legitimate purposes

(3) Whether the interests of the depositors or other creditors and in the case of a bank a bank and trust company or trust company the shareholders are adequately protected

(4) Whether the surviving or new incorporated institution meets all the requirements of this act and violates none of its prohibitions applicable to a bank bank and trust company trust company or a savings bank as the case may be incorporated under this act

(5) Whether where a national banking association is one of the parties of the merger or consolidation it has complied with the requirements of the laws of the United States

B [(1)] Excepting in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city of the first class or the second class in which the principal place of business of the institution is located or the city or borough in which the principal place of business of the incorporated institution is located and in which the institution was authorized by law to establish a branch bank branch office agency sub-office sub-agency or branch place of business on the first day of January one thousand nine hundred and thirty-five within thirty days after the receipt of the articles of merger or articles of consolidation from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles

(2) In the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than city borough or other community in which the principal place of business of the incorporated institutions is located the Department of Banking shall within sixty days after the receipt of the articles from the Department of State upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles The Department of Banking may in its sole discretion disapprove articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located if it shall appear as a result of the investigation or hearing required by this section that an incorporated institution having its principal place of business in the county in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located has in good faith notified the Department of Banking of its intention to establish a branch bank branch office agency sub-office sub-agency or branch place of business in accordance with the provisions of this act in the same place in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

If it shall approve such articles it shall forward them to the Banking Board for review The Banking Board shall after such investigation or hearing as it may deem advisable either approve or disapprove the action of the Department of Banking in respect to the establishment of a branch bank branch office agency sub-office sub-agency or branch place of business and shall return the articles to the Department of Banking with notice of its decision and in the case of disapproval with a statement in detail of its reasons for doing so The decision of the Banking Board shall be binding upon the Department of Banking Immediately upon receipt of the articles from the Banking Board the Department of Banking shall on the basis of the decision of the Banking Board either approve or disapprove them in the same manner as is provided by this section in the case of articles of merger or articles of consolidation generally It shall immediately notify the Department of State in writing of its action If it shall approve the articles of merger or articles of consolidation it shall sign its approval thereon and shall return them to the Department of State]

Within thirty days after the receipt of the articles of merger or articles of consolidation from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles of merger or articles of consolidation it shall endorse its approval thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of merger of the articles of consolidation it shall return them to the Department of States stating in detail its reasons for doing so The Department of State shall immediately give notice to the corporations desiring to merge or consolidate of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking shall be conclusive and not subject to review

Section 1503 Relationship of Institution with Employes of Department A An institution shall not grant or give any sum of money or other property whether as a gift credit loan or otherwise either directly or indirectly to the Secretary of Banking or to any deputy examiner clerk or other employe of the department [,] or to a deputy receiver or other employe of the Secretary of Banking as receiver However any institution may grant a loan to the Secretary of Banking or any deputy examiner clerk or other employe of the department or to a deputy receiver or other employe of the Secretary of Banking as received if such loan is secured by a mortgage upon his own home which meets all the terms and conditions provided by this act for loans secured by mortgages and which in addition meets any additional conditions imposed and followed by such institution in making such loan

This section shall not be construed to prohibit the Secretary of Banking or any deputy examiner clerk or other employe of the department or a deputy received or other employe of the Secretary of Banking as receiver from becoming a depositor in any institution

B Any officer or employe of an institution and in the case of an incorporated institution any director or trustee who knowingly violates the provisions of this sec-

ion shall be guilty of a misdeameanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount of the gift credit loan or other sum of money or the value of any other property given in violation of this section

Section 1504 Forfeiture of Articles of Incorporation or Certificate of Authorization A The articles of incorporation in the case of an incorporated institution and the certificate of authorization in the case of a private bank shall be automaticaly forfeited by operation of law when

(1) In the case of a bank a bank and trust company or a trust company the capital surplus and expense fund required by law and in the case of a saving bank the expense fund required by law have not been paid in within two years after the issuance of its certificate of incorporation

(2) In the case of an incorporated institution it has not in any manner exercised at least one of the powers conferred upon it by its articles of incorporation and in the case of a private bank by its certificate of authorization within two years after the issuance thereof

(3) In the case of an incorporated institution it has formerly exercised any of the powers conferred upon it by its articles of incorporation or in the case of a private bank by its certificate of authorization but for a period of two years it has not exercised at least one of such powers

(4) The secretary after having taken possession of the business and property of an institution as receiver has completely liquidated its assets

(5) In case of a bank a bank and trust company or a trust company the secretary after having taken possession of the business and property of the bank or bank and trust company as receiver has paid the depositors and other creditors in full and has surrendered the assets remaining to liquidating trustees for the benefit of the shareholders

(6) The secretary after having taken possession of the business and property of an institution as receiver has surrendered possession to the institution itself because he was without funds to liquidate the business and property

(7) The secretary after having taken possession of the business and property of an institution as receiver has surrendered to the institution itself or to any other corporation or person the assets of the institution in order to permit the carrying out of a special plan of liquidation

B Whenever it shall appear to the department that any of the conditions which under the provisions of this section shall effect the forfeiture of the articles of an incorporated institution or the certificate of authorization of a private bank it shall issue a certificate of forfeiture of the articles of incorporation or of the certificate of authorization which shall be filed with the Department of State The Department of State shall send a copy of such certificate to the last known address of the institution and a copy to the Department of Banking

C If the articles of incorporation of an incorporated institution have been forfeited in the manner provided by this section the corporate powers may whenever necessary to effect the liquidation and winding up of the business and property of such institution continue for a period of [three] five years but they shall not be considered in existence for any other purposes whatsoever

Section 2 Effective Date This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Henney,	Law,	Rodgers,
Buckman,	Heyburn,	Mallery,	Rupp,
Chapman,	Homsher,	McCreesh,	Ruth,
Dando,	Howell,	McGinnis,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
DiSilvestro,	Jacobs,	Pierson,	Sipe,
Ealy,	Jaspan,	Pytko,	Sones,
Frey,	Kahle,	Rankin,	Stiefel,
Gelder,	Kilgallen,	Reed,	Thompson,
Gilson,	Kunkel,	Rice,	Wolfenden,
Haluska,	Lanius,	Roberts,	Woodward,

NAYS—1

Cavalcante,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 316 as follows:

An Act providing a method through payroll deductions for the payment of delinquent taxes penalties and interest and costs due to political subdivisions by public officers and employes paid from moneys in the treasury thereof and conferring powers and imposing duties on the city controller city treasurer receiver of taxes and bonded paymasters exempting cities of the first class and school districts in such cities from the provisions of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General, Assembly met and it is hereby enacted by the authority of the same That any political subdivision of this Commonwealth shall have the right to collect delinquent taxes due to such political subdivision by any public officer and employe whose compensation is paid from moneys in the treasury of the political subdivision by deducting from the salary or compensation of such officer or employe semi-monthly or periodically an amount not in excess of twenty per centum of the amount of any current salary or compensation due such officer or employe as shown by the payroll from which such deduction is made as hereinafter provided

Section 2 It shall be the duty of the collector of taxes of any such political subdivision to certify from time to time to the corporate authorities thereof the names of all public officers and employes by whom delinquent taxes are due to such political subdivision together with a statement of the years for which such delinquent taxes are due and the amount thereof together with penalties interest and costs thereon The corporate authorities of any political subdivision may also ascertain the delinquent taxes owing by any officer or employe which have been returned for non-payment or for which liens have been filed in the office of the prothonotary

The term "corporate authorities" as used in this act shall mean the body which levies the taxes for any political subdivision

Section 3 The corporate authorities of any such political subdivisions shall certify the name of any officer or employe whose taxes are delinquent to the paymaster or requisitioning officer or clerk of any department board office or agency of the political subdivision and direct such paymaster officer or clerk in submitting any subsequent payroll to deduct from the salary or compensation of such officers or employe such amount as the corporate authorities shall fix not however exceeding twenty per centum of the amount of such salary or compensation payable at one payroll period and to submit an additional warrant voucher or requisition drawn against the appropriation for the payment of the salary or compensation of such officer or employe in favor of the collector of taxes equal to the amount by which such salary or compensation was so reduced The paymaster officer or clerk shall accompany such warrant voucher or requisition in favor of the collector of taxes

with his statement showing against whose delinquent taxes the amount of such warrant voucher or requisition shall be credited The treasurer of the political subdivision shall make payments to the officer or employe and to the collector of taxes in accordance with such warrants vouchers or requisitions The statement of the paymaster officer or clerk shall accompany each such payment to the collector of taxes

Section 4 Upon the receipt of any payment under this act it shall be the duty of the collector of taxes to credit the amount thereof on the tax duplicates in his office against the delinquent taxes penalties interest and costs due by such officer or employe crediting payments from time to time against the taxes for the earliest years still due and owing and he shall transmit to such officer or employe a receipt for the amount of the delinquent taxes penalties interest and costs so paid by deduction from his salary or compensation

Section 5 Any public officer or employe whose taxes are paid by payroll reductions as in this act provided shall be entitled to the benefits of any law which may have been or may hereafter be enacted abating penalties on delinquent taxes paid within a time specified in such law whether such payments are required to be made in lump sum or any installment plan

Section 6 The corporate authorities of any palitical subdivision shall before any such payroll deductions are made notify in writing any public officer or employe of their intention to direct the making of payroll deductions for delinquent taxes unless such taxes and the penalties interest and costs thereon are paid within a specified time it shall have power to enter into such agreements with public officers and employes as it may deem necessary to secure payment thereof by such officer or employe and apply the provisions of this act in any case where the terms of such agreement are not complied with

Section 7 The provisions of this act are severable and if any provision thereof is held to be unconstitutional the decision so holding shall not be construed to affect or impair any other provision of this act It is hereby declared as the intent of the Legislature that this act would have been adopted had such unconstitutional provision not been included therein

Section 8 This act shall not apply to cities of the first class and school districts in such cities

Section 9 All acts and parts of acts inconsistent herewith are hereby repealed

And amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Heyburn,	Mallery,	Rupp,
Buckman,	Homsher,	McCreesh,	Ruth,
Chapman,	Howell,	McGinnis,	Salus,
Dando,	Huffman,	Owlett,	Scarlett,
Deitrick,	Jacobs,	Pierson,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Daly,	Kahle,	Rankin,	Sones,
Frey,	Kilgallen,	Reed,	Stiefel,
Gelder,	Kunkel,	Rice,	Thompson,
Gilson,	Lanius,	Roberts	Wolfenden,
Haluska,	Law,	Rodgers,	Woodward
Henney,			

NAYS—1

Cavalcante,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, I wish to explain my vote. I voted under a misapprehension on the former bill. I thought that we were voting on bill No. 316, and I wish to state for the Journal that I am in favor of Senate Bill No. 326, House Bill No. 554, and had I known that we were voting for that bill, my vote would have been "aye".

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 266 as follows:

An Act creating in counties of the fourth fifth sixth seventh and eighth classes a board for the assessment and revision of taxes consisting of the county commissioners defining the powers and duties of such board regulating the assessment of persons property and occupations for county city borough town township school and poor purposes authorizing the appointment of subordinate assessors providing for their compensation payable by such counties abolishing the office of city ward borough and township assessors so far as the making of assessments and valuations for taxation is concerned

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all counties of the fourth fifth sixth seventh and eighth classes in this Commonwealth there is hereby created a board to be known as the Board for the Assessment and Revision of Taxes which shall be composed of the county commissioners

The terms of office of any persons now acting as members of any such board for the assessment and revision of taxes in any such counties shall cease and terminate and the duties and terms of the city borough ward and township assessors in such counties so far as assessments for taxation are concerned shall cease and terminate upon the passage and approval of this act by the Governor

Section 2 The county solicitor shall advise the board upon all legal matters pertaining to its duties

Section 3 It shall be the duty of said board in each county to which this act applies to make and have supervision of the making of all assessments of persons property and occupations now or hereafter made subject to assessment for taxation for county city borough town township school and poor purposes

Section 4 The said board shall divide the county into convenient districts which it may change as occasion may require and shall appoint subordinate assessors for said districts who shall be duly qualified for such position and shall be freeholders The subordinate assessors shall receive such compensation as the salary board or the county commissioners as the case may be shall fix which salaries shall be paid out o fthe county treasury The said board shall also have the right to appoint such clerks and assistants at such salaries as the salary board or the county commissioners as the case may be of the countymay allow for the proper discharge of the duties of said board which salaries shall be paid out of the county treasury

Section 5 The said board may prescribe rules and regulations for the conduct of said subordinate assessors determine when precepts shall be issued to them and when they shall make returns to said board both in triennial and intermediate years

Section 6 The field assessors shall make the triennial assessment of all property and persons taxable upon occupations subject to assessment for taxation for aforesaid purposes together with a list of all persons subject to a school percapita tax or a poll tax within their respective districts and in so doing shall view all properties in their district taxable for said purposes and shall make a per-

sonal house to house canvass for their district in order that the lists of persons taxable upon occupation or subject to a school per capita tax or poll tax maybe accurate and correct insofar as it is possible to make them They shall also have and possess except as modified by this act the same powers and perform the same duties and be subject to the same liabilities as are now or shall hereafter be conferred or imposed upon city borough ward town and township assessors with respect to making assessments and valuations for taxation purposes All such assessors who shall fail to make assessments and lists in the manner herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars and in default of the payment of such fine and costs to undergo an imprisonment not exceeding ninety days

Section 7 The said board shall examine and revise the said triennial assessments and valuations increasing or decreasing the same as in their judgment may seem proper and shall add thereto and assess such property or persons taxable upon occupations as may have been omitted and may also add thereto the names of any persons subject to a school per capita tax or poll tax as may have been omitted After such revision the board shall fix convenient times for the hearing of appeals on said assessments and valuations and after the hearing of said appeals and the making of whatever changes may be considered proper the valuations as so ascertained and revised unless changed in the manner hereinafter provided shall stand as the assessments for taxation for the aforesaid purposes until the next triennial assessment

Section 8 It shall be the duty of said board to give notice by advertising in one or more newspapers printed in such county at least three weeks before the day of appeal of the time and place fixed for such appeal It shall also be the duty of the said board to give written or printed notice as hereinafter provided at least five days before the day of appeal to every taxable inhabitant within such county of the amount or sum for which he stands rated and of the time and place of such appeal

Section 9 After action on such assessments by said board any dissatisfied taxable may within thirty days from the final fixing of his assessment and valuation appeal therefrom to the court of common pleas of the said county in the manner provided by law for appeals from assessment and it shall be the duty of the court at once to hear and determine said appeal and if necessary to make such changes therein as may be right and proper From the decision of the court an appeal may be taken to the Superior or Supreme Court as now provided by law

Section 10 The subordinate assessors shall between the triennial assessments revise any assessment or valuation according to right and equity by correcting errors and by adding thereto any property or subject of taxation which may have been omitted or any new property or subject of taxation which may have come into being since the last triennial assessment

They shall also add thereto the names of any persons who have moved in to such district and strike therefrom the names of any persons who have removed from such district since the last triennial assessment

The assessors shall also revise assessments and valuations between the triennial assessments by increasing or decreasing the same where the value of the property or subjects of taxation assessed or value thereof has changed by reason of any change of conditions thereon or adjacent thereto or in the vicinity thereof or for the reason that the property assessed or valued has been subdivided or laid out into a plan of lots or other subdivisions or for the reason that improvements have been placed thereon or added thereto or for the reason that any public or other improvement has been made adjacent thereto or in the vicinity thereof or where for any other reason whatsoever the value of the property has changed and it is equitable to make a change in the valuation thereof The assessors shall also between the triennial assessments in all cases where it is apparent that any assessment is not in accord with the generality or uniform standard of assessments revise and correct the same by increasing or decreasing the same where the value of property or subject of taxation assessed does not conform to the generality or uniform standard of assessments Provided however That whenever assessments of property are increased or new assessments of property are added between triennial assessments as aforesaid said board shall fix convenient times for the hearing of appeals therefrom and shall give to each taxable affected by such increase or new assessment written or printed notice thereof and of the time and place of appeal which notice shall be served in the manner hereinafter provided and at least five days before the day of appeal after final action by the board on appeal from such assessments any dissatisfied taxable may appeal to the court of common pleas within the same time and in the same manner as provided in section eight of this act and may also appeal from the decision of the court of common pleas to the Supreme or Superior Court as provided in that section

Section 11 All notices required by this act may be served in the manner following anything herein contained to the contrary notwithstanding Upon the taxable personally or upon an adult person residing upon the property assessed or by posting upon the property assessed when it is vacant or unoccupied or by notice mailed to the last known address of the taxable

No defect in service of any such notice shall be sufficient ground for setting any assessment aside but upon proof thereof being made the taxable person shall have the right to a hearing before said board relative to said assessment with the same right of appeal from its decision as provided in section eight of this act

Section 12 After the hearing of any objections thereto and the making of any changes that may be deemed proper the valuations as so ascertained shall unless changed in the manner herein provided stand as the valuations for assessments for aforesaid purposes until the next triennial assessment

Section 13 No appeal taken from any such assessments made under the provisions of this act shall affect the validity of any taxes assessed but if such assessment shall thereafter be reduced an exoneration shall be granted or restitution ordered for the excess of taxes paid by reason of any improper increase in the assessment

Section 14 Upon request of any taxpayer he shall at any time receive from the board a statement of his taxable property and its valuation

Section 15 When the said valuations and assessments have been made all taxation for county city borough town township school purposes and poor purposes within the limits of such county shall be based upon such valuations

Section 16 The office of ward city borough town and township assessor as now existing in counties coming under the provisions of this act is hereby abolished insofar as respects the assessment and valuation of persons and property for taxable purposes

Section 17 The county commissioners of any such county shall have authority to prepare at the cost of the county such proper maps and plans and surveys as may be deemed necessary to secure a proper and equitable assessment

Section 18 The corporate authorities of any city borough town township school and poor district who may feel grieved by any assessment of property or subjects of taxation for its corporate purposes shall have the right to appeal therefrom to the court of common pleas or the Superior or Supreme Court in the same manner subject to the same procedure and with like effect as if such appeal were taken by a taxable with respect to his property

Section 19 The provisions of this act are severable and if any of its provisions are held unconstitutional the decision so holding shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 20 This act shall become effective immediately upon final enactment

Section 21 All acts and parts of acts inconsistent with this act are hereby repealed

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. THOMPSON. Mr. President, before the vote is taken on this bill I wish to state my objection to the passage of it. This bill proposes a system for fourth, fifth, sixth, seventh and eighth class counties—an organization of tax assessors controlled completely by the Commissioners of the Counties, to take the place of the present system of elected assessors.

In Section 4 of this bill we see how thoroughly this system of assessments is subordinated to the wishes of the County Commissioners, where there is a blanket power conferred upon the Commissioners to create as many of these offices as the Commissioners desire. They can fix the salary of these officers at any figure they want to, and can outline the duties in any manner they want to. There There is apparently no limitation of any sort or kind upon the powers of thes officers, their compensation or the manner in which they shall make assessments.

In principle, by analogy to the old system, there certainly cannot be any improvement under this bill over the present system of assessments prevailing in fourth, fifth, sixth, seventh and eighth class counties; and there might be created, under the terms of this bill, an octopus in every one of such counties. At the same time, the system of assessments might become very much unequalized and very much abused.

I think it would be a mistake to pass this bill; and, Mr. President, in order to dispose of this bill I move that Senate Bill No. 226, the bill just read, be recommitted to the Committee on County Government for further study.

Mr. EROE. Mr. President, I object to the recommitment of this bill; and in answer to the Senator from Centre, Mr. Thompson, I shall state that this bill was a bill drawn by the Local Government Committee, authorized in the Session of 1935, composed of three members of the Senate and three members of the House. It so happened that that committee was equally divided politically. They went over this data and made certain recommendations, of which this Act is one. This Act is in effect today in counties of the first, second and third class.

The purpose of this act is to make uniform the assessments in these counties, and, incidentally, to get away from the ox-cart days when we had to have an assessor in each little political subdivision of a county.

This Act has saved the taxpayers considerable money in these counties. The Board of County Commissioners, which is the taxing body of the county—to level the millage certainly ought to have the right to level the assessments; they certainly ought to have the right to control the assessors, the elected assessors in each little political subdivision, where one township will assess at 20% and another district at 60%; where the taxpayers paying the 60% are in truth paying the taxes of the little township where the assessment is only 20% of the value.

It goes further than that, for it has the purpose, also, of eliminating duplication of assessments in every township, borough and city,—and if that is not a waste of the taxpayers money I do not know what is. There is no reason in the world why those townships, boroughs and cities cannot accept the assessments of the county as their assessments. And I therefore object to the recommitting of this bill, if that is the motion before the Senate.

Mr. BUCKMAN. Mr. President, I desire to interrogate the Senator from Lawrence, Mr. Eroe.

The PRESIDENT. Will the Senator from Lawrence, Mr. Eroe, permit himself to be interrogated?

Mr. EROE. Mr. President, I will.

Mr. BUCKMAN. Mr. President, is it not a fact that the Board of County Commissioners in each of these classes of counties have an absoulte right to readjust the taxes throughout the county and to make them uniform, under the present laws, without ripping out these assessors in the different townships and boroughs?

Mr. EROE. Mr. President, I will answer the Senator from Bucks by saying that if they would do that they would have a practically unlimited power to make the assessments all over again.

Mr. BUCKMAN. Mr. President, that is just exactly what has been done in my county, namely, making the assessments all over; and there is no reason why it should not be done in each and every county of the State.

In my county our Board of County Commissioners appointed a committee of real estate men, who went over the length and breadth of the county and adjusted those assessments to every situation, to make them equal all over the county. I see no reason why that could not be done with little refinancing and little expense in each and every county of the State; and I see no reason for the passage of this bill.

Mr. GILSON. Mr. President, I think it has been well said that so far as the township assessments or county assessments are concerned the authority rest in the Board of County Commisioners at the present time. I would like to suggest to all members who represent cities of the third class that the passage of this bill will only serve to duplicate and embarrassment which we felt in the City of Erie last year.

As I understand this bill, it authorizes the County Commissioners to appoint Boards of Assessors to assess property for purposes of city taxation. Upon this assessment the school districts of cities of the third class must levy their taxes. I was importuned by the school districts of the City of Erie, because of a reduction in the assessments in the City of Erie, to secure an additional appropriation of $375,000, the amount of a deficit created by tampering with that assessment in the City of Erie.

Now, if this bill passes I think I can assure this Senate that I will be called upon to make an impossible request of that nature. I believe, in a matter of this kind regardless of how well intentioned it may be, that this Senate at this time ought to proceed very cautiously, and not involve our City of Erie school districts and the State of Pennsylvania in further difficulties of taxation.

Mr. EROE. Mr. President, I wish to interrogate the Senator from Erie, Mr. Gilson.

The PRESIDENT. Will the Senator from Erie, Mr. Gilson, permit himself to be interrogated?

Mr. GILSON. Mr. President, I will.

Mr. EROE. Mr. President, will the Senator from Erie, Mr. Gilson, tell this body how the assessment would affect the taxes when the school board of the City of Erie have a right to set the millage?

Mr. GILSON. Mr. President, if your assessment is appreciably reduced, as it was in the City of Erie, by ap-

peals to the Court,—which is one other method, another Board of Assessors, if you please—you will find that you have a very much reduced assessment, and it will not be equalized. That was our experience in Erie.

Mr. EROE. Mr. President, I desire to interrogate the Senator from Erie, Mr. Gilson, further.

The PRESIDENT. Will the Senator from Erie, Mr. Gilson, permit himself to be interrogated further?

Mr. GILSON. Mr. President, I will.

Mr. EROE. Mr. President, I understand that the difficulty was due to appeals to the Court. Is that a fact?

Mr. GILSON. Mr. President, that is part—

Mr. EROE. Mr. President, is it not true that they have the right to appeal under the present system?

Mr. GILSON. Mr. President, they do.

Mr. EROE. Mr. President, what difference would this bill have in the situation in Erie?

Mr. GILSON. Mr. President, it would make a difference because we have now an assessment which has been fixed by appeals of over four or five thousand cases in the City of Erie. If we turn another Board of Assessors loose on that assessment again we are simply going to repeat the difficulties we had last year.

Mr. EROE. Mr. President, I desire to interrogate the Senator from Erie, Mr. Gilson, further.

The PRESIDENT. The Senator will proceed.

Mr. EROE. Mr. President, if this bill were to be amended to make the effective date of the Act next year, would that relieve the situation in the City of Erie?

Mr. GILSON. Mr. President, I am afraid it would not help very much, because the Legislature would not be in Session next year, and we might not be able to get any further remedy—which has been requested.

Mr. EROE. Mr. President, what remedy would the Senator from Erie want? If the assessment for next year, for the school board and the City millage, were set, there would still be no control over the Court—unless we were to take away the right of appeal to the Court; and we do not want to do that.

Mr. GILSON. Mr. President, the difficulty is, you have one assessment fixed by the City Assessors, upon which two taxes are levied in cities of the third class—taxes for city purpoes and taxes for school purposes. When you have a more or less stable millage, or assessment, you have a prospect for the municipal authorities to map out their procedure over a period of two or three years. If you are constantly subjecting this assessment to the whim and fancy of any new board that might be created, you are simply adding difficulties to those which embarrass cities of the third class and school districts of the second class at the present time.

Mr. CAVALCANTE. Mr. President, I doubt very seriously if there is a member of this Senate who, in obtaining his election to this body, did not promise to the home and farm owners of his district to do all in his power to help to reduce this tremendous burden of taxes which now rests on homes and farms in this Commonwealth.

The bill now before this Senate, as vividly illustrated by the Senator from Bucks, is a bill to eliminate a wastage of taxpayers' money.

The Senator from Bucks states that in his county now, under the present statutes, the County Commissioners have the power to make up a completely new assessment and disregard entirely the assessments sent to the Commissioners' office by this army of assessors that are elected by the people, some of whom may be butchers, some undertakers —people that know nothing about real estate values.

Now, this bill merely corrects that situation, a correction that, I say to my Democratic colleagues in the Senate, the party platform guaranteed to the people of this Commonwealth—that we would do all in our power to help reduce Government that are absolutely worthless; and there is the taxation on real estate, or to help to save the taxpayers' money by eliminating offices and agencies of the nothing more worthless in this Commonwealth than the system of assessing real estate, and this bill corrects that.

The impression has been justly created here tonight that under the existing laws the County Commissioners need not regard at all the assessments made by these property assessors; and if that be true, what justification can be given the people of this Commonwealth for continuing these assessors in office, where they drawn down thousands and thousands of the taxpayers' dollars in salaries for doing something that the County Commissioners can abrogate and disregard?

I think that this bill is a proper bill, a bill to which every Democratic Senator has been pledged by the party platform adopted by the State Committee.

Mr. HALUSKA. Mr. President, I desire to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. HALUSKA. Mr. President, I would like to ask the Senator from Centre the purpose of moving to recommit this bill.

Mr. THOMPSON. Mr. President, the purpose for which this bill is being sought to be recommitted is to send it back to committee for further study. If the bill can be so arranged so that it will not defeat the very purpose which apparently it has been introduced to serve, perhaps there might be some justification for the passage of the bill; but in the present form of this bill, and the present system which would be created under this bill, it would simply be chasing a Will-of-the-Wisp for anybody to imagine that this bill is an economic measure.

In the first place, you start out with Section 1 of the bill, and right to start with you raise the salaries of the County Commissioners five hundred dollars apiece. There is five hundred dollars which you begin with,—with the expense of the administration of this item.

Then you give the same County Commissioners in addition to that, carte blanche power to appoint just as many people as they want to appoint, to make these assessments any place in the county.

Then, in addition to that you give the County Commissioners the right to appoint clerks and assistants, at such salaries as they see fit, or the Salary Board sees fit, to make, in addition to the other organization.

Where the personnel required for the functioning of this system is set, and the compensation of the persons performing the duties is set, we know pretty well what it will cost; but with this set-up we have no idea what it may develop into.

Now, Mr. President, in further answer to the interrogation of the Senator from Cambria, may I add this: that the only need for uniformity in assessments is not a

county uniformity but the local uniformity of all the munipalities which levy taxes against real property—where you have your schol districts, your poor districts; and you have your boroughs or your townships; and the only one that levies taxes against real estate, which might be affected by lack of uniformity, is the county, which is a small percentage, as a rule, of the total taxes levied against real estate in any community. And if any lack uniformity does exist by reason of local prejudice against county taxes, as stated heretofore, the Commissioners remain as an added Board of Assessment.

This bill might create a dangeraus situation, a situation which might involve an upset of your whole assessment system in any of these counties; and it may develop to the point where it will cost ten times as much as the present system.

I, myself, am opposed to this measure; and I am opposed, also, to the bill's going back to committee. It has been on the calendar for almost three weeks, and I believe we all know the contents of this bill; and I believe it is a poor policy to defeat a bill by sending it back to committee for the purpose of pickling it.

Mr. President, I will withdraw my motion to recommit

The PRESIDENT. The Chair heard no seconding of the motion to recommit this bill and the bill is therefore still before the Senate on final passage.

Mr. MALLERY. Mr. President, I want to correct a statement on the part of the Senator from Centre, Mr. Thompson, that the salaries of the County Commissioners will be increased. The bill was amended so that there would be no increase in the salaries of the County Commissioners.

Only a few days ago, this Senate approved a similar bill for third class counties. The difference between that bill and this bill is that in the bill providing for a Board of Assessors for third class counties a special board was set up. Now, in the smaller counties, we, the Commitee, appointed to study local government, thought that without any additional expense to the taxpayers in the counties of the fifth, sixth, seventh and eighth class, the County Commissioners, without any additional salary, could serve as the assessment board, and they would designate subordinate assessors who, in the first place would have to be property owners and must qualify to make the proper assessments. Now, everyone within my hearing knows that under our present system, properties of some of the people are assessed at 20% of their value, other 30%, 40%, 50%, on up to 80%, and it is the small property owner, the poor man, whose assessment may be 80% to 100%. That is the real purpose of this bill.

Only a few days ago, the majority of this Senate gave expression to the idea that everyone should own his home, that the little man should be encouraged in owning his home. Now, all we need in this Senate is a little bit of courage ourselves. The real opposition to this bill is the fact that a few assessors will lose their jobs. If they are competent and capable men, the commissioners no doubt will appoint them assessors. There are assessors who will be opposed to me, and will be opposed to every man in this Senate, but if this is a good bill, if it will effect economy, we ought to have courage enough to vote for it.

Mr. HALUSKA. Mr. President, I would like to interrogate the Senator from Blair, Mr. Mallery.

The PRESIDENT. Will the Senator from Blair, Mr. Mallery, permit himself to be interrogated?

Mr. MALLERY. Mr. President, I will.

Mr. HALUSKA. Mr. President, I would like to ask the Senator from Blair what should be the qualifications of the assessors?

Mr. MALLERY. Mr. President, he should be a property owner in the first place, and if I were a commissioner, I would give preference to a man who knows something about the value of property.

Mr. HALUSKA. Mr. President, I cannot see how any man appointed by the commissioners could have better qualifications than a man elected by the people of the community. We have assessors now, property owners who make good assessments, and how can this be improved upon by the commissioners picking somebody of their own choice? To me it looks like a beautiful racket.

Mr. KAHLE. Mr. President, I am obliged to rise in opposition to this bill for the reason that I represent a rural section.—I think the largest rural district in the State—and the common cry of the people in that district is this: "Now, are you going to take away from us the last thing, the assessors?" are we going to listen to the voice of the people? That is the question. Are we going o take away home rule entirely and put it under the set-up of this bill? They objected to the taking away of the tax collectors, they objected to the tying of the school directors' hands, and now the cry is common among the people: "Do not tie our hands, but give us a little bit of home rule, give us some representation." What would be the inducement to the people in rural districts to go out to the polls if there were no one to vote for? Let us give them some voice, let us give them some oppotunity whereby they can vote their sentiments. What are we going to gain by this? First, the assessors are elected by the people, the choice of the people. That is not final, it goes then to the county courts after the county commissioners pass on that. They say also that not only the assessors are sworn to do their duty to the best of their ability, but the commissioners are likewise sworn, and I say when we are taking away from the people of our country districts all home rule as it is now, there must be something done.

Mr. HOWELL. Mr. President, I would like to interrogate the Senator from Clarion, Mr. Kahle.

The PRESIDENT. Will the Senator from Clarion, Mr. Kahle, permit himself to be interrogated?

Mr. KAHLE. Mr. President, I will.

Mr. HOWELL. Mr. President, I would like to ask the Senator from Clarion, Mr. Kahle, whether or not he voted for the Mundy bill, ripping out the third class county assessors, appointed by the County Commissioners, thereby doing away with home rule, within two weeks, in this Senate Chamber?

Mr. KAHLE. Mr. President, if I did, it was under a misapprehension, because there has been pressure brought from the rural people since that time, and I now must change my mind, and a man who cannot change his mind is a very poor Senator.

Mr. McGINNIS. Mr. President, I cannot see how this bill takes away home rule or the voice of the people back home. We elect our county commissioners in all of these counties; the voter will vote for the county commissioners. These county commissioners are held responsible, and if it is found necessary, they can be thrown out at the next election. However, if there is a desire on the

part of an assessors in another township or borough to assess property at 20% of its value, and in still another township or borough at 80% of its value for county purposes, that is unfair, but you cannot throw out the other fellow in the other township, but if we have the county commissioners appointing the assessors, as we do in some of the counties, now, that would be uniform and business-like, and we are living up to our platform.

Mr. Preident, I say to you that if we do not start sometime doing as we promised the people back home on election day, we will hear from them, and I do not know of a better place to start than right here. Here is a bill that has been worked out by the Legislative Committee on Municipal Government. It has been worked out by Republicans and Democrats, and they gave considerable study to this. This idea of having these boards of little efficiency throughout the state of Pennsylvania, a lot of them incompetent, and insisting that they hold their jobs, I say to you, that unless we start sometime, that thing will continue forever; and we have heard this thing discussed throughout the state for years, that these hordes of officials, many of them not doing their duty—a little government that was established a hundred years ago—and to think now that we cannot make a change, it is silly, and I say to you, Mr. President, we ought to make a start and cut out some of this ox-cart government.

Mr. MUNDY. Mr. President, a parallel was drawn tonight between the so-called Mundy bill and the bill that is now presented here. Now, in the Mundy bill, there was no provision for taking away of assessors from a community, nor was there any provision in that bill to take away centralized county assessors,—the only element depriving them of home rule was set up in a precedent by the Republican majority in the previous session of this Senate, when they took away from the judges the power of appointment and put it elsewhere, so we are only following a precedent which was established by an original Republican majority, and I do not feel that there is any parallel in the Senator from Clarion, Mr. Kahle, voting for my bill and the bill before us at this time.

Mr. HOWELL. Mr. President, I would like to interrogate my colleague, the Senator from Luzerne, Mr. Mundy.

The PRESIDENT. Will the Senator from Luzerne, Mr. Mundy, permit himself to be interrogated?

Mr. MUNDY. Mr. President, I will.

Mr. HOWELL. Mr. President, as I understand it, the Senator from Luzerne, Mr. Mundy just made the statement that a former legislature took away from the judges the power of appointing assessors in third class counties. Am I correct?

Mr. MUNDY. Mr. President, that is right.

Mr. HOWELL. Mr. President, I would like to ask the Senator from Luzerne if that covered Lackawanna County, if the bill had that effect in Lackawanna County?

Mr. MUNDY. Mr. President, it was supposed to apply to all third class counties.

Mr. HOWELL. Mr. President, the bill applied to third class counties, but I would like to ask the Senator from Luzerne if it took the appointment away from the courts?

Mr. MUNDY. Mr. President, I do not know the specific item in this bill that would make it apply to all third class counties.

Mr. HOWELL. Mr. President, yes, but I would like to ask if it took away the appointive power of the judges?

Mr. MUNDY. Mr. President, the appointive power was put in the commissioners.

Mr. HOWELL. Mr. President, was it not true that, under the law, the 1930 census made several fourth class counties into third class, if they had a population of 300,000 or over?

Mr. MUNDY. Mr. President, if Lackawanna County were not under the rule sufficiently as required in this bill, it did not come under the third class counties—and this bill applied to all third class counties—but if it did, then it came under the provisions of the bill.

Mr. HOWELL. Mr. President, it applied to five counties, Westmoreland, Lackawanna, Luzerne, Montgomery and Delaware.

Mr. MUNDY. Mr. President, may I interrogate the Senator from Lackawanna?

The PRESIDENT. Will the Senator from Lackawanna permit himself to be interrogated?

Mr. HOWELL. Mr. President, I will.

Mr. MUNDY. Mr. President, I would like to ask the Senator from Lackawanna, Mr. Howell, why Lackawanna County was exempted from the provisions of this bill?

Mr. HOWELL. Mr. President, we were not exempted.

Mr. MUNDY. Mr. President, I would like to ask the Senator from Lackawanna who makes the appointments there now?

Mr. HOWELL. Mr. President, the county commissioners make the appointments.

Mr. MUNDY. Mr. President, I would like to ask the Senator from Lackawanna who originally made the appointments?

Mr. HOWELL. Mr. President, they were elected by the people.

Mr. MUNDY. Mr. President, that was not in effect in all third class counties. They were appointed by the judges in Luzerne County and the appointive power was taken from the judges and given to the county commissioners; but I am speaking about the application of my bill. After all, my interests, and our conversation—

POINT OF ORDER

Mr. McGINNIS. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Allegheny, Mr. McGinnis, will state his point of order.

Mr. McGINNIS. Mr. President, we are not discussing the Mundy Bill, that is all over and we have another bill before us.

The PRESIDENT. The point of order is well taken.

And the amendments made thereto having been printed as required by the Constitution,

And the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—17

Bean,	Howell,	Mallery,	Rankin,
Cavalcante,	Jacobs,	McGinnis,	Shapiro,
Eroe,	Jaspan,	Mundy,	Stiefel,
Frey,	Kilgallen,	Pytko,	Woodward
Henney,			

NAYS—30

Buckman,	Heyburn,	Owlett,	Ruth,
Chapman,	Homsher,	Pierson,	Salus,
Dando,	Huffman,	Reed,	Scarlett,

Deitrick,	Kahle,	Rice,	Sipe,
Ealy,	Kunkel,	Roberts,	Sones,
Gelder,	Lanius,	Rodgers,	Thompson,
Gilson,	Law,	Rupp,	Wolfenden,
Haluska,	McCreesh,		

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No.625 as follows:

An Act to add section four hundred and ninety-six to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties to place in good condition and to care for neglected cemeteries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding after section four hundred and ninety-three the following subdivision and section to read as follows

(1) Cemeteries

Section 496 Care of Neglected Cemeteries The county commissioners of each county may at the expense of the county place in good condition and care for all neglected cemeteries in the county

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Bean,	Frey,	Jacobs,	Rupp,
Buckman,	Gilson,	Jaspan,	Salus,
Cavalcante,	Henney,	Kahle,	Scarlett,
Chapman,	Heyburn,	Owlett,	Sones,
Dando,	Homsher,	Pierson,	Wolfenden,
Deitrick,	Howell,	Roberts,	Woodward,
Dent,			

NAYS—22

Ealy,	Lanius,	Pytko,	Ruth,
Eros,	Law,	Rankin,	Shapiro,
Gelder,	Mallery,	Reed,	Sipe,
Haluska,	McCreesh,	Rice,	Stiefel,
Kilgallen,	McGinnis,	Rodgers,	Thompson,
Kunkel,	Mundy,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 49, entitled:

An Act to amend clause one of section one of the act, approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising and consolidating the law relating thereto," defining the Family Court of Philadelphia as a court having jurisdiction with respect to the care, guidance, control, placement and commitment of delinquent, neglected and dependent children under sixteen years of age; and eliminating the Municipal Court in the County of Philadelphia as a court having such jurisdiction.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. HEYBURN. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. HEYBURN. Mr. President, will the Senator from Philadelphia tell me what will happen if he strips the court of all its powers to funciton as a court?

Mr. SHAPIRO. Mr. President, in answer to the question of the Senator from Delaware, as to what will happen if we strip the Municipal Court of Philadelphia of all its powers, I should say it will be of great benefit to the people of Philadelphia.

He also asked me what they will do. I am not concerned with what they will do.

Mr. HEYBURN. Mr. President, if the court is ripped out, and the judges not impeached, will the State not have to continue to pay them their salaries?

Mr. SHAPIRO. Mr. President, I would say to the Senator from Delaware that if that were so and we would have to pay the salaries of the judges of the Municipal Court, there would still be a saving to the people of Philadelphia of $850,000 a year by the carrying out of the plan proposed and recommended by the committee which has been investigating Government in the City of Philadelphia; but I say to the Senator from Delaware that if he believes that unless proceedings are taken to impeach the judges we would have to continue paying them their salaries, there need be no concern on his part about the payment of these salaries, for it is not necessary to impeach judges; they can be recalled.

Mr. HEYBURN. Mr. President, I was informed it would take a two-thirds vote of the Senate to recall or impeach a judge, and that we cannot get a two-thirds vote, and they would have to be paid.

Mr. BUCKMAN. Mr. President, inasmuch as this is one of a series of bills which have for their object the ripping out of the Municipal Court in the City of Philadelphia, it is perhaps well enough for us to consider it at this time, rather than take up each bill as it comes individually upon the calendar. I am not unmindful of the fact that it is in the air, and that the orders are out, and that the Municipal Court of Philadelphia is going to to be ripped out. I am not unmindful of the fact that the principal motive back of that intention is to depose Republican judges and to depose Republican jobholders and to substitute for those judges and jobholders Democratic judges and Democratic jobholders.

On an occasion of this kind it is almost unnecessary

to make an argument, but in order that there may be on the record something that would justify those of us who are going to vote on all this legislation, and in order to save the time of the Senate, I ask leave to incorporate in the record a brief upon this subject, prepared by one of the Municipal Court judges in Philadelphia, the Honorable Vivian Frank Gable, as part of my address.

The President. The brief will be accepted.

Established in 1914 in pursuance of the Act of Assembly of July 12, 1913, P. L. 711, and by amendments thereto, the Municipal Court was given co-ordinate jurisdiction with the Courts of Common Pleas in Philadelphia County:

1. In all civil cases, both at law and in equity, which involve sums in controversy of less than $2,500.

2. It was also given co-ordinate jurisdiction for the trial of criminal cases similar to the jurisdiction of the Court of Oyer and Terminer in all criminal actions and suits for penalties with certain exceptions, namely, arson, burglary, murder, voluntary manslaughter, treason or misprison of treason, or for violation or conspiracy to violate the election of registration laws of this Commonwealth, or for embezzlement by any public officer, or any offence involving breach of official duties of any public officer.

It also has exclusive jurisdiction over:

1. (a) All proceedings concerning or trials of charges brought against all persons, whether adults or minors, accussed of disorderly streetwalking; and, (b) in all proceedings or trials of charges brought against all minors between the ages of 16 and 21 who shall disobey their parents' commands or be found idle in the streets, and against all disorderly children,

2. All proceedings concerning dependent, delinquent, incorrigible and neglected children under the age of 16 years, as well as in cases of desertion and non-support in illegitimacy cases; this being the work of the Juvenile Division.

3. All proceedings in cases of desertion and non-support by husbands, fathers and grandparents, and by children of their indigent parents.

This last described branch of the Court's work falls in its Division of Domestic Relations.

The scope of the Court's work will be understood when it is known that in the Juvenile Division during the year 1935, 12,221 cases were disposed of; that in this department there were 38,645 investigations made by the probation officers in this division, and, incidentally, upwards of $38,000 collected from parents for the support of juveniles committed by the Court in relief of payments which otherwise would have fallen upon the county.

During the 22 years of the Court's existence from 1914 to 1935, 324,426 cases have been disposed of by the Juvenile Division.

In the Domestic Relations Division during the year 1935, 15,000 families came within the action of the Court, involving court hearing to the number of 5,394 with a much greater number of cases being disposed of through the agency of the Court without requiring a formal court hearing. There were in this department 6,042 active court orders under which there were collected for the relief of deserted wives and children or parents the sum of $1,354,260.66.

During the 22 years of the Court's existence from 1914 to 1935 the total amount so collected was $27,869,712.77.

In the Misdemeanors' Division the cases of 3,700 men, women, boys and girls were disposed of during the year 1935.

In the Criminal Divison there came upon the trial list $5,204 bills of indictment of which 3,884 were disposed of by trial during the year 1935.

Since the establishment of the Court in 1914, 67,441 bills of indictment have been disposed of in this division and of this number 37 per cent. were found guilty.

In the court for the trial of illegitimacy cases, 500 cases were disposed of during 1935. Since the establishment of the Court in 1914 to the end of 1935, 10,691 applications have been made to the Court for the support of children born out of wedlock.

In the Medical Department of the Court's work there were 18,888 medical examinations made during the year 1935. A great proportion of these examinations were neuropsychiatric and Psychological examinations.

During 1935 in the Civil Division there were 10,412 cases disposed of on regular lists of the courts and in the Small Claims Division, 4,500 cases were disposed of, with 130 adoptions, in which class of cases the Court has concurrent jurisdiction with the Orphans Court.

Since the court was established in 1914 up to and including the years 1936, 285,123 cases have been submitted to the Civil Division of the Municipal Court and in only 389 cases were the decisions of this Court reversed by the appellate courts.

A comparison of the disposal of cases by actual trial in the Civil Devision of the Municipal Court with those so disposed of in all of the five Courts of Common Pleas indicates that a considerably greater number of units are disposed of in the Municipal Court, the ratio being at least three in the Municipal Court to two in the Courts of Common Pleas.

This larger number disposed of in our court may be explained and understood by the fact that in the Municipal Court a large majority of the civil cases are disposed of before a judge sitting without a jury by agreement of the parties under the practice established in the Municipal Court.

Along with this goes a great saving in the cost to the county in fees of jurors, probably $200,000. These facts are set forth for the purpose of affording a substantially complete picture of the work that has been done by the Municipal Court in the twenty-four (24) years of its existence.

The organization required for the performance of this varied work (and it may be said that there is no other court anywhere else in the country which covers so broad a field) requires a large force of officers and employes who have developed expertness during the 24 years of the court's existence.

Beginning in the year 1925 the Bureaus of Municipal Research of Philadelphia made an exhaustive research into the processes, operations and personnal of the Court extending over a period of three years. The general set-up of the Court at that time was commended in this report. While there were criticisms of minor matters, many of which, being found justified, were corrected, the general set-up of the Court remained the same from that period until the end of the year 1936 when, owing to the drastic reduction in the budget of the City of Pehiladelphia for the year 1937, the appropriation for the Court was reduced to $800,00 instead of $1,115,000 the year previous and the personnel of the Court was reduced to about four hundred and five.

It is now proposed to abolish this Court by conferring that part of its jurisdiction which has to do with social relations upon a new Family Court, originally planned to be composed of five judges with salaries of $14,000 each as against the salaries of $10,000 each paid to the eleven judges of the existing court. I understand that it is now suggested to amend the proposed Family Court bill by reducing the number of judges to four. The work that is to be given to these four or five judges in the new court it at present performed by two judges, one of them being assigned annually in the Juvenile Division and the other by monthly assignment from among the other ten judges of the Court.

Since it is now proposed to jettison the proposed Small Claims Court, which would have been constituted of three judges, all the other work now done by the Municipal Court, both criminal and civil, will be thrown back upon the Common Pleas and Quarter Sessions Courts in the City and County of Pihaledlphia, and it is stated that this burden will be taken care of by the creation of an additional Court of Common Pleas consisting of three judges to be known as Court of Common Pleas No. 7, this in addition to the new Court of Common Pleas No. 6 established by this Legislature, which was designed to take up the overburden of litigation already upon the Common Pleas Courts.

The addition of one Court of Common Pleas with three judges, it is submitted, will not by any means provide for

the performance of the civil and criminal work that has been disposed of by the nine judges of the Municipal Court whose time was devoted to the disposition of this class of litigation.

Before the Municipal Court was established in 1914 the civil lists in the Courts of Common Pleas of Philadelphia County were in such a congested condition that there was practically no chance of having any case tried and disposed of in less than two years after the inception of the suit and the average time required for the disposition of civil cases was not less than three years. At the present time by reason of the work done by the Municipal Court the civil trial lists in the Common Pleas Courts are in such condition that many cases are disposed of within one year and the average time for the disposition of cases has been very greatly reduced, perhaps to less than two years, while in the Municipal Court a great number of suits are disposed of within six months of their inception and the bulk of the business is disposed of in less than one year. The volume of civil and criminal litigation that would be thrown back from the Municipal Court to the Courts of Common Pleas would proably exceed the entire number of such cases which are at present disposed of by the Courts of Common Pleas and it can readily be seen that the creation of one additional court would not provide the means for the disposition of this volume of litigation. The Courts of Common Pleas would again be overburdened and the citizens could not possibly have their litigation disposed of promptly.

The motive for the ripping out of the Municipal Court is purely political. This is in the air and everyone is conscious of it. No intelligent person would deny it. This has grown out of the fact that there are a great many employees in the court, mostly placed in the social branches of the Court's work, whose appointment under the law developed upon the judges of the Court. This responsibility is one which the judges should be relieved of by the application of a proper merit system and there has been introduced by Senator Woodward a bill which would accomplish this purpose.

To support a movement or create an atmosphere which might appear to justify the passage of this ripper legislation a legislative sub-committee meeting in Philadelphia devoted four days of its sessions to an investigation of the Municipal Court. It presented a second preliminary report dated Monday, March 29, 1937. The hearings were ex-parte. No representative of the Court was permitted to cross examine or suggest questions which would have brought out the full truth from the witnesses who were summoned by the committee. No effort was made to get upon the record of the investigation a fair account of the work that was done by the Court in its various branches. The judges of the Court were refused the privilege of having a stenographic report of the proceedings, the statement being made that a copy would be provided by the committee. Although requested orally and in writing of the chairman of the committee, this transscript of testimony has not been made available to the Court.

Instances of imperfections in some of the employees of the Court who were summoned and examined, and it is well within the mark to say brow-beaten, without the benefit of counsel, were magnified and made to appear major delinquencies, if not crimes. A fair criticism of the investigation is that it was a valiant attempt to make not a mountain but a mountain range out of a mole hill.

The fact that the Court has grown to fill a large place in the judicial system of the City of Philadelphia under the wise provisions of its enabling Act is cited in that report as a reason for the destruction of the Court after twenty-four years of operation, with no substantial criticism of the manner of the performance of any of its judicial functions from any respectable source. The only criticism that comes and that is far from well founded is with relation to the patronage of the Court under the terms of the enacting law.

It is characterized as a million dollar court. Let it be so understood that any fair consideration of the work that has been done and is being done by the Court will warrant the conclusion that it is worth all that it costs and more money might be well expended in the further development of its functions.

The report, which contains a lot of conclusions without any particular supporting evidence, charges that money is spent through the customary channels of the Prothonotary's office, the Sheriff's office and the Clerk of the Court of Quarter Sessions for the execution of the processes of the Court. No intelligent mind needs to be reminded that these officers of the Court, likewise being similiar officers for the Courts of Common Pleas and Quarter Sessions, are necessarily involved in this system of the administration of the law and their costs must be borne by the County. No one would assign it as a reason for the abolition of the Courts of Common Pleas, that the City must bear the expenses of these County offices for the performance of their functions in relation to the Courts of CommonPleas, and is it not silly to embody in the report the recommendation of a ripper of the Municipal Court based upon such flimsy argument.

In 1923 in order to relieve the pressure upon the Common Pleas Courts by the growth of the volume of ligitation, the jurisdiction in civil cases of the Municipal Court was increased to actions involving not more than $25,000.

The jurisdiction figure in such cases under the original Act of 1913 had seen $600. and in 1919 it was raised to $1,500. Since 1919 the budget of the court has been practically stationary. In the year 1920 all the employees of the City of Philadelphia were given a flat increase in compensation in the shape of a ten per cent. bonus. This embraced the employees of the Municipal Court. The appropriation for this bonus was a seperate item additional to the regular annual budget. This method was continued until 1928 at which time the ten per cent. bonus was added to the regular budget appropriation, which made the annual appropriation approximate a million to one million one hundred thousand dollars yearly at which figure substantially the annual appropriation has remained up to and including the year 1936, with the exception of the year 1932 when there was a flat cut in all departments of twenty-five per cent. owing to the condition of the City's finance's. In that particular year there was a fiat reduction in the pay of all the employees of the Court and none were discharged because of the diminished appropriation. In the following years until 1936 the normal budget allowance was made. There was no increase in the number of the employees of the Court since 1919. For the present year, 1937, the appropriation was reduced from $1,050,000. for the year 1936 to $800,000. Coupled with this reduction was a condition imposed by Council requiring the reducting to be effected by the dismissal outwright of a sufficient number of the employees of the Court to meet the reduced appropriation and forbidding the reduction of the pay of any of the employees who were retained. This necessitated the discharge of 140 employees, by reason of which the present operations of the Court have been greatly hampered and curtailed.

The second preliminary report referred to at the bottom of page 10 thereof cites as a cause for censure that while the annual budget of the Court provided for the payment of the salaries of ten court stenographers subterfuge was used to employ an eleventh stenographer. There are eleven judges in the Court and the services of eleven court stenographers are necessary and vital to the performance of the duties of those judges. The eleventh court stenographers referred to was the stenographer for the court held by Judge Gable, who was appointed to the Court in Januray, 1931. The stenographer who was assigned to him had been performing work as an assistant to the then appointed court stenographers. He was assigned to Judge Gable, whose appointment to the Court was made under the provisions of the enabling Act of the Court by reason of the growth in the population of the City of Philadelphia. At that period Council was of necessity curtailing every additional appropriation and from that time to this the Councils have failed to make provision for this essential service to the Court and the Court has used its legal power of mandamus for the payment

for the services of this stenographer in accordance with the State law regulating the payment of court stenographers. Whether the services were paid for out of the City treasury by the avenue of appropriation by Councils or by the equally legal avenue of payment by mandamus the result is just the same to the City Treasury and no fair minded person would cite this case as a reason for ripping out the Court.

This report stresses the fact that salaries have been paid to the judges. That is quite true. The salaries were fixed by the Legislature of Pennsylvania and certainly are not excessive when compared with the salaries of the judges in this Commonwealth or elsewhere.

The findings in the report are most general without sufficient citation of evidence to afford a presumption of sufficient basis for the conclusion stated. From the set of facts that may have been adduced by the committee, which do not appear in the record, a man with a certain bias might naturally arrive at one set of conclusions that would be entirely different from those that would be arrived at by another.

For illustration, a few matters in the report are worthy of attention. At the bottom of page 13 the case of one employe of the Court is cited, setting forth that this man, who is still employed by the Court, was receiving and had received for five years compensation as an employee conducted and still conducts a private business. If there had been a desire to present a true picture of this case as a full and fair investigation into the facts would have shown, the compensation which this man received as an employee of the Federal Government terminated three years before the date of the investigation. The employee in question acted as a secretary for a Congressman, performing his duties outside the time of his business in the Court and the fact is that such additional employment was entirely unknown to each and every member of the Board of Judges of the Municipal Court. The citation of this condition, which terminated three years ago and for which the judges were not responsible and of which they had no knowledge, could hardly be cited fairly as a justification for the abolition of the Court itself.

Much is made of the statement which is not in accord with the fact and could not have been established if the full truth had been sought, that there was no meeting of the Board of Judges during the two years 1935 and 1936. This statement is wholly without basis in fact, notwithstanding the assertion in the report. There was a period of about seven months, including the Summer of 1936, during which time the Secretary of the Board of Judges was incapacitated by illness, when there were no minutes kept of the meetings. Meetings, however, were called and failed of a quorum, there being no business presented which required attention. During this period certain appointments were made in the nature of provisional appointments by the President Judge, which were brought to the attention of the Board at its meeting in December, 1936.

Under the Act of July 12, 1913, (P. L. 711), the President Judge appointed by the Govxernor, was vested with exclusive power to appoint all employees of the Municipal Court. Sections 2, 4, and 9 of said Act were amended by the Act of June 27th, 1923 (P. L. 850), which provided for the election of a President Judge by the Board of Judges and clothed said Board of Judges with the responsibility of making all appointments of employees in the Court.

This Act should be liberally construed for the purpose of carrying out the legislative intention, which was to transfer from the President Judge to the Board of Judges, the authority to make all appointments. The President Judge, as the chief executive officer of the Court, is not prohibited from making provisional or vacational appointments where vacancies occur, as, for example, during vacation or until a quorum of the Board of Judges may be called into meeting, at which time a majority may either ratify or reject any ad interim appointment. Vacancies have occurred which it is necessary to fill promptly in order that the various departments of the Court may properly function in the public interests. A majority of the Judges of our Court were of the opinion that the confirmation of de facto appointment validated them and was not contrary to any provisions of the Act of Assembly.

The reference to nepotism on page 16 of the report is manifestly an unfair and "hit below the belt" conclusion when the facts are known. A brother of the President Judge, who held the office of clerk in charge of the Domestic Relations Division at a salary of four thousand dollars and not that of chief probation officer at a salary of five thousand dollars, as erroneously stated in the report, for over twenty years, and who was retired in December, 1936, suffered the misfortune of becoming totally blind within the last six years. The only conclusion that can be drawn from the language of the report is that this man was blind when appointed twenty years ago and that it was necessary to appoint another relative of the President Judge to assist the borther as an assistant supervisor at a salary of three thousand dollars. The fact is that these employees came into the Court at different periods shortly after the Court was established. The duties of the two had no relation to each other and their services during the entire period of their employment were separate and distinct. Since the blindness of the brother has occurred he has carried on without any such assistance from the sister as is falsely implied by the terms of this report. The other sister, who is referred to as occupying an additional position, never was in the employ of the Court. And it is most manifestly unfair to refer to the employment of a daughter of the President Judge, who is a practicing lawyer of years excellent standing and who happens to have been appointed as an assistant in the office of the District Attorney of the City of Philadelphia, an independent branch of the City government.

The reference to relatives of other judges on the payroll of the Court might as well be leveled at high officials in the State and Nation of Democratic as well as Republican proclivities who happen to have relatives on public payrolls, who, if they are performing their duties as well as are those in the few instances of such employment on the Municipal Court payroll, should not to be pilloried for such relationship.

The assertion in the report at the bottom of page 19 where it is stated:—"We find in the department known as the Domestic Relations Division the Court received sums aggregating One hundred thousand dollars per month; that these monies are received through the Court through employees of the Office of the Clerk of Quarter Sessions stationed at the Municipal Court; that for more than 15 years no audit of the accounts was made; that no officer or member of the Board of Judges of the Municipal Court ever asked for such audit,"—is so manifestly unfair that it is sufficient of itself to discredit the entire report. No monies are paid into the Municipal Court. They are paid direct to the Clerk of the Court of Quarter Sessions. The Municipal Court has no authority over the Clerk of the Court of Quarter Sessions and no member of the Board of Judges could ever ask for an audit of such account. It is well to call to mind, however, that the collections which are referred to here are under orders for the payment by delinquent husbands and fathers for the support of their neglected and deserted wives and children. No case has ever been brought to light in which sums received by the Clerk of the Court of Quarter Sessions under an order of the Municipal Court has not been received by the beneficiary of the order; and it is submitted that a very effective audit of the receipt and payment of such sums exists in the needy recipients of the orders if they had failed to get what was due them, especially since these monies are paid over to the beneficiary within twenty-four hours after they have been collected. The aggregate payments of such sums during the entire existence of the Court exceed twenty-nine million dollars ($29,000,000.00).

It is interesting to note a comparison of the work done

by the Philadelphia and New York City Domestic Relations and Children's Courts:

	Population	Collections for Support
Philadelphia	1,950,961	$1,354,261.00
New York	6,390,446	$2,201,726.00

The average collections per capita, New York 35¢; Philadelphia, 69¢.

In the budget for New York for Domestic Relations and Children's Court alone $748,775 and in addition thereto there were 145 WPA workers employed in the work of the New York Court as against $800,000 for the entire work of the Philadelphia Municipal Court. In an extract from the annual budget report of the New York City Domestic Relations and Children's Courts appears the following quotation:

"At the present time this court is operating with the assistance of 145 WPA workers. With this assistance we are now shorthanded and without it we cannot run."

The assertion and further conclusion at the bottom of page 20 in said report that "we find that the buildings housing the misdemeanant and juvenile delinquents are neither adequate nor proper places for such offenders and that the surroundings are anything but conducive to the rehabilitation and future welfare of such persons," might well be characterized as "poppycock." There are inadequate housing conditions. Anyone can discern that. For years the Court has asked for the provision at the hands of Council of adequate facilities for the carrying on of the work of the Court and it certainly cannot be laid to the Court as its dereliction that those have not been provided by the appropriating body of the City of Philadelphia.

These brief allusions show the character of a report that is lacking in candor and fairness and manifestly made solely for the purpose of giving an excuse for ripping out the Court.

At the hearing before the Joint Commitete of the Senate and the House of Representatives of City Government held on the 6th inst. in the Senate chamber at Harrisburg, the Chairman of the committee charged that the Court had repelled advances made by the Bureau of Municipal Research to make a survey of the constitution and work of the Court. Such a survey was made by the Bureau of Municipal Research back in 1925 as herein above alluded to and the fact is that at the present time by the permission of the Court, the Pennsylvania Economy League has been engaged upon such a survey and is now prepared to make to the Court a partial report upon such survey containing recommendations which will be considered and, if helpful and practicable, will no doubt be put into effect.

When it is considered that, under the Constitution of Pennsylvania and the decisions of our appellate courts as well as cognate and pertinent decisions of the Federal courts, the present legislative proposals are probably invalid; that large sums of money would be uselessly drained from the State treasury; and in consideration of the chaotic condition into which the important litigation in Philadelphia County would be thrown until the questions of constitutionality might be determined, a thoughtful legislature would certainly thwart the passage of the present proposals.

Mr. SHAPIRO. Mr. President, from what the Senator from Bucks, Mr. Buckman, says I take it this would be the proper time to answer, because I assume he will be bound by the result of this vote—at least, to the extent of not debating the matter of the Municipal Court any further; otherwise I would have waited until the Act creating the Municipal Court comes before the Senate.

I am sorry the Senator did not use his own argument instead of that of a jurist of the court. I do not think there is a single argument presented on behalf of this court that cannot be answered finally and definitely, because this court and its conduct is so well known not only in Philadelphia but all over the State and I am afraid my friend cannot see any excuse for its existence.

I want to take exception, however, to the statement that these things are being done for the purpose of creating jobs. The Senator has shut his eyes to the character of the legislature that has come from Philadelphia, and its purpose, or he would not have made the statement. There have been introduced in this Senate several bills dealing with the situation in Philadelphia, and I should like to call his attention to the fact that when we began our investigation there were assessors in Philadelphia numbering eighty, receiving $400,000 a year. This Senate passed what my friend would like to call "ripper legislation", but the result will be that instead of having eighty assessors, at $5,000 each per annum, there will be thirty assessors at $4,000 and two chief assessors at $5,000 a year, or a payroll of $130,000 instead of a payroll of $400,000 in that one department.

I should like to call the attention of the Senator from Bucks to the fast that there was passed a bill—using his language—ripping out of office the Receiver of Taxes, who had a payroll of $707,000; and that office will not be recreated. There will be substituted for those three hundred and some odd employees twenty employees in the office of the City Treasurer and not more than twenty in the office of the City Controller.

That does not sound to me like creating jobs for Democrats.

Also, in substitution for eleven judges of the Municipal Court, at $10,000 each per annum, our plan proposes the creation of seven judgeships at $14,000; and that does not sound like creating jobs, inasmuch as it means a saving to the taxpayers of $12,000 per annum. And in place of the 563 employees of the Municipal Court, receiving in salaries a total of $1,050,000, with an added expense of $250,000 for 120 other employees doing Municipal Court work in other departments, there will be created a court which will not spend more than $300,000 a year, and have not more than 125 to 130 employees.

Now, it is all very well, for the purpose of making a noise, to get up on the floor of this Senate and say the Democrats are ripping out for the purpose of creating jobs; but I would like to hear the answer to the proposition that because of the changes we are making there will be saved to the taxpayers, before this year is out, close to two million dollars, and the number of jobs will be reduced from eleven hundred to not more than two hundred. If that sounds like creating new jobs, if that sounds like creating positions for the Democratic Party, then it is pretty nearly time that we did some more "ripping" in Philadelphia and elsewhere to create jobs.

It is true we are doing more "ripping" than has been done before; everyone who has had his eyes open knows that it was never the purpose of the Republican Organization to rip out jobs; it has always been and is at the present time, its purpose to create jobs for committeemen, who get their henchmen to go around with petitions in order to get twenty thousand names, as we saw presented here tonight. In the Fifteenth Ward, for the last three years, at least three times committeemen have been getting signatures from voters on petitions against the "ripping out" of the Municipal Court. I do not blame those committeemen; they certainly should do it; their jobs are at stake, and their petitions represent their prayer to this

Senate to save them and perpetuate them for the holding of jobs about the duties of which they know nothing.

In Philadelphia, I want to say, I am no party, and the committee of which I have the honor to be Chairman is no party to the creation of jobs; what we are trying to do is to create a decent city in which we can live, to create a city in which we can reduce the tax rate, so that we will not have to saddle our people with the enormous expenses that have been their lot under the rule of the Republican Party, that now must be reduced to still life.

Mr. SALUS. Mr. President, I have heard the sermon of the Senator from Philadelphia, Mr. Shapiro, and all I have to say in answer is Amen.

Mr. OWLETT. Mr. President, I cannot help but feel that the remark of the Senator from Philadelphia, Mr. Shapiro, would have had more weight had we in the Senate not witnessed last week, after being told that the Public Service Commission was ripped out and that the work was to be done by five members instead of seven. We witnessed here in the Senate, two days after the passage of that bill, this same Senator coming into this Senate and putting in another bill to add two more members to the Public Utility Commission of this State. Just for the benefit of the record, I know that this will not change any votes, I would like to read into the record two paragraphs from this evening's paper:

No one proposition submitted to the Legislature has been the subject of so many swift and unexplained changes as that calling for displacement of the Municipal Court. This matter has been largely in the hands of Senator Shapiro, of Philadelphia. He has changed his mind so many times that he and all others interested are confused as to just what the plan is to be. The widespread protest that has greeted the proposal to rip out the Municipal Court has been the cause of Democratic uncertainty.

There is only one purpose from which they will not be swerved and that is to obtain control of the hundreds of jobs under that tribunal. The wrongs existing in administration of the court could be corrected by quite simple legislation, but the powers in control are averse to yielding to such suggestions. The present idea seems to be to form another Common Pleas Court and to establish a family court. The small claims court idea has been abandoned in favor of allowing a court of three Magistrates to settle all litigation involving claims of less than $100.

Mr. SHAPIRO. Mr. President, the Senator from Tioga, should be aware of the fact that there was great discussion in the Committee and elsewhere, of the question of whether there should be five or more Public Utility Commissioners. There was great hesitancy on the part of anyone to increase the number, because some people were told it was intended to keep the expenses down. I have my own opinion about that Commission and I do not think that they can do the work that is expected of the five members, particularly since there is more work being put on them than was ever put on the old Commission. However, I would like to call the attention of the Senator from Tioga to the fact that the seven members will not cost the Commonwealth of Pennsylvania a penny under the new bill, and that is the reason I put the amendment in. Under the new bill the expenses of administration is borne by the Utilities and not by the State of Pennsylvania, and that in itself is a step forward in the right direction, and is something which the Republican organization never undertook to investigate or suggest.

With regard to the editorial that the Senator from Tioga referred to, I read that coming up on the train, not with the amusement, which I otherwise would have had, were it not so tragic. It is a tragedy today that newspapers, because they have some personal axe to grind, like several of them, who get ten or twelve thousand dollars a month from the Republican-controlled sheriff of Philadelphia for advertising real estate, and because of that fact they forget a very important part and that is that they themselves have been shouting for sanctity of the Courts, and yet because of the fact that they do get some advertising they are willing to scarifice their principles, sacrifice their understanding, and stultify their editorals by holding up a court which has done nothing in Philadelphia except to bring disgrace upon itself. It will take more than an editorial from any newspaper in Philadelphia to explain to decent people why a court intended to be a chamber for the administration of justice, should pad it's payroll and act in an illegal manner; it will take more than an editorial in a newspaper to explain why a President Judge of a Court should finally and presently flaunt the laws of the Commonwealth, it will take more than an editorial to explain why out of the eleven judges in a court, at least ten of them, had one, two and three members on the payroll, none of whom at the time of their appointment, had any qualifcation for the office to which they were appointed and it will take more than a newspaper to explain why it was that not even those members of the courts from whom I have the highest regard as individuals and as men, not one of them was able or willing to raise his voice in protest against this thing which went on for ten years. They saw this thing growing from an infant to an octopus, and they all shared, with the exception of probably one of them, in the spoils, and it was a case of you scratch my back and I will scratch yours. Certainly they could not protest, when their own relatives were placed on the payroll without the approval of the judges; certainly they could not protest against the unlawful increase in salaries, when they own relatives' salaries were increased and when this Court was used for the purpose of benefiting the political organization, when around election time in the fifteenth ward, the home of the President Judge, who participated in every election, mostly in the political campaign, and presided over meetings, when they permitted that court around election time, to pad the payrolls with committeemen from the fifteenth and other wards for the purpose of carrying the election, then, I say, it is not funny when a newspaper editorial stultifies itself to try to protect that kind of a procedure.

Talking about your respect for the courts. Yes, let us have respect for the courts, but let us put the courts in such a position that the people in the community will not lose respect for this court, or for any court. What respect will the ordinary man who has today litigation in the court of that man have for the court when he knows that the committeemen become fixers and become persons who are errand boys for the purpose of affecting litigation in the court. Everybody knows it, and everybody knew it in Philadelphia. Prominent business men in Philadelphia who saw these Philadelphia lawyers come before this Committee and speak on behalf of the court—at least I myself know that I was ashamed to see them do it, because in our private conversation their opinion of this Court was not what they said publically. It was the common saying and one of the standing jokes in Philadelphia was about the young lawyer who appeared before the

Supreme Court and said "This, your Honor, is an appeal from the municipal court"; and the Supreme Court asked "have you any other ground for reversal?"

Mr. WOODWARD. Mr. President, representing the small minority side of this Shapiro committee, I did not sign the majority report on the Municipal Court, but I made my own minority report. I commend the Shapiro committee for everything it has done except in regard to the Municipal Court. The reason I cannot commend that is, it seems to me that the Chairman of the committee is of such a judicial mind that he does not let his right hand know what his left hand is doing. With his right hand he is saving his taxpayers considerable sums of money, but, when it comes to the Municipal Court, with his left hand he creates other courts to take the place of the work of the Municipal Court, which he crowds out of the agenda of the Municipal Court. He is repealing the Civil and Criminal Divisions of the Municipal Court, and we heard the other night that that will mean the creation of Common Pleas Court No. 7. So that, the Senator is responsible for Court No. 7—and, perhaps, will be responsible for Court No. 8. I suggest that the last estate of the taxpayers is going to be worse than the first.

Mr. EALY. Mr. President, the Senator from Philadelphia, Mr. Shapiro, did not really answer the inquiry of the Senator from Delaware as to the cost of these new courts which he proposes to create. The point was well raised that abolishing the duties of the Municipal Court judges of Philadelphia does not discharge them from their office. I have a copy of the statement which the Senator from Bucks has submitetd, and it does not refer, as I take it, particularly to the matter of the salaries of these judges, who will not be discharged from office, and who during the remainder of their terms will have over a half a million dollars of salaries due them. Under the Constitution there is only one way of getting rid of these judges, and that is the method pointed out by that document. Article 5, Section 1, of the Constitution says: "The judicial power of this Commonwealth shall be vested in a Supreme Court, in Courts of Common Pleas, Courts of Oyer and Terminer and General Jail Delivery, Courts of Quarter Sessions of the Peace, Orphans' Courts, Magistrate Courts, and in such other Courts as the General Assembly may from time to time establish."

Section 15 says: "All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly."

The Act of Assembly which created this Court says: "The judges of the said Court shall be learned in the law and shall be elected by the duly qualified electors of the said county for the terms of ten years."

Therefore the only way to get rid of these judges is by proceeding under this Constitution, and if these judges are corrupt why does not the Senator elect to proceed under the Constitution to get rid of them in a constitutional way?

The hearing which we had last week, and after these bills were reported to the Senate and not before, as it should have been, was the most interesting hearing which I have attended in the eleven years which I have served in this body. At that hearing it was apparent to everybody who was not prejudiced, that the destroying of this Municipal Court was utterly indefensible. It was not only some lawyers that appeared before the Committee last week, but there were citizens of Philadelphia, doctors and men in various walks of life. One gentleman, who had been Secretary of a well known institution for many years, and in such capacity had come into contact with the Court in its social and welfare work, stated that he regarded the Court as a most worthy institution which could not be replaced without doing untold harm to the community. He said, as a life long Democrat, he could only look with dismay on the action of his party in destroying the court, which was performing so necessary a function for the people.

We heard before this committee was appointed, that its purpose was to rip out this court, and what has taken place since, has certainly justified a rumor of that kind. We knew that members of the Mothers' Assistance Boards; that members of Hospital Staffs and Trustees of Charitable and Educational Institutions had been thrown out of office for no other reason than that they wanted to fill their places with Democrats. We had hoped that the Courts would not be brought into this same category, particularly judges that had no charges whatever preferred against them. This hearing that we had last week totally destroyed any charges that the judges were corrupt, and it disproved most of the charges that the Senator from Philadelphia has made this evening. They were not in any manner sustained. It certainly is a shabby proceeding to discharge an upright judge and try to rip him out of office without making any charge against him in the manner provided by the Constitution. The position of the courts in this county, and in all English speaking countries is unique. We have the three departments of Government,—Executive, Legislative and Judicial, and it has always been our boast that the Courts are independent, and the only way to uphold an independent judiciary, is for public opinion to support judges in their places; and to try to rip a judge out of office, without making a charge against him in the manner that the Constitution has pointed out, is an indefensible proceeding.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows. viz:

YEAS—33

Cavalcante,	Heyburn	Law,	Roberts,
Dando,	Huffman,	McCreesh,	Rodgers,
Dent,	Jacobs,	McGinnis,	Rupp,
DiSilvestro,	Jaspan,	Mundy,	Ruth,
Erce,	Kahle,	Pytko,	Shapiro,
Frey,	Kilgallen,	Rankin,	Sipe,
Gilson,	Kunkel,	Reed,	Stiefel,
Haluska,	Lanius,	Rice,	Thompson,
Henney,			

NAYS—15

Bean,	Ealy,	Mallery,	Scarlett,
Buckman,	Gelder,	Owlett,	Wolfenden,
Chapman,	Homsher,	Pierson,	Woodward,
Deitrick,	Howell,	Salus,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 58, entitled:

An Act to amend section eleven, as amended and to repeal section ten of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 711), entitled "An act establishing a court for the county of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein, and appeals therefrom; and providing for the expenses thereof," taking from said court jurisdiction in civil and criminal actions and in equity.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Cavalcante,	Henney,	McGinnis,	Rodgers,
Dando,	Jaspan,	Mundy,	Rupp,
Dent,	Kahle,	Pytko,	Ruth,
DiSilvestro,	Kilgallen,	Rankin,	Shapiro,
Eroe,	Kunkel,	Reed,	Sipe,
Frey,	Lanius,	Rice,	Stefel,
Gilson,	Law,	Roberts,	Thompson,
Haluska,	McCreesh,		

NAYS—16

Bean,	Ealy,	Howell,	Salus,
Buckman,	Gelder,	Mallery,	Scarlett,
Chapman,	Heyburn,	Owlett,	Wolfenden,
Deitrick,	Homsher,	Pierson,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 181 (House Bill No. 232) on third reading entitled:

An Act validating municipal claims of cities and boroughs were not filed within the time specified by law

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 182 (House Bill No. 233) on third reading entitled:

An Act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since original claims were filed or a prior revival thereof made

go over in its order.

The PRESIDENT. Is theer objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill 235 (House Bill No. 50), entitled:

An Act to amend Article twenty-four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. KILGALLEN. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 236 (House Bill No. 51), entitled:

An Act to amend Article thirty-two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. KILGALLEN. Mr. President. I move that the question together with the further consideration of the bill be postponed for the present.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 237 (House Bill No. 52), entitled:

An Act to amend Article fifteen of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. KILGALLEN. Mr. President. I move that the ques-

tion together with the further consideration of the bill be postponed for the present.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 238 (House Bill No. 53), entitled:

An Act to amend Article twenty-one of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. KILGALLEN. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 239 (House Bill No. 60), entitled:

An Act to amend the title and sections one and two of the act, approved the eighteenth day of July, one thousand nine hundred and thirty-five (P. L. 1286), entitled "An act empowering cities (except cities of the first class) boroughs, incorporated towns, and townships to charge and collect annual rentals for the use of certain sewers, sewage systems, and treatment works, including charges for operation, inspection, maintenance, repair, depreciation, and the amortization of indebtedness and interest thereon," extending the provisions thereof to cities of the first class, providing for the charging and collection of annual rentals for the use of sewers, sewage systems and sewage treatment works constructed or acquired jointly with other municipalities or furnished under contract by any authority.

And said bill having been read at length the third time, and the amendmnts made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. KILGALLEN. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 372, entitled:

An Act to amend section two hundred fourteen, section two hundred sixteen as amended, and section two hundred and seventeen, of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. WOLFENDEN. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Frey.

The PRESIDENT. Will the Senator from Allegheny, Mr. Frey, permit himself to be interrogated?

Mr. FREY. Mr. President, I will.

Mr. WOLFENDEN. Mr. President, I desire to ask the Senator from Allegheny the purpose of this bill.

Mr. FREY. Mr. President, the purpose of this bill is to stop the ouster proceedings against school boards, which result is unnacessarily long vacancies; and also to relieve the Courts of the playing of partisan politics.

Mr. WOLFENDEN. Mr. President, is it not a fact that the Courts would have better knowledge of people properly fitted to serve on school boards in their counties than any Governor could possibly have?

Mr. FREY. Mr. President, think not,—for the reason that the Governor would procure his knowledge from the Department of Public Instruction.

Mr. WOLFENDEN. Mr. President, is it not a fact that the Courts would have better knowledge than the Department of Public Instruction would have?

Mr. FREY. Mr. President, I think not.

Mr. WOLFENDEN. Mr. President, may I interrogate the Senator from Allegheny further?

The PRESIDENT. Will the Senator from Allegheny, Mr. Frey, permit himself to be interrogated further?

Mr. FREY. Mr. President, I will.

Mr. WOLFENDEN. Mr. President, why is this particular bill particularly applicable to fourth class district schools?

Mr. FREY. Mr. President, because the practice, on the part of the Courts, of playing partisan politics has been very prominent in those particular counties.

Mr. WOLFENDEN. Mr. President, if that is true is not partisan politics apt to crop into the first, second and third class districts?

Mr. FREY. Mr. President, I am not concerned about that in connection with this bill.

Mr. WOLFENDEN. Mr. President, this is to correct, then, a particular evil?

Mr. FREY. Mr. President, yes.

Mr. WOLFENDEN. Mr. President, the Senator from Allegheny, then, wants us to legislate here because he knows of some particular school district where this evil has cropped up?

Mr. FREY. Mr. President, quite a number of them.

Mr. WOLFENDEN. Mr. President, does the Senator from Allegheny, Mr. Frey, have a fourth class district in his county?

Mr. FREY. Mr. President, I do not know.

Mr. WOLFENDEN. Mr. President, the information given by the Senator from Allegheny, then, is from hearsay, it is not?

Mr. FREY. Mr. President, it is from reliable sources.

Mr. WOLFENDEN. Mr. President, it is from hearsay, however, is it not?

Mr. FREY. Mr. President, it is from reliable sources.

Mr. WOLFENDEN. Inasmuch, Mr. President, as we have all our school districts, in my particular district, in the fourth class, with the possible exception of three, and inasmuch as I never heard of the abuses about which the Senator from Allegheny complains, I ask the Senate to vote this bill down.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreably to the provisions of the Constitution.

Mr. WOLFENDEN. Mr. President, may I have the roll verified, pleas?

The roll was verified and was as follows:

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Cavalcante,	Gilson,	Kunkel,	Rice,
Dando,	Haluska,	McCreesh,	Roberts,
Dent,	Henney,	McGinnis,	Ruth,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Rankin,	Thompson,

NAYS—18

Bean,	Heyburn,	Owlett,	Rupp,
Buckman,	Homsher,	Pierson,	Salus,
Chapman,	Howell,	Reed,	Scarlett.
Ealy,	Lanius,	Rodgers,	Wolfenden,
Gelder,	Mallery,		

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

BILL OVER IN ORDER

Mr. JASPAN. Mr. President, I ask unanimous consent that Senate Bill No. 388, on third reading entitled:

An Act to further amend sections two three and four of the act approved the eighth day of May one thousand nine hundred and nine (Pamphlet Laws four hundred seventy) entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs defining the word 'drugs' prescribing penalties for violation of this act and the method of its enforcement" by further defining the standards for drugs and adulteration of drugs.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 462 (House Bill No. 32), entitled:

An Act to amend clause (b) of section three thousand two hundred and forty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled An act relating to cities of the third class and amending revising and consolidating the law relating thereto as amended, providing for compensation for members of joint sewer boards.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. KILGALLEN. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 507 (House Bill No. 1054), entitled:

An Act to amend section seven as amended. sections nine and thirteen, sections fourteen and eighteen as amended, section nineteen, and sections twenty-one and twenty-two as amended, of the act, approved the seventh day of June, one thousand nine hundred and fifteen (L. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths,and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-compensation system including the rehabilitation of employes; providing for the payment of compensation for seventh day of April, nineteen hundred and five, and providing penalties for violations of this act, " by further regulating the contents and registration of birth certificates, and the giving of certified copies thereof; providing for the registration of birth certificates of children of citizens born beyond the limits of the United States and of certified copies thereof; imposing additional duties upon the local registrars and providing compensation thereof, payable by the Commonwealth; authorizing the Department of Health to issue certified copies of the records of local registrars in cities of the first class; and increasing existing penalties and imposing new penalties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bean,	Gelder,	Lanius,	Roberts,
Buckman,	Gilson,	McCreesh,	Rodgers,
Cavalcante,	Haluska,	McGinnis,	Rupp,
Chapman,	Henney,	Mundy,	Ruth,
Dando,	Homsher,	Owlett,	Scarlett,
Dent,	Howell,	Pierson,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice.	

NAYS—2

Heyburn, Wolfenden,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 516, entitled:

An Act making an appropriation to the Department of Health for the purchase and distribution of vitamin products.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bean,	Gilson,	Law,	Roberts,
Buckman,	Haluska,	Mallery,	Rodgers,
Cavalcante,	Henney,	McCreesh,	Rupp,
Chapman,	Heyburn,	McGinnis,	Ruth,
Deitrick,	Homsher,	Mundy,	Scarlett,
Dent,	Howell,	Owlett,	Shapiro,
DiSilvestro,	Jaspan,	Pierson,	Sipe.
Ealy,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Thompson,
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder,	Lanius,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 526 (House Bill No. 1027), entitled:

An Act regulating the recordation of assignments of mortgages in counties of the second class fixing the fees therefor and imposing certain powers and duties on the recorders of deeds of such counties.

And said bill having been read at length the third time,

On the question,

Mr. HENNEY. Mr. President, I ask unanimous consent to amend title, page 1, line 1 of title, by striking out the word: S "recordation" and inserting in lieu thereof: "recording"; amend Sec. 3, page 1, line 13, by striking out the word: S "recordation" and inserting in lieu thereof: "recording"; amend Sec. 3, page 1, line 14, by striking out the word: S "recordation" and inserting in lieu thereof: "recording"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 610, entitled:

An Act providing for the creation of a legal holiday on September seventeenth one thousand nine hundred thirty-seven to be known and observed as 'Constitution Day."

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bean,	Gilson,	Law,	Rice,
Cavalcante,	Haluska,	Mallery,	Roberts,
Chapman,	Henney,	McCreesh,	Rupp,
Deitrick,	Heyburn,	McGinnis,	Ruth,
Dent,	Homsher,	Mundy,	Scarlett,
DiSilvestro,	Jaspan,	Owlett,	Shapiro,
Ealy,	Kahle,	Pierson,	Sipe,
Eroe,	Kilgallen,	Pytko,	Stiefel,
Frey,	Kunkel,	Rankin,	Thompson,
Gelder,	Lanius,	Reed,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 681, entitled:

An Act to amend section five of the act, approved the twenty-ninth day of November one thousand nine hundred thirty-three (one thousand nine hundred thirty-three and one thousand nine hundred thirty-four Pamphlet Laws thirteen(entitled "An act creating an independent administrative board to be known as the Pennsylvania Liquor Control Board" by making further provision with respect to the fidelity bonds of the members secretary and employes of the board.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Cavalcante,	Haluska,	Mallery,	Roberts,
Chapman,	Henney,	McCreesh,	Rodgers,
Deitrick,	Heyburn,	McGinnis,	Ruth,
Dent,	Jaspan,	Mundy,	Scarlett,
DiSilvestro,	Kilgallen,	Pytko,	Shapiro,
Ealy,	Kunkel,	Rankin,	Sipe,
Eroe,	Lanius,	Reed,	Stiefel,
Frey,	Law,	Rice,	Thompson,
Gilson,			

NAYS—6

Bean,	Homsher,	Pierson,	Wolfenden,
Gelder,	Owlett,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 732, (House Bill No. 1344), entitled:

An Act to amend sections five hundred and fifty-one, six hundred and seventy-five and six hundred and seventy-six of the act, approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto" by extending authority therein granted to include leasing of real property.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Mr. KUNKEL. Mr. President, I ask unanimous consent to amend bill, page 4, line 4, by inserting at the end thereof, after line 4, the following: S "Section 4. This act shall become effective immediately upon final enactment."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 766 (House Bill No. 1053), entitled:

An Act to amend section one as reenacted sections two and three as amended sections four and five and section six as amended of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws one hundred nineteen) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania providing further for the distribution and use of unclaimed human bodies fixing the time for the claiming and distribution of bodies and the duties of carriers of bodies requiring those receiving bodies to give bond and providing penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Cavalcante,	Haluska,	McCreesh,	Rodgers,
Chapman,	Henney,	McGinnis,	Rupp,
Deitrick,	Heyburn,	Mundy,	Ruth,
Dent,	Jaspan,	Owlett,	Scarlett,
DiSilvestro,	Kilgallen,	Pytko,	Shapiro,
Ealy,	Kunkel,	Rankin,	Sipe,
Eroe,	Lanius,	Reed,	Stiefel,
Frey,	Law,	Rice,	Thompson,
Gilson,	Mallery,	Roberts,	Wolfenden

NAYS—4

Bean,	Gelder,	Homsher,	Pierson,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 810, entitled:

An Act to amend section eight hundred twenty-four and section nine hundred and five as amended of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing certain provisions relating to the borrowing of money for the acquiring and rebuilding of certain bridges and for the purchase and improvement or construction of public highways bridges tunnels subways and underground roads

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bean,	Haluska,	Mallery,	Roberts,
Cavalcante,	Henney,	McCreesh,	Rodgers,
Chapman,	Heyburn,	McGinnis,	Rupp,
Deitrick,	Homsher,	Mundy,	Ruth,
Dent,	Jaspan,	Owlett,	Scarlett,
DiSilvestro,	Kahle,	Pierson,	Shapiro,
Ealy,	Kilgallen,	Pytko,	Sipe,
Eroe,	Kunkel,	Rankin,	Stiefel,
Frey,	Lanius,	Reed,	Thompson,
Gelder,	Law,	Rice,	Wolfenden,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 831, entitled:

An Act authorizing the Secretary of the Commonwealth to publish a proposed amendment to Article fourteen of the Constitution to abolish the County of Philadelphia as a municipal corporation separate and distinct from the City of Philadelphia and authorizing and directing the Secretary of the Commonwealth to certify the question and proposed amendment to the county election boards so that the question and amendment shall be voted upon at the municipal election of one thousand nine hundred and thirty-seven

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bean,	Gilson,	Mallery,	Roberts,
Cavalcante,	Haluska,	McCreesh,	Rodgers,
Chapman,	Henney,	McGinnis,	Rupp,
Dando,	Heyburn,	Mundy,	Ruth,
Deitrick,	Homsher,	Owlett,	Scarlett,
Dent,	Jaspan,	Pierson,	Shapiro,
DiSilvestro,	Kahle,	Pytko,	Sipe,
Ealy,	Kilgallen,	Rankin,	Stiefel,
Froe,	Kunkel,	Reed,	Thompson,
Frey,	Lanius,	Rice,	Wolfenden,
Helder	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING

Mr. HALUSKA. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 13, Printer's No. 116, on third reading postponed.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill?

Mr. HALUSKA. Mr. President, I ask unanimous consent to amend, title, page 1, line 1, of title by striking out the words "section five and to repeal"; amend, title, page 2, line 1, of title by striking out the words "by changing the qualifications for assistance and"; amend title, page 2, line 2, of title by striking out the word "the" and inserting in lieu thereof the following: "certain"; amend section 1, page 2, line 4, by striking out the word "five" and inserting in lieu thereof the following: "fifteen"; amend section 1, page 2, lines 21 to 26, both inclusive by striking out all of said lines; amend section 1, page 3, lines 1 to 29, both inclusive by striking out all of said lines; amend section 2, page 4, lines 1 and 2, by striking out both of said lines; amend page 4, by adding thereto the folowing: "Section 15. Liability of Beneficiary and Estates. The [real and] personal property of any beneficiary shall be liable for the repayment of assistance received under this act, or the act repealed by this act, whether such property was owned at the time such assistance was granted or acquired thereafter. Claims for assistance furnished shall have the same force and effect against the [real and] personal property of a deceased beneficiary, as other debts of a decedent, and shall be recoverable in the same manner. One-half of the net amount recovered from any beneficiary or from his or her estate by the Commonwealth or any political subdivision shall be promptly paid to the United States and the remainder shall be paid into the State Treasury and shall be credited to the current appropriation for old age assistance."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Mr. STIEFEL. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 444, on third reading postponed.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill?

BILL DROPPED FROM CALENDAR

Mr. STIEFEL. Mr. President, at the suggestoin of some of my colleagues I submitted this bill to the Legislative Committee of the Pennsylvania Bar Association. I received certain suggestions for changes in the bill and pursuant to those suggestions I move now that Senate Bill No. 444 be dropped from the calendar.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 188, as follows:

An Act relating to savings institutions chartered under special acts of assembly and specifying additional securities upon which such institutions may lend deposits received by them

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act all savings institutions chartered under special acts of this Commonwealth of Pennsylvania may notwithstanding any provisions of their charters lend the moneys received by them on deposit upon the bonds of any county city borough township or school district within the Commonwealth issued pursuant to the authority of any law of this Commonwealth for the payment of which the faith and credit of the county city borough township or school district issuing them are pledged

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 260 (House Bill No. 556), entitled:

An Act to amend section three of the act approved the twentieth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred twenty-two) entitled "An act to amend revise consolidate and change the laws relating to bonus and providing for the imposition computation and collection of bonus for State purposes on the capital stock stated capital or capital of domestic corporations banks and trust companies and certain

partnerships" exempting credit unions from the provisions of the act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 352 (House Bill No. 542), entitled:

An Act to amend sections five, nine, and thirty-six as amended, sections six, forty-one, forty-seven, forty-nine and fifty-one, and sections fifty-two and sixty-five as amended, and to repeal sections twenty and forty-four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," providing for the use of the National Guard in case of disaster; harmonizing the provisions of said act with the National Defense Act and its procedures; changing clothing allowance; regulating payments of armory rent, light, heat, water and janitor services; providing allowances for rifle practice, regulating payment of expenses when the National Guard is called into service; making further exemptions from jury duty; regulating the settlement of accounts; providing for the disposition and expenditure of fines and penalties recovered from courts-martial; and repealing certain existing laws.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 356 (House Bill No. 750), entitled:

An Act conferring on the Department of highways power to enter upon private property for the purposes of making surveys of proposed highway improvements providing for the payment of damages and providing penalty for interference.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 461 (House Bill No. 6), entitled:

An Act to amend section two hundred sixty-five of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" making Sunday fishing with rods and lines lawful under certain circumstances

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 576, (House Bill No. 855), entitled:

An Act to authorize the Secretary of Highways to disregard terminal points in relocating State Highway Routes under certain conditions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 597, (House Bill No. 1167), entitled:

An Act to further amend sections nine and eleven of the act, approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-five), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation" as amended making the time for taking possession of any such toll bridge discretionary with the Secretary of Highways providing for the transfer in certain cases of funds from the Motor License Fund to the Toll Bridge Fund and the reimbursement thereof to the Motor License Fund from the Toll Bridge Fund out of proceeds of the sale of certain authorized bonds Further providing for the payment of the cost of acquiring such bridges further regulating the collection of tolls and reimbursing the Commonwealth for the cost of acquiring such bridges further providing when such bridges shall be free of tolls and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RODGERS. Mr. President, I move that Senate Bill No. 639, on second reading, entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employees to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employees be exclusive representatives of all the employees authorizing the Board to conduct hearings and elections and certify as to representatives of employees for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing for

exclusive judicial review and prohibiting injunctions against the Board providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court poviding for service of papers and process of the Board prescribing certain penalties.

at the request of the Governor, be recommitted to the Committee on Labor and Industry for the purpose of a hearing.

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, I would like to interrogate the Senator from Allegheny, Mr. Rodgers.

The PRESIDENT. Will the Senator from Allegheny, Mr. Rodgers, permit himself to be interrogated?

Mr. RODGERS. Mr. President, I will.

Mr. DENT. Mr. President, does the Senator from Allegheny, Mr. Rodgers, say that it is the desire of the Governor to have this bill recommitted?

Mr. RODGERS. Mr. President, that is correct, sir.

Mr. DENT. Mr. President, he gave specific instructions to that effect?

Mr. RODGERS. Mr. President, he did, sir.

Mr. DENT. Mr. President ,much as I hate to disagree with the Senator from Allegheny, Mr. Rodgers, or the Governor, I do not see any need for sending this bill back to the Committee. As Chairman of the Committee on Labor and Industry, I would think that if the Governor desired this bill to go back to the committee, he would at least let the Chairman of the Committee know something of his wishes. I feel that this bill was ably prepared, covers the specific points that it was desired to cover, and the bill should pass second reading tonight. If the Senator from Allegheny has any desire to amend the bill, I think it proper that those amendments should be read to the Senate, and we can vote on the amendments. In deference to the committee, I feel that the committee itself has given enough study and sufficient time has ben given to this particular bill. I therefore oppose the motion to send this bill back to committee.

Mr. JASPAN. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Rodgers.

The PRESIDENT. Will the Senator from Allegheny, Mr. Rodgers, permit himself to be interrogated?

Mr. RODGERS. Mr. President, I will.

Mr. JASPAN. Mr. President, am I to understand that a public hearing is to take place after this bill goes to the House?

Mr. RODGERS. Mr. President, a public hearing is to take place as soon as it can be arranged.

Mr. JASPAN. Mr. President, is that the understanding between the Senator from Allegheny, Mr. Rodgers, and the Governor?

Mr. RODGERS. Mr. President, there was a discussion with reference of the possibility of sending this bill to the House, but I understood that there was no suggestion made by the Governor himself.

Mr. DENT. Mr. President, I feel that this bill, as much as I hate to appear to be shirking the responsibility of my duty, I feel that this bill should be passed by the Senate, in fairness to the House members. If this bill passes the Senate and is sent over to the House, and a public hearing is desired, either by ourselves or the Governor, then a joint hearing can be held, and inasmuch as this bill was not introduced in the House, I feel that the proper place for it now is over in the House, so that they can become acquainted with the contents of this particular measure. I think the Senate is well aware that the decision of the Supreme Court relative to this matter today, and this bill is based entirely upon the provisions of the Wagner Act. One objection that I heard can be clarified by making a short statement to the effect that this bill needs some clarification, as it covers all industries. I may say that the bill specifically states that no particular industry that comes under the Wagner Act, shall not be affected by this particular measure. If there is any objection on the part of any of the Senators this afternoon, I am willing to try to answer that objection as well as I can. I do not see that there is any reason whatsoever for sending this bill back to committee. Frankly, personally, I do not want it back.

Mr. SHAPIRO. Mr. President, I do not think that the Senate ought to put in the anomolous position of either sending this bill back to committee, or having the Governor's suggestion disregarded. I suggest to the Senator from Allegheny that this matter can be acted upon tomorrow, and in the meantime we should find out, as the Governor does not live very far from here now, if he desires this bill to go back to committee for good and sufficient reason, the Senate can go along then.

And the question recurring,

Will the Sentae agree to the motion?

MOTION TO RECOMMIT WITHDRAWN

Mr. RODGERS. Mr. President, I withdraw my motion.

Mr. HEYBURN. Mr. President, I withdraw my second.

The PRESIDENT. Is there objection? The Chair hears none and the motion is withdrawn.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 639, as follows:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing for exclusive judicial review and prohibiting injunctions against the Board providing the Board with investigatory powers including the power

to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties

Section 1 Short Title This Act shall be known and may be cited as the "Pennsylvania Labor Relations Act"

Section 2 Findings And Policy (a) Under prevailing economic conditions individual employes do not possess full freedom of association or actual liberty of contract Employers in many instances organized in corporate or other forms of ownership associations with the aid of government authority have superior economic power in bargaining with employes This growing inequality of bargaining power substantially and adversely affects the general welfare of the State by creating variations and instability in competitive wage rates and working conditions within and between industries and by depressing the purchasing power of wage earners thus (1) creating sweatshops with their attendant dangers to the health peace and morals of the people (2) increasing the disparity between production and consumption and (3) tending to produce and aggravate recurrent business depressions The denial by some employers of the right of employes to organize and the refusal by employers to accept the procedure of collective bargaining tend to lead to strikes lockouts and other forms of industrial strife and unrest which are inimical to the public safety and welfare and frequently endanger the public health (b) Experience has proved that protection by law of the right of employes to organize and bargain collectively removes certain recognized sources of industrial strife and unrest encourages practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages hours or other working conditions and tends to restore equality of bargaining power between employers and employes

(c) In the interpretation and application of this Act and otherwise it is hereby declared to be the public policy of the State to encourage the practice and procedure of collective bargaining and to protect the exercise by workers of full freedom of association self-organization and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection free from the interference restraint or coercion of their employers

(d) All the provisions of this act shall be liberally construed for the accomplishment of this purpose

(e) This Act shall be deemed an exercise of the police power of the Commonwealth of Pennsylvania for the protection of the public welfare prosperity health and peace of the people of the Commonwealth

Section 3 Definitions When used in this Act

(a) The term "department" shall mean the Department of Labor and Industry

(b) The term "person" includes an individual partnership association corporation legal representative trustee trustee in bankruptcy or receiver

(c) The term "employer" includes an employer and any person acting directly or indirectly on behalf of or in the interest of an employer with the employer's knowledge or ratification but shall not include any person subject to the jurisdiction of the Federal Railway Labor Act or the National Labor Relations Act as amended from time to time put a labor organization or any officer or agent thereof shall be considered an employer only with respect to individuals employed by such organization

(d) The term "employee" shall include any employee and shall not be limited to the employes of a particular employer unless the Act explicitly states otherwise and shall include any individual whose work has ceased as a consequence of or in connection with any current labor dispute or because of any unfair labor practice This term however shall not include any individual taking the place of any employe whose work has ceased as aforesaid nor shall it include any individual employed by his parent or spouse or in the domestic service of any person in the home of the employer

(e) The term "representative" is not limited to an individual but shall include a labor organization and an individual representative need not himself be employed by and a labor organization serving as a representative need not be limited in membership to employes of the employer whose employes are represented

(f) The term "labor organization" means any organization which exists and is constituted for the purpose in whole or in part of collective bargaining but shall not include any employe organization or association agency or plan established maintained administered or assisted by any employer through action defined in the Act as an unfair labor practice

(g) The term "collective bargaining" or "bargain collectively" include but are not restricted to the process of negotiating terms and conditions of employment conducted by employers and employes through their representatives for the purpose of embodying the results of such negotiation in an agreement for a period of time

(h) The term "unfair labor practice" means only these unfair labor practices listed in Section Six of this Act

(i) The term "labor dispute" includes but is not restricted to any controversy between employers and employes or their representatives as above defined concerning (1) terms tenure or conditions of employment or concerning (2) the association or representation of persons in negotiating fixing maintaining changing or seeking to negotiate fix maintain or change term or conditions of employment or concerning (3) the violation of any of the rights granted or affirmed by this Act regardless of whether the disputant stand in the proximate relations of employer and employe

(j) The term "Board" means the Pennsylvania Labor Relations Board created by Section Four of this Act

(k) The term "policies of this Act" means the policies set forth in Section Two of this Act The singular shall include the plural and the masculine shall include the feminine and neuter

Section 4 Pennsylvania Labor Relations Board Created (a) There is hereby created an administrative board in the department to be known as the "Pennsylvania Labor Relations Board" (hereinafter referred to as the "Board") which shall be composed of three members who shall be appointed by the Governor but with the advice and consent of two-thirds of all the members of the Senate Each member of the Board at the time of his appointment shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector in the Commonwealth for a period of at least one year next preceding his appointment No member of the Board during his period of service as such shall hold any other office under the law of this Commonwealth or of the United State One of the original members shall be appointed for a term of two years one for a term of four years and one for a term of six years but their successors shall be appointed for terms of six years each except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he is to succeed The Governor shall designate one member to serve as Chairman of the Board

(b) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board and two members of the Board shall at all times constitute a quorum The Board shall have an official seal of which courts shall take judicial notice

(c) The Board shall at the end of every year make a report in writing to the Governor stating in detail the work it has done in hearing and deciding cases and otherwise and it shall sign and report in full an opinion in every case decided by it

(d) Each member of the Board shall receive a salary of nine thousand dollars ($9,000) a year and shall be eligible for appointment The employes of the Board shall be appointed by the Secretary of the Department of Labor and Industry The Board may establish or use such voluntary and uncompensated services as may from time to time be needed

(e) The principal office of the Board shall be in the City of Harrisburg but it may meet and exercise any or all of its powers at any place The Board may by one or more of its members or by such agents or agencies as it may designate prosecute in any part of this Commonwealth any inquiry necessary to the performance of its

functions A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case

(f) The Board shall have authority from time to time to make amend and rescind such rules and regulations as may be necessary to carry out the provisions of this Act Such rules and regulations shall be effective upon publication in the manner which the Board shall prescribe

Section 5 Rights of Employes Employes shall have the right to self-organization to form join or assist labor organizations to bargain collectively through representatives of their own choosing and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection

Section 6 Unfair Labor Practices It shall be an unfair labor practice for an employer

(a) To spy upon or keep under surveillance employes or their representatives in the exercise of any right created or affirmed by this Act

(b) To distribute or circulate any blacklist of individuals exercising any right created or affirmed by this Act or of members of a labor organization or to inform any person of the exercise by any individual of such rights or of the membership of any individual in a labor organization for the purpose of preventing individuals so blacklisted or so named from obtaining or retaining employment

(c) To dominate or interfere with the formation existence or administration of any employe association or organization agency or plan which exists in whole or in part for the purpose of dealing with employers concerning terms or conditions of employment labor disputes or grievances or to contribute financial or other support thereto by any means including but not limited to the following (1) by participating or assisting in supervising controlling or dominating (I) the initiation or creation of any such employe organization or association agency or plan or (II) the meetings management operation elections formulation or amendment of constitution rules or policies of any such employe organization or association agency or plan (2) by urging the employes to join any such employe organization or association agency or plan for the purpose of encouraging membership in the same (3) by compensating any employe or individual for services performed in behalf of any such employe organization association agency or plan or by donating free services equipment materials office or meeting place or anything else of value for the use of any such employe organization or association agency or plan Provided that an employer shall not be prohibited from permitting employes to confer with him during working hours without loss of time or pay

(d) To discourage membership in any labor organization or encourage membership in any such employe association agency or plan by discrimination in regard to hire or tenure of employment or in any term or condition of employment Provided that an employer may make an agreement with a labor organization requiring membership therein as a condition of employment

(e) To refuse to bargain collectively with the representatives of employes subject to the provisions of section seven (a)

(f) To refuse to discuss grievances with representatives of employes subject to the provisions of section seven (a)

(g) To discharge or otherwise discriminate against an employe because he has signed or filed any affidavit petition or complaint or given any information or testimony under this Act

(h) To do any acts other than those already enumerated in this section which interfere with restrain or coerce employes in the exercise of the rights guaranteed by this Act

Section 7 Representatives and Elections (a) Representatives designated or selected for the purpose of collective bargaining by the majority of the employes in a unit appropriate for such purposes or by majority of the employes voting at an election conducted pursuant to this action shall be for a period determined at the time of the election the exclusive representatives of all the employes in such unit for the purposes of collective bargaining in respect to rates of pay wages hours of employment or other conditions of employment Provided that where no representatives have been designated as exclusive representatives for the employes as provided in this section the employer shall have the duty to bargain collectively and to discuss grievances with representatives of his employes for and in behalf of the employes they actually represent

(b) The Board shall decide after hearing in each case whether in order to insure to employes the full benefit of their right to self-organization and to collective bargaining and otherwise to effecutate the policies of this Act the appropriate unit for the purposes of collective bargaining shall be the employer unit craft unit plant unit or any other unit In conection with any such determination the Board may investigate how the employes have associated themselves or desire to be associated

(c) Whenever it is alleged by an employe or his representative that there is a question or controversy concerning the representation of employes the Board shall investigate such question or controversy and certify in writing to all persons concerned the names of the representatives who have been designated or selected In any such investigation the Board shall provide for an appropriate hearing upon due notice either in conjunction with a proceeding under Section Eight or otherwise and may take a secret ballot of employes or use any other suitable method to ascertain such representatives (either before or after the aforesaid hearing) Provided however that the Board shall not have authority to investigate any controversy between individuals or groups within the same labor organization

(d) The Board shall have power to determine who may participate in the election and to establish the rules governing any such election

(e) If at an election conducted pursuant to this section three or more nominees for exclusive collective bargaining representatives appear on the ballot and no one of them receive a majority of the votes cast at the election the two nomines who received the highest number of votes shall appear on the ballot of a second election to be conducted hereunder and the one receiving a majority of the votes cast at the second election shall be for a period determined at the time of the election the exclusive representative of all the employes in such unit for the purpose of collective bargaining in respect to rates of pay wages hours of employment or other conditions of employment

(f) Those nominated as the representative of employes shall be listed by name on the ballots authorized by Section seven (c) Provided that the Board may determine that no representatives established maintained or assisted by any action defined in this Act as an unfair labor practice shall be placed upon a ballot certified or otherwise recognized as eligible to be the representative of employes under this Act

Section 8 Prevention of Unfair Labor Practices (a) The Board is empowered and directed as hereinafter provided to prevent any employer from engaging in any unfair labor practice This power shall be exclusive and shall not be affected or impaired by any means of adjustment that have been or may hereafter be established by agreement law or otherwise

(b) Whenever a charge has been made that any employer has engaged in or is engaging in any unfair labor practice the Board shall have authority to issue and cause to be served upon such employer a complaint stating its charges and containing a notice of hearing before the Board at a place fixed there to be held not less than seven days after the serving of said complaint Any such complaint may be amended by the Board member or agent conducting the hearing at any time prior to the issuance of an order based thereon The person so complained of shall have the right to file an answer to the original or amended complaint not less than five days after the service of such original and amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint In the discretion of a member or agent conducting the hearing or of the Board any other person may be allowed to intervene in the said proceeding and to present testimony In any such proceeding the

rules of evidence prevailing in courts of law or equity shall not be controlling

(c) The testimony taken at the hearing shall be reduced to writing and filed with the Board The Board upon notice may take further testimony or hear argument If upon all the testimony taken the Board shall determine that any person named in the complaint has engaged in or is engaging in any unfair labor practice the Board shall state its findings of fact and issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice and to take such further affirmative or other action as will effectuate the policies of this Act including but not limited to (1) withdrawal of recognition from and refraining from bargaining collectively with any employe organization or association agency or plan established maintained or assisted by any action defined to this Act as an unfair labor practice (2) awarding of back pay (3) reinstatment with or without back pay of any employe discriminated against in violation of Section six subdivision (d) or maintenance of a preferential list from which such employes shall be returned to work (4) reinstatement with or without back pay of all employes whose work has ceased or whose return to work has been delayed or prevented as the result of any unfair labor practice in respect to any employe or employes or maintenance of a preferential list from which such employes shall be returned to work Such order may further require such person to make reports from time to time showing the extent to which the order has been complied with If upon all the testimony the Board shall be of the opinion that the person or persons named in the complaint has not engaged in or is not engaging in any such unfair practice then the Board shall make its findings of fact and shall issue an order dismissing the complaint

(d) Until a transcript of the record in a case shall have been filed in a court as hereinafter provided the Board may at any time upon reasonable notice and in such manner as it shall deem proper modify or set aside in whole or in part any finding or order made or issued by it

(e) The Board shall not require as a condition of taking action or issuing any order under this Act that employes on strike or engaged in any other concerted activity shall discontinue such strike or such activity

Section 9 Judicial Review (a) The Board shall have power to petition the Court of Common Pleas of any county wherein the unfair labor practice in question occurred or wherein any person charged with the commission of any unfair labor practice resides or transacts business for the enforcement of such order and for appropriate temporary relief or restraining order and shall certify and file in the court a transcript of the entire record in the proceeding including the pleadings and testimony upon which such order was entered and the findings and order of the Board Upon such filing the court shall cause notice theerof to be served upon such person and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings testimony and proceedings set forth in such transcript a decree enforcing modifying and enforcing as so modified or setting aside in whole or in part the order of the Board No objection that has not been urged before the Board its members agent or agency shall be considered by the court unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances The findings of the Board as to the facts if supported by evidence shall be conclusive If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence at the hearing before the Board its members agent or agency the court may order such additional evidence to be taken before the Board its members agent or agency and to be made a part of the transcript The Board may modify its findings as to the facts or make new findings by reason of additional evidence so taken and filed and it shall file such modified or new findings which if supported by evidence shall be conclusive and shall file its recommendations if any for the modification or setting aside of its original order The jurisdiction of the Court of Common Pleas shall be exclusive and its judgment and decree shall be final except that the same shall be subject to review by the Supreme Court on appeal by either party irrespective of the nature of the decree or judgment or the amount involved Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Supreme Court and the record so certified shall contain all that was before the Court of Common Pleas

(b) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in the Court of Common Pleas of any county where the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business by filing in such court a written petition praying that the order of the Board be modified or set aside A copy of such petition shall be forthwith served upon the Board and the Board shall file in the court a transcript of the entire record in the proceeding certified by the Board including the pleadings and testimony and order of the Board Upon such filing the court shall proceed in the same manner as in the case of an application by the Board under subsection (a) and shall have the same exclusive jurisdiction to grant to the Board such temporary relief or restarining order as it deems just and proper and in like manner to make and enter a decree enforcing modifying and enforcing as so modified or setting aside in whole or in part the order of the Board and the findings of the Board as to the facts if supported by evidence shall in like manner be conclusive

(c) The commencement of proceedings under subsection (a) or (b) of this section shall not unless specifically ordered by the court operate as a stay of the Board's order

(d) When granting appropriate temporary relief or a restraining order or making and entering a decree enforcing modifying as so modified or setting aside in whole or in part an order of the Board as provided in this section the jurisdiction of courts sitting in equity shall not be limited by acts pertaining to equity jurisdiction of courts The Act of June twenty-third one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred twenty-five) entitled "An act defining the rights of persons accused of contempt of Court arising out of violation of injunctions limiting eligibility of judges in such cases and prescribing procedure and penalties" shall not be applicable to orders of the Board or to court orders enforcing orders of the Board or any provision of this Act or to violations of any order of the Board or of court orders enforcing orders of the Board or any provision of this Act

(e) Petitions filed under this Act shall be heard expeditiously and if possible within ten days after they have been docketed and shall be considered and determined upon the transcript filed without requirement of printing Upon the filing of a record in the Court of Common Pleas or in the Supreme Court the case shall be heard with greatest possible expedition and shall take precedence of all other matters except matter of the same character and matters now given precedence by law

(f) An order of the Board shall become final for the purposes of Section twelve by failure to petition for review pursuant to Section nine subdivision (b) within twenty days of the issuance of the order

(g) The provisions of this section for the enforcement of an order of the Board and the provisions of Section twelve shall not be mutually exclusive No court in this Commonwealth shall have any authority or jurisdiction to issue a temporary restraining order or a temporary or permanent injunction against the Board or any of its members agents or employes restraining or enjoining any of them from performing any of the duties imposed upon them under this Act or against any individual or labor organization restraining or enjoining any of them from

exercising any of the rights created or affirmed by this Act

Section 10 Investigatory Powers For the purpose of all hearings and investigations which in the opinion of the Board are necessary and proper for the exercise of the powers vested in it by Sections seven and eight

(a) The Board or its duly authorized agents or agencies shall at all reasonable times have access to for the purpose of examinations and the right to examine copy or photograph any evidence including payrolls or lists of employes of any person being investigated or proceeded against that relates to any matter under investigation or in question Any member of the Board shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the Board its members or agent conducting the hearing or investigation Any member of the Board or any agent designated by the Board for such purposes may administer oaths and affirmations examine witnesses and receive evidence

(b) If any witness resides outside of the Commonwealth or through illness or other cause is unable to testify before the Board or its members or agent conducting the hearing or investigation his or her testimony or deposition may be taken within or without this Commonwealth in such manner and in such form as the Board or its members or agent conducting the hearing may by special order or general rule prescribe

(c) In case of contumacy or refusal to obey a subpoena issued to any person the Court of Common Pleas of any county within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board its members or agent there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question and any failure to obey such order of the court may be punished by said court as a contempt thereof

(d) No person shall be excused from attending and testifying or from producing books records correspondence documents or other evidence in obedience to the subpoena of the Board on the ground that the testimony or evidence required to him may tend to incriminate him or subject him to a penalty or forfeiture but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he is compelled after having claimed his privilege against self-incrimination to testify or produce evidence except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying

(e) Complaints orders and other process and papers of the Board its members or agent may be served either personally or by registered mail or by telegraph or by leaving a copy theerof at the principal office or place of business of the person required to be served The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same Witnesses summoned before the Board its members or agent shall be paid the same fees and mileage that are paid witnesses in the courts of this Commonwealth and witnesses whose depositions are taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of this Commonwealth

(f) All process of any court to which application may be made under this Act may be served in the county wherein the defendant or other person required to be served resides or may be found

Section 11 Panalties Any person who shall wilfully resist prevent impede or interfere with any member of the Board or any of its agents in the performance of duties pursuant to this Act or any employer who shall in any manner interfere with the free exercise by employes of their right to select representatives in an election directed by the Board pursuant to Section seven shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five thousand dollars ($5000) or by imprisonment for not more than one year or both Complaints of violation of this section shall be made only by the Board or its agent

Section 12 Any person who fails to comply with or violates an order of the Board which has become final either by failure to petition for review by the court within twenty days of the issuance of the order or by final adjudication by the court shall be guilty of a misdemeanor and on conviction be punished by a fine of not more than five thousand dollars ($5000) or by imprisonment for not more than one year or both for each such violation

Section 13 Repealer All Acts or parts of acts whether special or local inconsistent herewith are hereby repealed

Section 14 Limitations Nothing in this Act shall be construed so as to interfere with impede or diminish in any way the right of employes to strike or engage in other concerted activities

Section 15 Constitutionality If any clause sentence paragraph or part of this Act or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this Act and the application of such provision to other persons or circumstances but shall be confined in its operation to the clause sentence paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved It is hereby declared to be the legislative intent that this Act would have been adopted and such invalid provisions not been included

Sectoin 16 Effective Date This Act shall take effect immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 640, as follows:

An Act to encourage the making and maintaining of agreements concerning wages hours and conditions of employment between employers and employes by their representatives and the settlement of controversies concerning the same by mediation and voluntary arbitration conferring powers of mediation and arbitration of such controversies on the Department of Labor and Industry

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 This Act shall be known and may be cited as "Pennsylvania Labor Mediation Act"

Section 2 It is the public policy of the Commonwealth to encourage employers and employes by their representatives to make and maintain agreements concerning wages hours and conditions of employment and to settle all controversies arising out of the application of such agreements

Section 3 When used in this Act

(a) The term "department" shall mean the Department of Labor and Industry

(b) The term "employer" includes an employer and any person acting directly or indirectly on behalf of or in the interest of an employer with the employer's knowledge or ratification but a labor organization or any officer or any officer or agent thereof shall be considered an employer only with respect to individuals employed by such organization

(c) The term "employee" shall include any employee and shall not be limited to the employees of a particular

employer unless the Act explicitly states otherwise and shall include any individual whose work has ceased as a consequence of or in connection with any current labor dispute or because of any unfair labor practice as provided in the Act of 1937 entitled "Pennsylvania Labor Relations Act" This term however shall not include any individual taking the place of any employee whose work has ceased as aforesaid nor shall it include any individual employed by his parent or spouse or in the domestic service of any person in the home of the employer

(d) The term "representatives" is not limited to individuals but shall include labor organizations and individual representatives need not themselves be employed by and a labor organization serving as a representative need not be limited in membership to employees of the employer whose employees are represented

Section 4 The parties or either party to a controversy between employers and employes may invoke the services of the department or the department may proffer its services only in a controversy over the making maintaining or the application of an agreement between employers and employes concerning wages hours or conditions of employment Whenever the services of the department have been invoked by any party to a controversy or when the department has proffered its services the department shall promptly put itself in communication with the parties to such controversy and shall use its best efforts by mediation to bring them in agreement

Section 5 For the purposes of carrying out the provisions of this Act the department may set up in various regions throughout the Commonwealth local or regional commissions or panels whose members shall serve without pay and who may be requested to act in any such controversy either by the department or by the parties to the controversy

Section 6 Whenever a controversy shall arise between an employer and his employees which is not settled either in conference between representatives of the parties or through mdiation in the manner provided in the preceding sections such controversy may by agreement of the parties be submitted to the arbitration of the department and the department may arbitrate the matter submitted provided however that the failure or refusal of either party to submit a controversy to arbitration shall not be construed as a violation of the policy or purposes of this Act or of any provision thereof nor shall failure or refusal to arbitrate constitute a basis for any action at law or suit in equity

Section 7 Nothing in this Act shall be construed so as to interfere with impede or diminish in any way the right of employees to strike or engage in other concerted activities

Section 8 If any clause sentence paragraph or part of this Act or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this Act and the application of such provision to other persons or circumstances but shall be confined in its operation to the clause sentence paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved It is hereby declared to be the legislative intent that this Act would have been adopted had such invalid provisions not been included herein

Section 9 All Acts or parts of Acts whether general special or local inconsistent herewith are hereby repealed Provided that this Act shall not apply to any controversy involving unfair labor practices or the selection of collective bargaining representatives provided for in the Act of 1937 entitled "Pennsylvania Labor Relations Act"

Section 10 This Act shall take effect immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 652, as follows:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation

SHORT TITLE CITATION

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Permanent Registration Act in Cities of the Third Class"

Section 2 The provisions of this act insofar as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments and shall not affect the validity of any registrations made prior to the enactment hereof except as herein provided

Section 3 Definitions (a) The word "Commission" shall mean any board of county commissioners in any county within which is located a city of the third class acting as a registration commission

(b) "Commissioner" shall mean a member of a board of county commissioners acting as a registration commission

(c) "Oath" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special municipal or primary election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any party or political body one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidates and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidates or any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county containing therein any city of the third class

(j) "Political body" shall mean any political body not recognized as a political party which has filed proper nomination papers as required by law

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to

contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commission as hereinafter provided

(m) "County" shall mean any county of this Commonwealth within which is located a city of the third class

(n) "City" shall mean only a city of the third class

(o) All references to mayors police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the third class or to those of any county within which such city is located or to any school district with which such city is coextensive

(p) "Public office" shall mean and include any National State judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(q) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(r) "District" shall mean any election district of the city

(s) "County Election Board" or "County Board" shall mean the county board of elections of any county as now or hereafter provided for by the election laws of this Commonwealth

(t) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculation or reckoning Provided however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered as the last day for said purpose

Section 4 Registration Commission Membership Actions by Vote of Majority of Members Record of Proceedings

(a) There shall be a registration commission consisting of the county commissioners in each county in which there is located a city of the third class which commission shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(c) Each commission shall keep a record in permanent form of all its proceedings

(d) The commissioners shall receive no compensation in addition to their compensation as county commissioners

Section 5 Powers of Commission Regulations Enforcement Correction of Errors or Irregularities Cancellation of Registration Powers of Commissioners

(a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The Commission and any commissioner shall have power on its or his own motion (1) to summon and interrogate any person concerning the registration of electors or any matter related thereto (2) to investigate any irregularities in registration (3) to summon and examine witnesses (4) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission or commissioner shall be first duly sworn or affirmed

Section 6 Employes Registrars Inspectors of Registration Duties Appointment Incompatible Offices

(a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The number and compensation of all such assistants and employes shall be fixed by the salary board of the county The commission may appoint employes of the county to act as such for the registration commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include (1) Registrars or clerks who shall be empowered to register the qualified electors of such cities and in so doing to administer oaths and affirmation and (2) inspectors of registration who shall have any may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the county No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission may appoint a chief clerk at a compensation not exceeding three thousand dollars ($3000) per annum who shall have authority to administer oaths and to sign vouchers

(f) Any inspector of registration when directed by the commission shall (1) Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any house dwelling building in lodging-house or hotel with such city and to interrogate any inmate householler lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodging-house in nor hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest

Section 7 Counsel The county solicitor shall be counsel for the commission and shall receive no compensation in addition to his compensation as county solicitor Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal procedure for carrying out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common pleas as herein provided

Section 8 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations

(a) The county commissioners shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the registrars inspectors of registration and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account book stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The county commissioners shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the effective date of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 9 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 10 Commissioners and Chief Clerk May Act as Registrars and Inspectors A Commissioner or the chief clerk may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 11 Immunity from Arrest Commissioners registrars and inspectors of registration shall be privileged from arest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for a criminal violation of this act

Section 12 Acts to Be Done on Legal Holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 13 Records and Documents to Be Open to Public Inspection The records of such commission and all district registers street lists voting check lists voter's certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the city during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 14 Watchers at Places of Registration Privileges (a) Any party or political body which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three electors of the city to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or interrogate or challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commission and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided however That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for any party or political body or citizens' organization represented shall be allowed in a place of registration at any one time

Section 15 Watchers or Attorneys at Sessions of Commission Any party or political body or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the city or attorneys to represent such party or political body or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at places of registration but the number who may be present at any one time may be limited by the commission to not more than three for any party or political body

Section 16 Candidates May Be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 17 Days and Hours of Registration Places of Registration Use of Polling Places Payment of Rentals Use of School Buildings Public Notice

(a) From and after the effective date of this act each commission or any commissioner or a registrar or clerk appointed by the commission shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sunday holidays the day of each election and each primary the thirty days next preceding each election and each primary and the thirty days next following each election and the five days next following each primary at the office of the commission and at such additional places in the city as the commission may from time to time designate in accordance with the provisions of subsection (b) herein receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration

(b) Not later than thirty days prior to each primary and election the commission shall cause at least two registrars to sit for at least two separate days at a suitable and centrally located place in each city other than the office of the commission for the purpose of receiving personal applications for registrations applications for change of party enrollment and removal notices from the electors of such city Such registrars shall sit on said days continuously between the hours of 10 a. m. and 3 p. m. and between the hours of 7 p. m. and 10 p. m. Immediately upon the action of the commission which shall be taken in due time to the number of days of such registration and as to the number of registrars to be appointed for such purpose the Commission shall notify in writing the county chairman of the political parties enrolling the largest and second largest number of voters within the county at the preceding November election of such action and of the number of registrars the Commission will appoint to serve in said cities Not later than the third day after receipt

of said notice said chairman shall submit to the Commission a list of qualified electors of the county to serve as registrars for said days Of the registrars appointed by the Commission for such registration days an equal number shall be appointed from the names on each of the lists so submitted Provided however That if either or both of said chairman shall fail to submit such list within the time herein provided the Commission shall appoint an equal number of persons from the list actually submitted and an equal number of any qualified electors of the county or shall appoint as all of such registrars any qualified electors of the county as the case may be

(c) The county Board of Elections shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission or required by the provisions of this act for use as a place of registration and the county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(d) The board of public education or school directors of each school district shall furnish suitable space in any public school building under its jurisdiction or control and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be lesired by the registration commission for use as a place of registration in accordance with the provisions of this act Proviled however That such use shall not interfere with instruction for the conduct of which such board of public education or school directors shall be responsible

(e) The proper city authorities shall furnish suitable space in the city hall or other municipal building under their jurisdiction or control and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be desired by the commission for use as a place of registration Provided however That such use shall not interfere with the use for which room or space is primarily designed

(f) The commisson shall publicly announce the address of each place of registration other than the office of the commission and the lays and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least ten placards or notices thereof in conspicuous places throughout said city at least three days prior to the date when the place shall be so open and shall also give notice of such time and place of registration by publication at least once in one newspaper of general circulation published in the city at least three days prior to the date when the place shall be so open and by such other newspaper publication as it deems desirable

Section 18 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania }
County of } ss

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I hace read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before
me this .....day of ..... 19.....

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards which binders can be locked The keys of all such binders shall at all times be retained by the commission

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 19 Manner of Registration (a) Every person claiming the right to be registered as an elector must appear in person before the commission a commissioner a registrar or a clerk at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with other information herein required shall be recorded in his presence by the registrar commissioner or clerk in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence (5) if his residence is a portion only of the house the location or number of the room or rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year f such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father mother or husband through whom naturalized (13) whether he is unable by reason of illiteracy to read the names on the ballot or on the voting machine labels (14) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voeing compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) the designation of the political party of the elector for the purpose of voting at primaries (16) the affidavit of registration whichc shall be signed by the elector attested by the signature of the registrar or clerk and dated by him (17) his height in feet and inches (18) the color of his hair (19) the color of his eyes and (20) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (21) the ward and election district in whichc the elector resides and to which the may from time to time remove together with his street address in each such district and the other data required to be given upon such removal (22) the date of each election and primary at which the elector votes the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (23) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirma-

tion tothe registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration cards will be known as the General Registers when filed by election districts as the District Registers

(e) If the applicant shall allege inability to sign his name the registrar or clerk shall require him to present the affidavits subscribed in person before a registrar commissioner or clerk of two electors who are personally acquainted with the applicant and who know his qualifications as an elector Each of said two electors shall state in his affidavit the applicant's residence his own residence his knowledge of the statements made by the applicant under oath or affirmation in applying for registration and his belief that they are true Upon the filing thereof the applicant shall be permitted to subscribe to his oath or affirmation by making his mark except that if the applicant's inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar or clerk an affidavit of his inability to sign his name Every affidavit required because of an applicant's inability to sign his name shall be filed with the duplicate registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

(f) When the registration of an elector has been completed the registrar commissioner or clerk shall deliver to the registered elector a written or printed tsatement signed by such registrar commissioner or clerk setting forth the name an daddress of the elector his ward and district the fact of registration of party enrollment and the date thereof The commission upon request made at its office shall deliver such a written or printed statement to the seal of his office setting forth that said person or the any person who is registered under the provisions of the evisting registration law

(g) Any person employed in the service of this Commonwealth or in the service of the Federal Government and required thereby to be absent from any city of the third class wherein he resided when entering such employment his wife or her husband shall be registered as of the district wherein he or she shall have resided immediately prior to entering such service and be enrolled as a member of the political party he or she designates without declaring a residence by street and number All persons employed by this Commonwealth whi register in this manner shall produce a certificate from the Auditor General under husband or wife of said person is actually employed in the service of this Commonwealth and also setting forth the nature of such employment and the time when such person first entered such employment

All persons employed by the Federal Government who register in this manner shall produce a certificate from the head of the proper department or chief of the proper division or bureau under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of the United States and also setting for the the nature of such employment and the time when such person first entered such employment

The commission shall retain such certificates and shall cause to be noted on the registration card of each person as registered the fact that such person is an employe of this Commonwealth or of the Federal Government as the case may be

At least once every two years the commission shall verify the employment of all persons thus registered at either the office of the Auditor General of this oCmmonwealth or at the office of the department division or bureau of the Federal Government in whose employ such person is alleged to be If any such person is found to be no longer an employe of this Commonwealth or of the Federal Government his registration card shall be removed from the district register until such time as said person appears at the office of the commission and declares the street and number of his residence in the city

(h) For the purpose of carrying into effect the provisions of subsections (c) (13) and (14) of this section insofar as they relate to persons heretofore registered under the provisions of the act entitled "An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties" approved the first day of July 1935 Pamphlet Laws 478 the commission shall deliver to the election board of the proper county in order that the same may be delivered to the election officers for use at the fall primary and the municipal election to be held in the year one thousand nine hundred and thirty-seven a sufficient number of affidavits for use at each polling place setting for that the elector is unable by reason of illiteracy to read the names on the ballot or on the voting machine labels also a sufficient number of affidavits setting forth that the elector has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and space for a statement of the exact nature of such disability

Any elector heretofore registered under the provisions of said act and affected by the provisions of subsections (c) (13) or (14) of this section shall subscribe to one of said affidavits by his signature or mark and all of said affidavits thus executed shall be returned by the election officers to the commission after the fall primary and municipal election of 1937 and the commission shall attach each of said affidavits in a permanent manner to the registration card of said voter in the district register and shall make a notation of said information on the registration card contained in the general register Any voter thus affected may also execute one of said affidavits by appearing personally at the office of the commission and the commission shall have on hand a sufficient number of said affidavits for this purpose Any affidavit thus executed shall also be attached to the registration card of said elector contained in the district register and a notation of said information made on the registration card contained in the general register

Section 20 Who May Register Who May Vote Electors Need Register Only Once Exception Every person who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will have obtained such qualifications before the next ensuing election shall be entitled to be registered as herein provided No person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided

Section 21 Applicants to Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by any clerk or by a qualified elector of the city Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them by his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) Serial number (2) place and date of execution (3) full name of challenged

applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) the name of his last employer and the year in which he left his employ (12) the city street and number of said last employer's place of business (13) sex of the applicant (14) his color (15) the date of his birth and (16) such distinguishing marks peculiarities and further information for identification as the commission shall prescribe

(d) The challenged applicant shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his residence in the election district If such challenged applicant shall establish his right to be registered as required by this act he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe to an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempt violation of any law by reason thereof

Section 22 Naturalized Applicants Applicants Whose Fathers Mothers or Husbands Were Naturalized All persons claiming the right to vote by reason of naturalization hall produce the proper naturalization papers or a certificate under the seal of the court in which his naturalization was effected before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father or mother during his minority may be registered either by the production of his father's or mother's original papers or a certified copy thereof or by making affidavit as to the court in which and time when his father or mother was naturalized and that he the applicant was then less than twenty-one years of age and that he is unable to produce his father's or mother's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and the court in which such naturalization took place and that she is unable to product his original naturalization papers or a certified copy thereof or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 23 Incomplete or Rejected Applications to Be Recorded The registrar commissioner or clerk shall record on registration cards the surname Christian name or names and steet and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar commissioner or clerk shall note thereon the rejection and shall sign his name thereto The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected All suchc cards shall be returned to the commission and shall be preserved for a period of two years

Section 24 Appeal of Rejected Applicant Any person whose application to be registered has been denied by a registrar commissioner or clerk may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar commissioner or clerk who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar commissioner or clerk to register him in the usual manner and shall amend accordingly the records affected but any registrar clerk inspector of registration or qualified elector of the city may appear and show cause why the petitioner should not be registered

Section 25 General Register The duplicate registration cards for the entire city shall be placed in exact alphabetical order and shall be indexed and shall be kept at the office of the commission in a place and in suchc manner as to be properly safeguarded These cards shall constitute the General Register of such city and shall not be removed from the office of the commission except upon order of a court of record of the County

Section 26 District Registers The original registration cards shall be filed by election districts and within each electoin district in exact alphabetical order and indexed The cards so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to public inspection at all times subject to reasonable safeguards rules and regulations

Section 27 Removal Notices (a) The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room or rooms apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address from which he was last registered (3) the date of his removal to his present residence and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring at least two months after the date of his removal into the new district Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission as the elector's signature in the general and district register Each removal notice to be effective must be rcived at the office of the commission at least thirty days prior to any primary or election which warning shall also be contained on the removal notice

(b) Any elector who removes his residence from one place to another within the same election district must notify the commission by filing a removal notice with the commission not later than ten days next pereceding the primary or election

Section 28 Transfer of Registration (a) Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same city shall transfer the registration card of the elector from the district register of the election district of his previous resi-

dence to the district register of the election district of his new residence In any cases the commission shall advise the elector in writing of its action

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon a removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration card of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any such case the commission shall advise the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector promptly notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission or before a registrar in any registration place designated by the commission and establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar a commissioner or clerk who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 29 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Cancellation (a) At any time prior to the fifteenth day next preceding a primary or an election excepting the thirty days next following each election and the first days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in witing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before th change of enrollment is made If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identity When an elector has applied for a change in the enrollment of his political designation as provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the elector's card attesting his registration

(b) At any time not later than the tenth day preceding any primary any qualified elector of the city including any watcher may fetition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no linger a member of the party with which he has been enrollel and also setting forth that due notice of the time and place whe n said petition would be presented had been given to the person so registered at least twenty-four hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last general or municipal election at which he voted he voted for a majority of the candidates of the party with which he is enrolled at the time of said hearing all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise the party enrollment of such elector shall be forthwith cancelled

(c) Any elector who has since the time of registration suffered a physicial disability which renders him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance shall at least ten days prior to the next succeeding primary or election personally make application under oath to the commission or a registrar or a clerk thereof to have such fact entered on his registration card together with the exact nature of his physical disability which entry shall be made accorlingly

(d) When the commission shall ascertain that any elector who has declared his need for assistance is no longer illiterate or no longer suffers from the physical disability stated by him or has voted without assistance it shall forthwith cancel on his registration card the entry relating to illiteracy or physical disability which authorized him to have assistance and shall forthwith notify such elector by mail of its action

Section 30 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration Correction if Person is Falsely Reported Deceased Reports of Removals from Municipal Officers Departments and Bureaus certain Public Utility Corporations and Real Estate Brokers and Rental Agents Notice

(a) The registrar of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than twenty years of age Said written report shall contain the full name of the decedent his last residence address the date of his birth if available and the date of his death The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased by any registrar of vital statistics may appear in person before a registrar commissioner or clerk at the office of the commission in such city and prove his identity and the commission thereupon shall corect its records accordingly

(c) All municipal officers departments bureaus and all public utility corporations furnishing electricity gas water or steam to householders in any city shall report in writing at least once a month to the commission upon forms supplied by the commission all cases of discontinuance of their service to residences together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them All real estate brakers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in any of the foregoing reports and to all the members of his family and household who are electors registered from the same address the notice provided for by section thirty of this act and shall proceed thereupon in accordance with the provision of that section

Section 31 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register

(c) At least once in each four years the commission

shall conduct a check-up of each registered elector in the city by either of the methods provided for in sub-sections (a) and (b) above

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee can not be found there or upon report by the Post Office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-one of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector

Section 32 Canvass of Registered Voters

(a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district of such city by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be foun dto reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day preceding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission shall cause a confirmatoin of each such notice to be sent by mail promptly to such person at the address from which he is registered the envelope containing such information to be plainly marked that it is not to be forwarded

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration They shall be qualified electors of the city and shall be appointed without reference to residence in election districts or to their political affiliations or beliefs

(e) The commission shall instruct each special inspector in his duties

Section 33 Comparison and Correction of Registers Preliminary Street Lists

(a) Commencing thirty days prior to each election or primary the commission shall compare and correct the general and district registers

(b) Three months after each municipal election and seven mnoths after each general election the commission shall prepare for each election district a preliminary street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers

(c) The commission shall cause to be made a suffcient number of exact copies of each such list and as soon as possible and not later than the first day of March in each even-numbered year and the first day of July in each odd-numbered year shall distribute the same among the inspectors and special inspectors of registration and the officials concerned with the conduct of primaries and elections and among the parties political bodies candidates and organized bodies of citizens interested therein giving at least ten copies of each street list to the county committee of each political party or political body upon the written application of the chairman thereof and at least ten copies of each street list to the executive or governing board or committee of each organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds upon the written application of the presiding officers of such body of citizens and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 34 Corrected Street lists Posting Commencing not later than the thirtieth day prior to each primary and election the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers The commission shall cause to be made a sufficient number of exact copies of each such list which may be made by correcting and supplementing exact copies of the preliminary street lists Said lists shall be distributed in the same manner as required for the distribution of preliminary street lists in section 33 (c) herein Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 35 Petitions to Strike Off Names At any time not later than the tenth day preceding any election or primary any qualified elector of the city including any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such city setting forth under oath supported by the affidavits of at least two adults persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered personally at least twenty-four hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the preson in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no person is residing at the address given whereupon the commission shall forthwith cancel registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 36 Delivery of District Registers to Election Officers

(a) Not later than noon of the third day preceding an election or primary the commission shall have the district register accurately corrected to date for each election district and shall deliver the same to the election officers for use on election day in the manner in which the county election boards now are or hereafter may be required to deliver election material Provided however That the registration commission shall not deliver the registration card for use at the polls on election day of any person who removed from one election district to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are so delivered

(b) District registers when so delivered shall be contained in suitable binders so constructed and locked that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards can not be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the number of the district and ward Said binders shall be enclosed within a case or container and shall be locked and sealed by the commission before delivery

Section 37 Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature Proviso Evidence of Registration Discrepancies Persons Registered and Enrolled May vote at Primaries if Identified by Signatures Proviso Persons Not Registered are Not En-

titled to Vote Challenging of Persons Registered Voter's Certificates Voting Check List Elections and Primaries Counting Et Cetera of Names Checked as Having Voted Sealing of Registers and Voting Check Lists Return of Voting Check List and Registers

(a) Any person whose name is in the district register of any election district in such city and who upon applying to vote shall have signed his name and address to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting bribery at elections provided that if the signature on the voters certificate as compared with the signature as recorded in the district register shall not be deemed authentic by any of the election officers such elector shall not be denied the right to vote for that reason but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in subsection (e) of this section

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or of having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each elector shall establish his identity to the satisfaction of the election officers and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name and address or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases Any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting bribery at elections and if challenged as to identity or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and if challenged as to bribery he shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received

(f) The county election board shall cause to be printed for each election district in the city a suitable number of Voter's Certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19....
I hereby certify that I am qualified to vote at this (primary) (election)
Signature .....
Address .....
..... Pennsylvania
Approved .....
Number of stub of ballot issued (or number of admission to voting machines) .....
(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county election board After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the elector's signature is not readily legible shall print such elector's name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "Voting Check List" and the number of the district and ward and date of the primary or election The voter's certificate so bound shall constitute the voting check list of the district All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the voting check list

(g) The district register shall constitute the ballot check list of the district As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at the primaries a letter or abbreviation designating the party in whose primary he votes and shall sign his name or initial in the proper space on the registration card of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting shown by the voting check list and numbered lists of voters and announced and the cause of any difference ascertained if possible before the ballot-box or voting machine is opened The district register and the voting check list shall be immediately locked and sealed and shall be returned to the custody of the registration commission by the judge of election immediately upon completion of the count and tabulation of the votes cast in the district

Section 38 Entry of Information in General Registers Following Elections and Primaries Report of Indications of Fraud to District Attorney (a) Immediately following each election or primary the commission shall cause each district register to be examined

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance with the procedure outlined in Sections 30 and 31 herein

(c) The commission specifically shall compare the signature of each elector on each voter's certificate with his

signature in the district register and shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voter's certificates and registers hereby prescribed

(d) Whenever the registration card of any registered elector shall have been entirely filled up so that the entries required to be made thereon by this act can no longer be made the commission shall have prepared and attached to such registration cards in each register a supplemental card Each supplemental card shall be printed in a color different from the registration cards It shall have the same serial number as the registration card followed by the letter "A" "B" etc according to the number of supplemental cards attached to each registration card Each supplemental card shall have space thereon for the entry of the surname of the registered elector his Christian name or names the street and number of his residence the ward and election district in which he resides and to which he may from time to time remove together with his street address in each such district and the other data required to be given upon such removal the date of each election and primary at which the elector votes and the signature or initials of the election officer who enters the record of voting on the card Each supplemental card shall be attached to the registration card to which it relates by permanent fasteners in such a manner that the contents of the registration card may be examined and the entries required by this act may be made on the supplemental card Whenever supplemental cards are attached to the registration card of any elector the registration card shall be stamped with the words "Supplemental cards attached" together with the date thereof

Section 39 Cancellation of Registration Upon Failure to Vote Within Two Years Request for Reinstatement Within three months after the municipal election held in the year one thousand nine hundred and thirty-nine and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of two years immediately preceding the date of said municipal or general election the commission shall send to such elector by mail at his address appearing upon his registration card a notice setting forth that the records of the commission indicate that he has not voted within a period of two years and that his registration will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for reinstatement of his registration setting forth his place of residence and signed by him At the expiration of the time specified in the notice the commission shall cancel the registration of such elector unless he has field with the commission a signed request for reinstatement of his registration as above provided The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently re-register by personal application to the commission or a commissioner or a registrar or a clerk in the manner provided by this act

Section 40 Cancellation Removal and Preservation of Registration Cards Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration cards of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such card shall be kept for five years after which the commission may destroy it

Section 41 Correction by Commission of Errors in Cancellation of Registrations Whenever the registration of an elector has been cancelled through error such elector may petition the commission for the reinstatement of his registration not later than the tenth day preceding any primary or election and after a hearing on said application if error on the part of the commission is proved the commission shall reinstate the registration of such elector

Section 42 Appeals to Court Time of Hearing Notice Postponement Hearing Decision of Court Costs and Fees

(a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of such city whose rights are impaired by any general order made by the commission not including refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the seventh day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court shall fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the Prothonotary in the usual manner provided however that in all cases where the appeal is sustained by the court the costs advanced by the appellant shall be ordered refunded

Section 43 Production of Documents Et Cetera at Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obligated to answer any appeal and shall not be obligated by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 44 Subpoenas and Witness Fees (a) Any Person filing any petition of any kind with the commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provieded for the purpose to the commission by the county commissioners in courts if necessary to enforce any subpoena issued by such commission are to be provided for

(c) All subponeas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing

the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena an damong the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fee for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoenas issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission taking their receipts therefor so long as there are sufficient funds available for such payments provided however that in all cases where the petition of the elector is sustained all costs advanced by him for witness fees and subponeas shall be refunded to the elector so petitioning

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting desbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 45 Crimes and Penalties (a) Any person who wilfully disobeys a lawful order of the commission or of his commissioner or refuses to obey its or his subpoenas duly issued and served under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

(b) Any wilful false statement made under oath by any person regarding any material matter or thing relating to any subject investigated heard or acted upon by any registrar commissioner clerk judge watcher inspector of regisration court or commission by virtue of this act shall be prejury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(c) Any registrar commissioner or clerk who knowingly registers or permits to be registered a person not lawfully entitled to be registrede or who without reasonable cause refuses to register a person enttiled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(d) Any person who applies for registration or who notifies the commission of a change of his residence address knowing or having reason to know that he is not entitled to be registered or have his residence address changed or any person who declares as his residence a place or address which he knows is not his legal residence or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(e) Any registrar commissioner clerk or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered either in the office of the commission or before a registrar appointed by the commission at a place properly designated as provided herein or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service or a person having an order of court as afroesaid) or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollar ($1,000) and to undergo and imprisonment of not less than three (3) months nor more than five (5) years

(g) Any commissioner registrar clerk inspector of registration or other officers assistant or employe or any person partnership or corporation upon whom a duty is laid by this act who shall wilfully delay neglect or refuse to perform such duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1.000) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(h) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpjoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in acordance herewith or who materially alters or destroys an entry which has been duly maed therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(i) Any person who neglects or refuses to furnish to any commissioner or to any inspector of registration any information which he is herein authorized to obtain or to exhibit any records papers or documents herein authorized to be inspected by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(j) Any constable policeman sheriff or other peace or police officer or deputy or sbuordinate thereof who shall fail upon demand of any commissione or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided or who shall wilfully hinder or elay or atdtempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(k) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars [($600)] ($500) and undergo an imprisonment of not less than three (3) months nor more than two (2) years

(l) Any registrar commissioner clerk assistant or employe of a commission or any other person who knowingly and wilfully prevents a person from being registered or who by coercion threats of bodily injury or intimidation prevents or attempts to prevent any person from being registered or from changing his political enrollment in accordance with the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dol-

lars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(m) Any registrar commissioner clerk assistant or employe of a commission or any other person who unlawfully destroys or attempts to destroy and card book paper affidavit or other record of the commission or who unlawfully removes or attempts to remove same from the office of the commission shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

Section 46 Effective Date Partial Invalidity Legislative Intent

(a) Except as otherwise provided therein this act shall become effective immediately upon its final enactment

(b) It is the intention of the General Assembly that if this act cannot take effect in its entierty because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts therefo the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 47 Repeal of Prior Laws Proviso

(a) The act approved the first day of July one thousand nine hundred and thirty-five (P. L. 478) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police offcers courts judges porthonotaries sheriffs peace officers treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties" is hereby repealed

(b) All other acts or parts of acts of Assembly in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(c) The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded

(d) The provisions of this act shall not affect any act done or any suit or presections pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT BILL

Mr. CAVALCANTE. Mr. President, I move that Senate Bill No. 653, on second reading, entitled:

An Act to protect the right of employees to organize and bargain collectively creating the Pennsylvania Labor Relations Board as an administrative board of the Department of Labor and Industry conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the state government and courts providing for the right of employees to organize and bargain collectively imposing certain duties of compliance upon employees and employers with the procedure in this Act for settlement of disputes and controversies before resorting to arbitrary or compulsory process for settling disputes and controversies providing for the selection and period of service of representatives of employees for the purpose of collective bargaining authorizing and empowering the Pennsylvania Labor Relations Board to conduct investigations hearings and elections for determining the representatives authorized to bargain collectively for employees, and to serve in the settlement of controversies over the making and maintaining of agreements between employer and employees through mediation or voluntary arbitration and in the event of failure of arbitration providing for the creation of a special fact finding board by the Governor to investigate and report respecting such controversy providing for the services of the Pennsylvania Labor Relations Board in the settlement of controversies over the application of an agreement or over the grievances of individual employees or groups of employees by local or regional commissions or panels set up by the Pennsylvania Labor Relations Board or through adjustment boards permanently or temporarily established whose decision shall be final and binding providing for notices of proposed changes in existing agreements between employers and representatives of employees affecting wages hours and conditions of employment prohibiting any change except by agreement in conditions of employment during the period of the service of the Pennsylvania Labor Relations Board or special fact finding board and for thirty-days after the report of the special fact finding board in connection with any controversy over the right of representation of employees or over the making and maintaining of agreements between employers and employees or over changes in existing agreements providing for voluntary arbitration of controvrsies between employers and employees regulating the selection of arbitrators and procedure and conferring certain powers and imposing certain duties upon the arbitrators and the courts with reference thereto.

be re-committed to the Committee on Labor and Industry.

Mr. DENT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. RODGERS and Mr. FREY.

Mr. CAVALCANTE. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

The yeas and nays were required by Mr. RODGERS and Mr. FREY and were as follows, viz:

YEAS—17

Cavalcante,	Jaspan,	McGinnis,	Shapiro,
Dando,	Kahle,	Mundy,	Sipe,
Dent,	Kilgallen,	Pytko,	Stiefel,
DiSilvestro,	Kunkel,	Rankin,	Thompson,
Eroe,			

NAYS—28

Bean,	Gilson,	Law,	Roberts,
Buckman,	Haluska,	Mallery,	Rodgers,
Chapman,	Henney,	McCreesh,	Rupp,
Deitrick,	Heyburn,	Owlett,	Ruth,
Ealy,	Homsher,	Pierson,	Salus,
Frey,	Howell,	Reed,	Scarlett,
Gelder,	Huffman,	Rice,	Wolfenden,

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 653, on second reading, entitled:

An Act to protect the right of employees to organize and bargain collectively creating the Pennsylvania Labor Relations Board as an administrative board of the Department of Labor and Industry conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the state government and courts providing for the right of employees to organize and bargain collectively imposing certain duties of compliance upon employees and employers with the procedure in this Act for settlement of disputes and controversies before resorting to arbitrary or compulsory process for settling disputes and controversies providing for the selection and period of service of representatives of employees for the purpose of collective bargaining authorizing and empowering the Pennsylvania Labor Relations Board to conduct investigations hearings and elections for determining the representatives

authorized to bargain collectively for employees, and to serve in the settlement of controversies over the making and maintaining of agreements between employer and employees through mediation or voluntary arbitration and in the event of failure of arbitration providing for the creation of a special fact finding board by the Governor to investigate and report respecting such controversy providing for the services of the Pennsylvania Labor Relations Board in the settlement of controversies over the application of an agreement or over the grievances of individual employees or groups of employees by local or regional commissions or panels set up by the Pennsylvania Labor Relations Board or through adjustment boards permanently or temporarily established whose decision shall be final and binding providing for notices of proposed changes in existing agreements between employers and representatives of employees affecting wages hours and conditions of employment prohibiting any change except by agreement in conditions of employment during the period of the service of the Pennsylvania Labor Relations Board or special fact finding board and for thirty-days after the report of the special fact finding board in connection with any controversy over the right of representation of employees or over the making and maintaining of agreements between employers and employees or over changes in existing agreements providing for voluntary arbitration of controvrsies between employers and employees regulating the selection of arbitrators and procedure and conferring certain powers and imposing certain duties upon the arbitrators and the courts with reference thereto.

go over in its order.

The PRESIDENT. It there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 671, as follows :

An Act to provide for the safety and to protect the health and morals of persons while employed prescribing certain regulations and restrictions concerning places where persons are employed and the equipment apparatus devices and machinery used therein prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act and fixing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 DEFINITIONS The term "establishment" shall mean any room building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind to whomever payable except farms or private dwellings and shall include those owned or under the control of the Commonwealth and any political subdivision thereof as well as school districts The term "department" shall mean the Department of Labor and Industry

Section 2 GENERAL SAFETY AND HEALTH REQUIREMENTS (a) All establishments shall be so constructed equipped arranged operated and conducted as to provide reasonable and adequate protection for the life limb health safety and morals of all persons employed therein

(b) All belts pulleys gears chains sprockets shafting and other mechanical power transmission apparatus stationary engines electrical equipment and apparatus shall be properly guarded to protect workers from injury.

(c) All cranes hoists steam or electric shovels plant railroads and other apparatus or devices used for moving lifting lowering and transporting material shall be designed constructed equipped and operated as to eliminate dangerous conditions

(d) The point of operation on all saws planers jointers or other power driven woodworking machines and all power presses planers shapers and other power driven machine tools and dangerous parts of any other machines or devices shall be provided with guards of a type approved by the department Laundry machines extractors washers ironers and other machines or apparatus shall be provided with guards where because of accident hazard they are required by the department

(e) All toxic and noxious dusts fumes vapors gases fibres fogs mists or other atmospheric impurities created in connection with any manufacturing process emitted into or disseminated throughout areas where persons are employed in such quantities as in the opinion of the department would injure the health of employes or create other dangerous conditions shall be removed at the point of origin or where this is impractical personal protective devices shall be provided and worn by persons subjected to such hazards

(f) All pits quarries mines other than coal mines trenches excavations and similar operations shall be properly shored braced and otherwise guarded operated and conducted as to provide reasonable and adequate protection to workers employed therein

(g) All building construction demolition and cleaning including window cleaning shall be conducted in a manner as to avoid accident hazards to workers or the public Scaffolds ladders material hoists window cleaning devices safety belts and other equipment used in such operations shall be designed manufactured constructed and erected as to be safe for the purpose intended All stairs open-sided floors platforms and runways shall be provided with proper railings and toeboards

(h) When employes due to the nature of employment are subject to injury from flying particles falling objects hot corrosive or poisonous substances acids or caustics and injurious light rays they shall be provided with and shall wear goggles other head and eye protectors gloves leggings and other personal protective devices

Section 3 LIGHTING HEATING VENTILATION AND SANITARY FACILITIES All establishments shall be adequately lighted heated and ventilated Proper sanitary facilities shall be provided in sufficient number for the persons employed and shall include toilet facilities washing facilities dressing rooms retiring rooms for women and wholesome drinking water of approved quality

Section 4 FIREWORKS AND EXPLOSIVES PLANTS Establishments where fireworks or explosives are manufactured or stored shall be located at a safe distance from other buildings highways or railroads for the protection of the public Such establishments shall be located erected operated and conducted as to provide adequate and reasonable protection to persons employed therein

Section 5 FLOOR SPACE The floor space of workrooms in any establishment shall not be so crowded with machinery as to thereby cause risk to the life or limb of any employe Proper clear aisle space shall be maintained where necessary for employes to walk between machines equipment or material Machinery shall not be placed in any establishment in excess of the sustaining power of the floors and walls thereof

Section 6 REMOVAL OF GUARDS No person shall remove or make ineffective any safeguard safety appliance or device attached to machinery except for the purpose of immediately making repairs or adjustments and any person or persons who remove or make ineffective any such safeguard safety appliance or device for repairs or adjustments shall replace the same immediately upon the completion of such repairs or adjustments

Section 7 PROHIBITED USE OF DANGEROUS MACHINERY If any machinery or any part thereof is in a dangerous condition or is not properly guarded the use thereof may be prohibited by the Secretary of Labor and Industry or his authorized representative and a notice to that effect shall be attached thereto Such notice shall be removed only by an authorized representative of the department after the machinery is made safe and the required safeguards are provided and in the meantime

such unsafe or dangerous machinery shall not be used

Section 8 AIR SPACE FOR WORKROOM The owner agent lessee or other person having charge or managerial control of any establishment shall provide or cause to be provided not less than two hundred and fifty cubic feet of air space for each and every person in every workroom in said establishment where persons are employed

Section 9 CANNERIES AND LABOR CAMPS All canneries for the canning or preserving of fruits vegetables and meats shall be kept in a clean and sanitary condition and all labor camps operated in connection with such canneries and all other labor camps shall be located constructed maintained and operated in all respects as to provide for the health safety and comfort of occupants of such camps

Section 10 SAFE PRACTICES The department may prepare and publish for the use of industry recommendation for safe practices as a guide in the elimination of accidents

Section 11 INDUSTRIAL HOME WORK Industrial home work shall be conducted in such manner as to insure the safety and health of all persons so employed

Section 12 RULES AND REGULATIONS The Department of Labor and Industry shall have the power and its duty shall be to make alter amend and repeal rules and regulations for carrying into effect all the provisions of this act and applying such rules and regulations to specific conditions

Section 13 ENFORCEMENT RIGHT OF ENTRY The provisions of this act shall be enforced by the Department of Labor and Industry For the purpose of enforcing the provisions of this act the Secretary of Labor and Industry or his duly authorized representative shall have the power to enter any room building or place where labor is employed and to issue the necessary instructions to correct violations of this act or regulations based on this act

Section 14 PROCEDURE IN PROSECUTION Prosecution for violation of the provisions of this act or the rules and regulations of the department authorized by this act may be instituted by any authorzied agent of the department

Section 15 PENALTIES Any person who shall violate any of the provisions of this act or the rules and regulations of the department or who shall hinder or delay or interfere with any person charged with the enforcement of this act in the performance of his duty shall upon conviction in a summary proceedings be sentenced for a first offense to pay a fine of not less than twenty-five dollars and not more than one hundred dollars and in default of the payment of such ne and costs shall be imprisoned for a term of not more than thirty days and upon conviction for a second offense shall be sentenced to pay a fine of not less than fifty or more than two hundred dollars and in default of the payment of such fine and costs shall be imprisoned for a term not exceeding sivty day Any person guilty of a third offense under the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a ne of not more than five hundred dollars or to undergo imprisonment not exceeding six months or both at the discretion of the court Each violation shall be deemed to constitute a separate offense

All fines collected under this act shall be forwarded to the Department of Labor and Industry who shall transmit the same to the State Treasury through the Department of Revenue

Section 16 REPEALER (a) The following acts are hereby repealed

The act approved the second day of May one thousand nine hundred and five entitled "An act to regulate the employment in all kinds of industrial establishments of women and children employed at wages or salary by regulating the age at which minors can be employed and the mode of certifying the same and by fixing the hours of labor for women and minors to provide for the safety ofal l employes in all industrial establishments and of men women and children in schoolhouses academies seminaries colleges hotel hospitals storehouses office buildings public halls and places of amusement in which proper fire escapes exits and extinguishers are required to provide for the health of all employes and of men women and children in all such establishments storehouses and buildings by proper sanitary appliances and to provide for the appointment of inspectors office clerks and others who with the chief inspector constitute the Department of Factory Inspection to enforce the same and providing penalties for violation of the provisions thereof fixing the term and salaries of the chief factory inspector and his appointees" and all amendments thereto

(b) All acts and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 709, as follows:

An Act relating to the powers and duties of trustees liquidating certain assets of banking institutions which have been reorganized and prescribing he powers and duties of courts of common pleas in relation to such liquidation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That when a bank or trust company or bank and trust company has heretofore been or shall hereafter be reorganized under the provisions of any law heretofore or hereafter enacted and shall have transferred to a trustee or trustees for liquidation certain of its assets the court of common pleas of the county in which the principal place of business of such bank or trust company or bank and trust company was located shall have jurisdiction over such liquidating trustee or trustees

Section 2 Such liquidating trustee or trustees or any party interested in such liquidation may present his or their petition to said court in any matter arising in such liquidation which court shall make such order in the premises as seems to it in the best interests of the depositors creditors and stockholders of such banking intitution

Section 3 Unless otherwise provided in the agreement or assignment under which the trustee or trustees received such assets of the bank trust company or bank and trust company such trustee or trustees shall file an account of his or their administration of such trust in the court of common pleas given jurisdiction over such liquidating trustee or trustee by this act at least once a year and said court shall audit each such account and fix the compensation of the trustee or trustees

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 712, (House Bill No. 664), entitled:

An Act to amend section twenty-one of the act approved the thirteenth day of June one thousand eight hundred thirty-six (P. L. 551) entitled "An act relating to roads highways and bridges" providing for the vacation of parts of former State roads and turnpike roads where State highways are changed or relocated

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. DENT. Mr. President, I ask unanimous consent that Senate Bill No. 725 (House Bill No. 1284), entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this Act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such bonds exempt from taxation constituting such bonds legal investments in certain instances prescribing conditions upon which such turnpike shall become free providing for condemnation and authorizing the issuance of turnpike revenue refunding bonds

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS RECOMMITTED

Mr. LAW. Mr. President, I move that Senate Bill No. 762 (House Bill No. 1156), entitled:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties.

be recommitted to the Committee on Elections for the purpose of a Public Hearing.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 771 on second reading entitled:

An Act relating to non-profit cooperative corporations organized to engage in rural electrification providing for the organization consolidation and dissolution of such corporations prescribing the qualification for membership therein conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing cooperative or non-progt corporations and associations within the provisions of this act conferring powers and imposing duties on certain State departments commissions and officers fixing fees conferring the right of eminent domain prohibiting the use of certain terms in the corporate names of other corporations exempting such corporations from excise taxes imposing on them a license fee and exampting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 772, on second reading entitled:

An Act to amend section four hundred nine of the act, approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amendded exempting certain non-residents from the provisions of said act regulating equipment on motor vehicles trailers and semi-trailers.

be recommitted to the Committee on Highways for the purpose of amendment.

Mr. JASPAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. GELDER. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the gentleman from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. GELDER. Mr. President, I would like to ask the Senator from Philadelphia, Mr. Shapiro, the purpose of sending this bill back to committee.

Mr. SHAPIRO. Mr. President, we were informed by the Department of Revenue that the amendment to the Motor Vehicle Code now in the House will take care of this matter.

On the question,

Will the Senate agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 775, as follows:

A Supplement to an act approved the twentieth day of July one thousand nine hundred thirty-five (One thousond nine hundred thirty-five Appropriation Acts page seventy-one) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five" by making the current appropriation to the Department of Military Affairs for the use of the Soldiers' and Sailors' Memorial Home at Erie available for the purchase of land to be available for the burial of deceased members of the home

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authirty of the same That in addition to the purposes for which the current appropriation to the Department of Military Affairs for the use of the Soldiers' and Sailors' Home at Erie is made available by the act to which this act is a supplement such appropriation is hereby further appropriated to the Department of Military Affairs for the use of the Soldiers' and Sailors' Home at Erie for the purchase of land through the Department of Property and Supplies to be used for the burial of deceased members of the Soldiers' and Sailors' Home

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeaby to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 798 (House Bill No. 1564), entitled:

An Act to amend section four hundred thirty-nine of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended; providing that certain forms. used by the county commissioners relative to the compilation of war records of deceased service men, shall be prescribed but not furnished by the Department of Military Affairs.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 800 (House Bill No. 1674), entitled:

An Act directing the Department of Military Affairs to select procure award and provide for the furnishing of certain service medals.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. OWLETT. Mr. President, in accordance with the agreement with the Committee on Highways, I move that Senate Bill No. 815, on second reading, entitled:

An Act relating to motor vehicles new and used creating a motor vehicle dealers' commission and creating and providing for approved motor vehicle appraisers establishing its jurisdiction powers and duties and establishing powers and duties of approved motor vehicles appraisers regulating the sale trade-in allowance appraisals and information furnished the State on motor vehicles new and used and establishing regulations concerning speedometers authorizing the Commission to establish periodical prices for used motor vehicles either sold or traded in establishing the appraisal value of motor vehicles new or used either for sale or used trade-in allowances providing for the licensing of motor vehicle dealers and salesmen and approved motor vehicle appraisers and the payment of fees therefore authorizing examination of the business papers and affairs of and requiring the filing of reports by licensees authorizing and empowering the Commission to hold hearings and to issue rules and orders and the issuance of subpoena by the Commission or its agents and conferring jurisdiction upon the Courts to punish contempts or to prohibit violations of orders of the Commission providing for appeals to the Courts frm decisions of the Commission imposing penalties and making appropriation.

Mr. HOMSHER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HALUSKA. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. HALUSKA. Mr. President, I would like to ask the Senator for what purpose he wishes to recommit the bill to the Committee on Highways.

Mr. OWLETT. Mr. President, this bill was just introduced last week and came before the Committee on Highways, the Chairman I am sure will verify what I say, that no one has had a chance to study it. There was a suggestion that there would be a hearing on the bill, and on the distinct agreement by all the members of the Committee on Highway, that the bill would be recommitted for a hearing and study, it was reported out. I think the Chairman of the Committee on Highways will agree with me that that was the condition under which the bill was put out.

Mr. HALUSKA. Mr. President, it is a very, very important bill. I have no objection, of course, of the bill going back to the Committee for further study, but I had in mind that the bill would be placed on the postponed calendar or passed over in order for the purpose of further amendment. The automobiles are vitally interested in this measure. It affects over 5,000 dealers and in the neighborhood of 15.000 salesmen, and I have yet to hear of one protest from that group, and that is the group that it will affect. I would like to see this bill remain on the calendar, but if it must go back, I hope it goes back with the understanding that it will not be "pickled".

Mr. OWLETT. Mr. President, merely want to say that I yield to no one in this Senate my interest in the welfare of the dealers in this State. As the Senator from Cambria states, it is a very important and far-reaching bill. I am merely asking that the agreement in the Committee on Highways be carried out. This bill can go back to the Committee on Highways and that would be in accordance with the agreement with the members when

we consented that it would be reported out and go back for further study. I cannot believe that this Senate would want to go back on its positive agreement. That has been the practice in the Senate right along.

Mr. CAVALCANTE. Mr. President, I would like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, the Senator from Tioga has stated that the bill was put out and then it was to be recommitted. Has anyone requested it?

Mr. OWLETT. Mr. President, there has

Mr. CAVALCANTE. Mr. President, who?

Mr. OWLETT. Mr. President, Mr. Daniels, representing the automobile dealers, was present at a meeting of the Committee on Highways, and because of the understanding that it was to go back for a hearing, and many of the members expressed a desire to hear him. He was not heard that day, and further than that, I received last evening a 'phone call from a group of dealers in the northern part of the State, representing Lycoming, Bradford, Potter and Tioga Counties, saying that they had a meeting and were opposed to this bill and wished to be heard.

Mr. CAVALCANTE. Mr. President, is Mr. Daniels the gentleman who formerly was in the Attorney General's office, and the one who drafted the present bill?

Mr. OWLETT. Mr. President, that is correct.

Mr. CAVALCANTE. Mr. President, then Mr. Daniels was in favor of the bill, was he not?

Mr. OWLWETT Mr. President, I think he is. May I interrogate the Chairman of the Committee on Highways?

Mr. ROBERTS. Mr. President, yes.

Mr. OWLETT. Mr. President, I would to ask the Chairman of the Committee on Highways whether this bill came up when he was acting as Chairman, or while the Senator from Lycoming, Mr. Sones, acted as temporary Chairman of the Committee.

Mr. ROBERTS. Mr. President, while I was acting as Chairman.

Mr. OWLETT. Mr. President, I would like to ask the Senator whether it was not true that it was agreed that this bill would go back to committee.

Mr. ROBERTS. Mr. President, that is correct. Mr. President, I feel I should say this, that when this bill came up for consideration in the Highway Committee, a number of members said they did not have a chance to go over it, and the question was raised whether this bill should be reported out at that particular time, or whether it should be held in the committee. The suggestion was then made that it probably would expedite the consideration of this bill if it was reported out, and the committee agreed that it should be reported out with the understanding that it would be recommitted for a hearing.

and the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 827, as follows:

An Act to further amend section five of the act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 944) entitled "An act relating to salaries compensation bonds offices and supplies of certain county officers their deputies and clerks in counties of the sixth class" by fixing the time for annual meetings and requiring other meetings of the salary board

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 944) entitled "An act relating to salaries compensation bonds offices and supplies of certain county officers their deputies and clerks in counties of the sixth class" as amended by section one of the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 250) is hereby further amended to read as follows

Section 5 The salary board in all counties of the sixth class which shall be composed of the county commissioners and the county treasurer shall meet together on the first Monday of January in each year and from time to time as they may be required by any of the county officers whose salaries are fixed by this act and fix and determine [annually] the number and the salaries to be paid to the clerks and deputies required for the proper discharge of business in the office of [the county officers whose salaries are fixed by this act] such officers Whenever the number or salaries of the clerks and deputies in any county office are being considered by the salary board the county officer occupying such county office shall be a member of the salary board and be entitled to vote so long as matters affecting his office are under consideration and no longer Any such county officer deputy or clerk dissatisfied with the amount of salary allowed by the salary board may appeal from the action of such board to the court of common pleas of the county which court shall after hearing make an order fixing the salaries of such appointees

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 844, (House Bill No. 1659), entitled:

A Joint Resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Cmmonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needed to corerct any abuses and evils connected with such industry which are prejudicial to the interest of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House of Representatives as follows:

House Bill No. 75, (Senate Bill No. 921), entitled:

An Act to promote the safety of travelers and employes upon railroads, by prohibiting carriers by railroad, hauling trains excessive in length; providing penalties; and providing for enforcement by the Public Service Commission or any other agency empowered to enforce the law.

Which was committed to the Committee on Labor and Industry.

House Bill No. 918, (Senate Bill No. 922), entitled:

An Act to amend section five hundred forty-seven as amended, and sections eight hundred two and nine hundred two of, and to add section nine hundred two to, the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," providing for and regulating the making of the annual budget on a uniform form prepared by representatives of the township supervisors, the Department of Highways, and the Department of Internal Affairs; requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department; and providing penalties.

Which was commtited to the Committee on Municipal Government.

House Bill No. 1125, (Senate Bill No. 923), entitled:

An Act to amend sections one, two and six of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 492), entitled "An act to provide for the equalization of educational opportunity and the encouragement of the study of citizenship by recognition of extension education, for boys and girls who are employed and for adults, as a function of the public schools of this Commonwealth; and to facilitate the proper organization and administration of such extension education," by providing educational, recreational and social opportunities for out-of-school youth who are not employed; by reducing the number of petitioners required for applications for extension classes; and by requiring certain qualification for teachers and leaders in extension education.

Which was committed to the Committee on Education.

House Bill No. 1223, (Senate Bill No. 924), entitled:

An Act to amend section one of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three, (P. L. 851), entitled "An act fixing the pay and mileage of jurors and witnesses;" increasing the pay and reducing the mileage of jurors and witnesses.

Which was committed to the Committee on County Government.

House Bill No. 1359, (Senate Bill No. 925), entitled:

An Act to amend section one thousand and nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, one thousand two hundred and six), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," extending the time within which appeals from auditors' reports may be taken.

Which was committed to the Committee on Municipal Government.

House Bill No. 1361, (Senate Bill No. 926), entitled:

An Act to amend section five hundred and fifty-three of the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws one hundred and three), entitled "The Second Class Township Law," extending the time within which appeals from auditors' reports may be taken.

Which was committee to the Committee on Municipal Government.

House Bill No. 1692, (Senate Bill No. 927), entitled:

An Act requiring the consent of the electors of a township of the second class when such township or any part thereof is to be annexed to a contiguous borough or city.

Which was committed to the Committee on Municipal Government.

House Bill No. 2118, (Senate Bill No. 928), entitled:

An Act to further amend section six of the act, approved the second day of May, one thousand eight hundred ninety-nine (P. L. 184), entitled "Mercantile License Tax Law," by clarifying the provisions relating to appeals.

Which was committed to the Committee on Finance.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 316:

An Act providing a method through payroll deductions for the payment of delinquent taxes, penalties and interest and costs due to political subdivisions by public officers and employes paid from moneys in the treasury thereof; and conferring powers and imposing duties on the city controller, city treasurer, receiver of taxes and bonded paymasters, exempting cities of the first class and school districts in such cities from the provisions of this act.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

TIME OF NEXT MEETING

He also informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, April 12, 1937.

Resolved (if the House of Representatives concur), that when the Senate adjourns this week, it reconvene on Monday evening, April 19th, at nine o'clock; and when the House of Representatives adjourns this week, it reconvene on Monday evening, April 19th, at nine o'clock.

MOTION TO READ BILLS THE FIRST TIME

Mr. ROBERTS. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 720 (House Bill No. 1130), entitled:

An Act to amend sections fifty and seventy-two as amended, sub-section (b) of section one hundred ninety-one, sections two hundred twenty and two hundred twenty-six as amended, sections two hundred twenty-eight and two hundred fifty-six, and section two hundred eighty-five as amended, of, and to add sections two hundred eighty-two and two hundred eighty-three to, the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled, "An act relating to fish and amending, revising, consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the taking of fish; changing certain penalties and providing new penalties; requiring certain persons to possess fishing licenses; providing for and regulating the revocation of fishing licenses; providing for the payment over of fines collected, and the return of fines erroneously collected; vesting certain additional powers in the Board of Fish Commissioners; eliminating certain restrictions on the use of license fees; and regulating closed seasons on boundary lakes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 768 (House Bill No. 1635), entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-four) entitled as amended "An act imposing a State tax payable by those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" as amended and re-enacted by imposing an additional reciprocal tax by providing for the assessment and revision of and appeal from additional taxes and by making further provision with regard to refunds evidence of payment of the tax and penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Judiciary General will meet on Tuesday, April 13, in Room 302, at 10:15 a. m.

The Committee on County Government will meet at 10:30 a. m., on Tuesday, April 13th, in Room 402.

The Committee on State Government will meet in Room 401 on Tuesday, April 13th, at 11:00 a. m.

The Committee on Corporation will meet 11:30 a. m tomorrow, in Room 265.

The Committee on Mines and Mining will meet in Room 202, on Wednesday, April 14th, at 11:00 a. m.

The Committee on Appropriations will meet in Room 400, on Wednesday, April 14th, at 10:00 a. m.

The Committee on City Government will meet Tuesday, April 13th, at 11:45 a. m., in Room 402.

There will be a Public Hearing before the Committee on Public Health, in the Senate Caucus Room, tomorrow (Tuesday) at 10:00 a. m.

At 2:50 p. m., tomorrow (Tuesday), the Committee on Public Health will hold a public hearing on Senate Bill No. 703.

The Committee on Elections will meet at 5:00 p. m. tomorrow (Tuesday) in the Senate Caucus Room.

At 8:00 o'clock tomorrow evening, there will be a Public Hearing before the Committee on County Government, in the Senate Chamber, on Senate Bill No. 780, House Bill No. 64, taxing real estate of public service companies.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until twelve o'clock noon tomorrow.

Mr. ROBERTS. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 p. m. until twelve o'clock noon tomorrow, April 13, 1937.

HOUSE OF REPRESENTATIVES

MONDAY, April 12, 1937.

The House met at 9:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Rev. H. R. WILKES, Pastor of Mifflintown Evangelical Church, offered the following prayer:

Let us pray. Almighty God, our Heavenly Father, Thou who dost inhabit eternity and who hast declared that Thou art taking up Thy abode in a humble and contrite heart, we come to Thee. Where else can we go? With Thee and with Thy son is everlasting life. Hear us as we pray, take all our sin away and grant that from this day we may be increasingly interested in the spread of Thy Kingdom.

Our Father God we are very grateful for the multiplied blessings all along the way. We thank Thee for Thy patience with us as individuals and as a nation, nad we pray that we may realize that Thou art a God of wisdom and that we will keep looking to Thee for Thy wisdom that we may have understanding.

Wilth Thou be pleased to bless all in authority over us. We think of the President of the United States; we think of the Governor of this Commonwealth and the Legislature of this sovereign State of Pennsylvania. We pray Thy blessing upon each and all, and we pray as we live for Thee that Thy blessing be upon us as we endeavor to glorify Thee in our bodies and in our souls which are Thine.

We pray in Jesus' name. Amen.

JCURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, April 7, 1937.

The Clerk proceeded to read the Journal of Wednesday, April 7, 1937, when, on motion of Mr. BALTHASER, the further reading was dispensed with and the Journal approved.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

VETERANS LEGISLATION

A communication from Billy Simpson Post, No. 470, Erie, favoring passage of House Bills Nos. 521, 522, 523, 524, 525 and 526.

Referred to the Committee on Military Affairs.

CHIROPRACTORS

A communication from Edward A. Kelley, Esq., Philadelphia, favoring passage of House Bill No. 255, favoring practice of chiropractors in Pennsylvania.

Referred to the Committee on State Boards.

INTERGOVERNMENTAL COOPERATION

A communication from the Secretary of State enclosing a copy of Senate Bill No. 32, of the State of Montana, requesting passage of a similar act.

A copy of a similar act, Act No. 147 of the General Assembly of the State of Arkansas.

Referred to the Committee on State Government.

GASOLINE TAX

A copy of a resolution adopted by the House of Representatives of the State of South Carolina memorializing Congress to remove the federal tax on gasoline and to leave source of revenue to the States.

Referred to the Committee on Federal Relations.

COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk:

"The members of the family of Mr. Edwin Sydney Stuart acknowledge with deep appreciation the kind expression of your sympathy."

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 151.

An Act relating to the protection of agriculture and horticulture including all field crops vegetables trees shrubs vines florist and nursery stock and all other plants and parts or products thereof from plant pests and revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws.

SENATE BILL No. 98.

An Act to amend section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended extending the retirement provisions relating to former teachers to those who returned to service only temporarily

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVE OF ABSENCE

Mr. Nagel asked and obtained leave of absence for Mr. KELSO for this evening's session.

STATEMENT BY MR. McARDLE

Mr. McARDLE asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, the Pittsburgh Press, Sunday, April 11, 1937, printed an article dealing with this House's action on Bill No. 881, which bill was introduced by Representatives Samuel A. Weiss of Allegheny County.

The headlines above the article read as follows:—

"Weiss Charges Lunches for Legislators Aided In Pickling Squire Bill."

In the article, Mr. Weiss is quoted as follows:—

"The squire's lobby came to Harrisburg and gave a luncheon for some of the House members." "Some of those who had been for the bill in committee then voted to pickle it." "The bill has been pickled because of the direct intervention of the squire's lobby."

Mr. Speaker and Members of the House, I regard the language quoted as a direct and unwarranted insult and affront to the majority members of this House.

I further regard the use of the language quoted as an act of moral cowardice, because it names no member, or members, as being the person, or persons, whose votes have been changed by a luncheon or by the actions of a "squire's lobby," thus putting every member who did not vote against recommitting the bill, subject to its cowardly implications.

I further resent the use of the language as quoted, because, in addition to being cowardly, it was dishonest for the reason that the majority of the members of the House, who are members of the same party as Mr. Weiss and I, had already determined against the passage of the bill and Mr. Weiss was well aware of that fact when the vote to recommit the bill was taken and when the quoted language was used. Therefore, if he had any criticism to make, it should have been directed to the democratic leadership in and out of this House, and to the whole of the party membership here, and it should have been made in Harrisburg in the presence of those criticised, rather than back in Allegheny County for political consumption.

Speaking personally, I have no hesitancy in saying that I did not and do not intend to support the passage of Bill No. 881, and neither do I intend to let go unchallenged any statements based upon either fakery or dishonesty that directly, or by implication, can be interpreted as a reflection on the honesty or good intent of my motives.

STATEMENT BY MR. SAMUEL A. WEISS

Mr. SAMUEL A. WEISS asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, in my two Regular Sessions and two Special Sessions one as a Member of this House, this is the first instance in which I have requested unanimous consent to this House to make a statement, although the membership has heard me elucidate on many of the bills which I believed would benefit the Commonwealth of Pennsylvania, and aided in their enactment.

I rise to criticise the action of the membership of this House on Wednesday of last week, when they voted to recommit House Bill No. 881 to the Committee on Counties. House Bill No. 881 which is an amendment to

the Act of 1929 contains but four lines, and in substance provides: "That in all summary conviction cases, the justice of the peace or alderman when the evidence is insufficient to convict should place the costs upon the prosecutor or the defendant and not upon the county." I believe this to be a bill with an excellent objective, and it was a sincere effort on my part to chip the overburdened taxpayers of this Commonwealth. I sincerely believe that this bill would help remedy the highly developed "costs racket" practiced by many of the justices of the peace of this Commonwealth.

The true solution of the minor judiciary problem would be to reform the present system throughout, probably reducing the number, as the squires themselves recently recommended (in my county), and subsituting salaries for the present fee system. I realize that fragmentary legislation cannot alone solve the problem, but House Bill No. 881 is one bill that is a direct strike on the "discharged costs" racket system not only practiced in the County of Allegheny, but in the entire Commonwealth of Pennsylvania. The basic idea of putting costs on the public, of course, was to prevent an additional injustice to an innocent person, one found on trial or investigation to have been wrongfully or unjustly accused. However, it is well to remember that in 1929 (when the act hereinafter mentioned was enacted) the lobby of the justices of the peace was one of the most powerful in the Commonwealth. The Act of 1929 provided:

> "That in all cases of summary conviction, in which the evidence was not sufficient to convict and the defendant dismissed, the costs of the suit shall be paid by the County."

The passage of this act has been notoriously abused by petty justices of the racketeering type, a number of whom have served sentences in jail for faking cases just to discharge them and collect costs from the county; a number of them are under indictment at the present time not only in the County of Allegheny, but in other sections of the Commonwealth. In any other instances, even when cases were adjusted between the prosecutor and the defendant, costs have also been placed upon the county—to be paid by the taxpayers. The cost to Allegheny County alone for discharged cases in the past four years, 1932 to 1936 inclusive, has exceeded $600,000.00, or approximately $130,000.00 annually—moneys assessed against the taxpayers—the little home owners—because of the folly of individual litigants aided by the corrupt practice of petty justices of the peace. It is fortunate for the taxpayers that there are many justices of the peace of character and ability who refuse to indulge in such practice, and if such were the case, the "discharged costs" racket in Allegheny County alone would be approximately one-half million dollars.

I wonder what the taxpayers of Northampton County think of my good friend and colleague Mr. Jirolanio who so courageously made the motion on the floor of this House last week to recommit House Bill No. 881, and for what purpose. Under interrogation, the gentleman from Northampton County said this bill was being recommitted for the purpose of further study—a bill containing four lines and changing three different words by placing costs on the prosecutor or defendant instead of the county. We who have been in the House for at least one Session know that this bill is being recommitted for "pickling purpose" and nothing more. I wonder if the taxpayers of Northampton County agree with the actions of my youthful and vigorous colleague who so bravely took the floor to recommit this bill; I wonder if the many bills consisting of 100 pages or more that were railroaded through this House were given as much study as House Bill No. 881. Representatives Jirolanio should be informed that the costs paid by his county in discharged cases have increased from $19,000.00 in 1932 to over $60,000.00 last year. In a year or two with the continued rate of increase Northampton County will rank with the County of Allegheny when it comes to the amount of costs paid by the taxpayers to the squires and constables in their racket to provide social security for themselves—a splendid social program for the minor judiciary, but not the type of social security advocated by our Democratic system of government. I wonder if many of the other Legislators who voted to recommit this bill know what this racket is costing the taxpayers of their respective counties. Statistics available show that over one-half million dollars were paid last year by counties to Justices of the Peace and Constables in discharged cases.

I do not condemn the Republican for voting to recommit this bill because they were only consistent with their policies in this House for the past 40 years, but I do criticize the party of which I am a member and the majority party of this House for its action in recommitting a bill that would be a real help and saving to the taxpayers of this Commonwealth. As a Democrat, I have been proud of the record established by my party in my first Session in the Legislature in 1935. We were confronted with an emergency. In addition to the passage of a great liberal and social program, we were compelled to enact a tax program that unquestionably proved burdensome—but necessary, and I feel that as a Democrat, in addition to voting for the imposition of additional tax burdens, I want to be consistent with my recommendations made as Vice-Chairman of the Local Government Commission to reduce taxes wherever possible in order to help the little property owner in this Commonwealth. This House Bill No. 881 would aid in accomplishing that purpose. The Local Government Commission realized the abuses practiced by the minor judiciary, and one page 45 of our report, we made a distinct recommendation about the roving squires and constables stating that this practice resulted in the increase in the number of cases and imposed additional costs on the county; and we recommended legislation to stop this practice. This Commission, composed of five Republicans and five Democrats, was appointed under an Act of Assembly signed by the Governor of this Commonwealth who is in sympathy with the local government problem and the small property owner.

A stop to this practice by the minor judiciary is vitally necessary and this Legislature is on the spot when it comes to enacting some type of legislatlation to reform their present activities, and I plead with the Committee on Counties and my colleagues, from Allegheny County particularly, on this committee, to do everything in their power to resurrect from peaceful slumber House Bill No. 881 so that the minor judiciary of this Commonwealth may know that their present practice and abuses at the expense of the taxpayers of this Commonwealth must stop.

STATEMENT BY MR. JIROLANIO

Mr. JIROLANIO asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, at the very outset I want to thank those members who saw fit to vote their convictions with me last Wednesday to send back to committee a bill which they honestly thought should be further studied and further investigated. This is the first time in my three months in the Legislature that I have heard the word pickling used when a bill has been sent back to committee for further study, and I ask you to bear that in mind because at various other times the same gentleman from Allegheny has asked that bills be recommitted for study.

As to whether or not I had a meal paid for by any lobbyist,—well I will tell you that you cannot buy me for a meal, and I don't think you can buy the other gentlemen or the women members of this Assembly for a meal, or I might say whatever you have.

We are sent here as the representatives of the people, and if we see fit in our conviction to vote in a certain manner, I do not think it is the privilege and the prerogative or the right of any individual to stand up and criticize us for our honest convictions. Then the gentleman picks out the county of Northampton and asks me whether the gentleman from Northampton doesn't worry about the fact that his county has suffered an expenditure of forty thousand dollars more than it did in 1932. Yes, but you have often heard the expression that figures don't lie but Oh! how figures can be juggled and I will tell you those figures have been juggled. Although the costs of these discharged cases have increased in Northampton county to the tune of forty thousand dollars, the total costs has been reduced in the amount that had to be appropriated for courts and juries in the trial of criminal cases to the extent that the County of Northampton in the final analysis paid four thousand two hundred fifty dollars.

Now, you heard so much about the taxpayers. I ask you, members of the House, are you interested in the freedom of men? Are you going to say that a man is going to be placed in jail although the magistrate in question has been fit to find him not guilty but sees fit to place upon him the cost? You know that often happens. You know what happens when a person brings a case before a magistrate; do you think that particular magistrate will place the costs upon him? No, he is looking for business. It is nothing but human nature that he places the cost upon the defendant, and if the defendant is unable to pay it, he will go to jail.

I will say this, if there is such a condition existing in Allegheny County let the Controller of Allegheny County investigate those charges. As you know, the Controller is the one man who checks upon expenses, and it is his duty to O. K. and check every voucher that comes into his office, and if there are any unethical practices among the justices of the peace in imposing costs where the costs have already been paid, they are guilty of a misdemeanor, and if the gentleman from Allegheny knows of such cases, then in my opinion he is also guilty of something as a member of the Bar if he conceals this notorious practice.

Of course, it reminds me of trying a case in criminal court where you do not have a case and where you have a policeman on the other side. You figure, "well", there is only one thing to do, start hollering about the policeman and the jury might be with you and find your client not guilty".

That appears to me to have happened in this case. My colleague and good friend from Allegheny County was defeated in opposing the motion to recommit this bill for further study, and he couldn't take it, and just as in the case of the jury, putting the blame on the cop, he is now putting the blame upon us.

CALL FOR ORDER OF THE DAY

Mr. HABERLEN. Mr. Speaker, I ask for the order of the day.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHEPARD. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. SHEPARD. Mr. Speaker, I have three questions: when was the meal, where was the meal and why didn't I get an invitation?

The SPEAKER. The gentleman will confer with the gentleman from Allegheny, Mr. Weiss, who will probably answer the question.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. In order to give the members of the House time to examine Senate amendments to House bills returned for concurrence before they are voted upon, the Chair will announce the bill numbers and Printer's numbers when the bills are received from the Senate. They will be acted upon when the sponsors have had an opportunity to look over these amendments, or at the end of each session. This is in order to expedite the business of the House.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Miss BRANCATO asked and obtained permission for the Committee on Cities to meet during the session of the House.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 543, 561, 733, 734, 737, 741, 860, 988, 1040, 1041, 1042, 1044, 1045, 1046, 1047, 1048, 1203, 1204 and 1335.

Governor's Office, Harrisburg, April 8, 1937

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 543, Printer's No. 438, entitled "An Act to amend section two hundred thirteen and section two thousand four hundred four as amended of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Eexcutive Department thereof and the administrative departments boards commissions and officers thereof including the

boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' prescribing the qualifications of departmental deputies and providing for liability insurance covering the operation of Federal vehicles used by the National Guard".

House Bill No. 561, Printer's No. 400, entitled "An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations copartnerships or persons and for compensation for water hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board."

House Bill No. 733, Printer's No. 162, entitled "An Act to amend section one thousand seven hundred and five of and to add section one thousand seven hundred and ten to the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' imposing certain additional powers and duties upon the Department of Agriculture."

House Bill No. 734, Printer's No. 364, entitled "An Act relating to consumer credited in amounts of one thousand dollars ($1,000) or less requiring licenses from the Secretary of Banking restricting licenses to domestic business corporations fixing minimum capital requirements conferring certain powers on the Secretary of Banking limiting interest and other charges providing certain exemptions and imposing penalties."

House Bill No. 737, Printer's No. 108, entitled "An Act to amend clauses (a) and (c) of section one thousand eight hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' as amended providing for the acquisition holding management control protection maintenance utilization and regulation of additional lands to extend State forests so as to prevent soil erosion the silting up of reservoirs to control stream flow to extinguish interior holdings and for the establishment of fire observation towers and stations."

House Bill No. 741, Printer's No. 447, entitled "An Act to amend and re-enacted the title and the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1518,) entitled 'An act regulating the construction equipment maintenance operation and inspection of elevators outside of cities of the first and second and second A classes granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act' by extending the provisions of said act to elevators located in cities of the first second and second A classes."

House Bill No. 860, Printer's No. 439, entitled "An Act requiring county officers and persons formerly occupying county offices in counties of the first class to pay over to the county treasurer for safe-keeping certain unclaimed moneys and providing for the payment of such moneys out of the county treasury to claimants and for the escheat of unclaimed moneys."

House Bill No. 988, Printer's No. 236, entitled "An Act to amend section eight hundred seventy-four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' authorizing counties to rent and lease road machinery."

House Bill No. 1040, Printer's No. 198, entitled "An Act to re-enact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-five (P. L. 341) entitled 'An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties' by extending the provisions of the act for a further period of time and by making further provisions for penalties."

House Bill No. 1041, Printer's No. 266, entitled "An Act to re-enact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. 208) entitled 'An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties' as amended by extending

the provisions of the act for a further period of time reducing the rate of tax further defining net income making further provisions for filing reports on a fiscal year basis and for the filing of consolidated reports providing for the settlement and resettlement of taxes and review and appeal therefrom imposing duties and conferring powers on the Auditor General and making further provisions for the retention of records by corporations and for interest penalties."

House Bill No. 1042, Printer's No. 242, entitled "An Act to further amend sections twenty and twentyone of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled 'A further supplement to an act entitled "An act to provide revenue by taxation" approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine' by continuing the tax upon that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which were formerly exempt and by further defining the method of computing the franchise tax of foreign corporations."

House Bill No. 1044, Printer's No. 197, entitled "An Act to further amend the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled 'A further supplement to an act entitled "An act to provide revenue by taxation" approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine' by increasing for a limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies limited partnerships associations joint-stock associations copartnerships and persons."

House Bill No. 1045, Printer's No. 190, entitled "An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) entitled 'An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation' by imposing an additional tax on liquid fuels for a limited period of time and making further provision for the determination and payment of the tax."

House Bill No. 1046, Printer's No. 261, entitled "An Act to re-enact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six, P. L. 13) entitled 'An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board' by extending the provisions thereof for a further period of time and providing a method of ascertaining the amount of the tax for payment over to the Department of Revenue."

House Bill No. 1047, Printer's No. 269, entitled "An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (P. L. 640) entitled 'An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled "An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies' by increasing the rate of tax for a limited period of time and by imposing the tax on certain corporations heretofore exempt."

House Bill No. 1048, Printer's No. 241, entitled "An Act to further amend section one of the act approved the fifteenth day of June one thousand eight hundred ninety-seven (P. L. 292) entitled 'An act to provide revenue by taxation' by increasing the rate of tax for a limited period of time."

House Bill No. 1203, Printer's No. 276, entitled "An Act relating to counties of the first class and the duties of the recorders of deeds thereof in connection with the collection of certain fees and taxes payable to the Commonwealth and making provisions for the disposition of the compensation therefor heretofore received by such recorders of deeds."

House Bill No. 1204, Printer's No. 275, entitled "An Act relating to counties of the first class and the duties of the treasurers thereof in connection with the collection of certain taxes fees license taxes and license fees payable to the Commonwealth and making provisions for the disposition of the compensation therefor heretofore received by such treasurers"

House Bill No. 1335, Printer's No. 394, entitled "An Act regulating the employment and hours of employment of the officers and members of the uniformed fire protection forces of the cities of the first class and repealing existing laws."

GEORGE H. EARLE.

REPORTS FROM COMMITTEES

Mr. ROBINSON, from the Committee on Game, reported as amended, House Bill No. 1000, entitled:

An Act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto.

Mr. WEIDEMANN, from the Committee on Ways and Means, recorted as committed, House Bill No. 2154, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred thirty-seven, evidenced by tax anticipation notes secured by, and payable from, current revenues, levied, assessed collectible and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on, and the repayment of, such loans; and making an appropriation.

Mr. OMINSKY, from the Committee on Cities, rereported as amended, House Bill No. 108, entitled:

An Act creating a court for the County of Philadelphia to be known as the Family Court defining prescribing and regulating the jurisdiction and powers of said court and of the judges thereof and prescribing the procedure therein providing for the costs thereof providing for the

transfer to said court of certain actions pending in other courts and repealing existing laws.

RESOLUTION

RECALLING HOUSE BILL No. 1183 FROM THE GOVERNOR

Mr. KILROY asked and obtained unanimous consent, offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 12, 1937.

Resolved (if the Senate concur), that House Bill No. 1183, Printer's No. 494, entitled "An Act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase or city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2080 (Senate Bill No. 586), entitled:

An Act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2081 (Senate Bill No. 587), entitled:

An Act to further amend section five and to partly repeal sections one two three and four of the act, approved the twenty-third day of June one thousand nine hundred and eleven (Pamphlet Laws 1123), entitled "An act establishing in each county a board of viewers prescribing their duties providing for their appointment as viewers road juries juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof" by providing for the appointment of boards of view from the board of revision of taxes and abolishing the board of viewers in counties of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2082 (Senate Bill No. 588), entitled:

An Act to amend the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2083 (Senate Bill No. 589), entitled:

An Act fixing the number qualifications manner of appointment organization and salaries of members of the board of revision of taxes in counties of the first class providing for the appointment and compensation of a chief deputy appraiser assistant appraisers and other employes of the board abolishing the present assessors and repealing general local and special laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2084 (Senate Bill No. 590), entitled:

An Act relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of revision of taxes and its agents and employes and repealing general local and special laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1649, entitled:

An Act to re-enact and further amend the act, approved the second day of January, one thousand nine hundred and thirty-four (P. L. 174, 1933-34), entitled as amended "An act relating to milk and the products thereof; declaring an emergency with respect to their production and marketing; creating a Milk Control Board; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacture, processing, storage, distribution, delivery and sale of milk and the products thereof; authorizing the board, with the approval of the Governor, to fix prices to be paid or charged for milk and the products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring licensees to furnish bonds for the protection of producers; authorizing the examination of the business, papers, and affairs of, and requiring the filing of reports by, licensees, other milk dealers and producers, and permitting with limitations the dissemination of information obtained therefrom; authorizing the issuance of subpoenas by the boards or its agents, and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board; providing for appeals to the courts from decisions of the Milk Control Board; imposing penalties; and making an appropriation;" making the Milk Control Board a permanent agency; changing the personnel of said board, and providing for the appointment of the members thereof; further prescribing the powers of said board; providing for compliance committees of producers; prescribing the powers of such committees, and providing for the financing of such committees by a charge imposed upon producers; regulating the price fixing powers of the board; further regulating appeals; providing for the bonding of

milk dealers; regulating agricultural cooperative associations and corporations; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture for the purpose of a public hearing.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 731, entitled:

An Act providing for the creation maintenance and operation of a county employes retirement system in counties of the third class and imposing certain charges on counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1651, entitled:

An Act to amend the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended, further defining State employes; providing for retirement allowances where all back deductions have not been paid; specifying when State employes shall join the system; imposing certain duties on the heads of agencies of the State government; fixing the liability of certain special operating funds; further regulating retirements rights, retirement allowances, withdrawals and the computation of service allowances; imposing certain duties on the board; and providing for contributions by members.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 923, entitled:

An Act to amend section three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 920), entitled "An act providing for the relocation and change of width, grades and lines of State highways in boroughs by the Secretary of Highways with the approval of the Governor and commissioners, of the proper county; and for the payment of damages occasioned thereby by the county, and repealing certain acts," as amended by providing for payment by the Commonwealth out of the Motor License Fund of damages for land or property taken, injured or destroyed by the change of width, lines and locations of State highways in boroughs and incorporated towns, and the cost of removal of structures where the county does not agree to such changes or removals, requiring approval of the court of quarter sessions to certain agreements made by the county commissioners with property owners, nad fixing the time when the Secretary of Highways may begin work.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 33, entitled:

An Act to amend clause (b) of section two thousand one hundred and twenty of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended providing for compensation for members of joint sewer boards.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2040, entitled:

An Act to amend section fifty-nine, as amended, section one hundred ninety, as added, section two hundred four, as amended, and sections two hundred forty-seven and six hundred seventy-five of, to add sections one hundred fifty and one-tenth and one hundred fifty-five to, and to repeal section two hundred five of, the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" by changing the provisions for filling vacancies in the office of coroner, sheriff, district attorney and county treasurer, providing for and prescribing the procedure for leasing of real property belonging to counties; and providing for the appointment of assistant solicitors and clerks and stenographers to solicitors in counties of the second class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1775, entitled:

An Act to amend clause (g), section one thousand three hundred nine, of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers, fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," to authorize the Pennsylvania Historical Commission at its discretion, to deposit historic relics or other gifts in or on historic properties or shrines committed to its custody."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1557, entitled:

A Joint Resolution proposing an amendment to Article nine section eight of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2001, entitled:

An Act to amend section four hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" further regulating the creation and abolition of wards

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1570, entitled:

An Act to promote safety for the traveling public on State highways; to extend the responsibility for subsidence of such highways by the failure of vertical and lateral support and declaring said subsidence a public nuisance; to provide for inspection of mine maps by the Department of Highways and the furnishing to said Department of copies of such mine maps in certain cases, to authorize entry by the Department of Highways into mines in certain cases, and to provide for notices to the Department of Highways of certain mining operations under or adjacent to highways, and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1559, entitled:

An Act concerning vocational education; providing for the acceptance by the Commonwealth of Pennsylvania of the provisions of the act of Congress, approved June eighth, one thousand nine hundred and thirty-six, entitled "An act to provide for the further development of vocational education in the several States and Territories;" and conferring powers and imposing duties on the State Treasurer and the State Council of Education.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 872, entitled:

An Act providing that officials charged with the duty of assessing real estate for taxation, may at any time split or separate the assessment on any tract of real estate in order to permit the payment of taxes due on a portion of such tract; requiring tax collectors to accept payment of such taxes and validation all such split or separated assessments heretofore made.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for the purpose of further study.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1568, entitled:

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by adding thereto sections four hundred and twenty B (420B), four hundred and twenty C (420C) and four hundred and twenty D (420D) defining industrial insurance and providing uniform policy provisions and prohibited policy provisions for industrial insurance contracts.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Insurance for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 96, entitled:

An Act to further amend section two thousand four hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the re-organization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the Department of Property and Supplies with the consent of the proper board of trustees to grant rights of way or easements over State institution lands for public road purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1261, entitled:

An Act to amend section one thousand and forty-six of the act, approved the fourth day of May, one thousand nine hundred and twenty-nine (P. L. 519), entitled "An act concerning boroughs, and revisings, amending, and consolidating the law relating to boroughs," providing for the employment by auditors and for the compensation of an attorney.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 906, entitled:

An Act creating a State Worlds Fair Commission defining the powers and duties of said commission providing for participation in the New York World's Fair and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 670, entitled:

An Act to promote the safety of travelers upon street railways and buses and others by requiring a crew of two on each street railway car and certain buses

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1733, entitled:

An Act to amend sections four hundred six and four hundred seven of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by further regulating depositories of funds of counties of the second class and the rate of interest to be paid by such depositories to such counties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1802, entitled:

An Act authorizing county commissioners to refund taxes and license fees erroneously and inadvertently paid by persons and corporations into the county treasury and limiting the time within which claims for refunds must be made

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1186, entitled:

An Act authorizing school districts to make contracts of group life health and accident insurance for the benefit of pupils in vocational schools at the expense of the school district defining the status of the school district and pupils under existing and future insurance laws and requiring school districts to make certain reports to the Department of Public Instruction

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 158, entitled:

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life, and for industrial consumption and recreation; empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution; providing protection of water supply; providing for the jurisdiction of courts, magistrates, aldermen and justices of the peace in the enforcement thereof, and providing additional remedies for abating pollution of waters; imposing certain penalties; and repealing certain acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1360, entitled:

An Act to amend sections two thousand six hundred and twenty-two and two thousand six hundred and twenty-six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven, (Pamphlet Laws three hundred and nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" as amended, extending the time within which appeals from auditors' reports may be taken.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 71, entitled:

A Joint Resolution proposing an amendment to Article one section six of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1326, entitled:

An Act relating to the use and furnishing of stamps, coupons, tickets, certificates, cards, or other similar devices, for or with the sale of goods, ware and merchandise; requiring the securing of licenses from the county treasurer and fixing the license fee therefor; and providing a penalty for violation thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 843, entitled:

An Act to regulate the sale and advertising for sale of goods, wares and merchandise purporting to be an insurance, bankruptcy, mortgage, insolvent assignees, executors, administrators, receivers, trustees, removal or closing-out sale, or sale of goods damaged by fire, smoke or water, and to prevent fraudulent practices in connection therewith; and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1755, entitled:

An Act providing for the regulation by the Insurance Department of non-profit corporations organized to provide hospital care and service for subscribers; prescribing legal investments for the funds of such corporations and the hosptials with which such corporations may enter into contracts for hospital care and service; conferring powers on the Insurance Department and the Department of Welfare; exempting such corporations from taxation; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Insurance.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2064, entitled:

An Act to amend section five hundred forty of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," as amended; providing for additional compensation to the secretary for preparing the tax duplicate.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 9, entitled:

An Act to protect the public safety by prohibiting coal stripping work in close proximity to public highways and the abandonment of stripping work unless the earth is replaced in the opening caused by such work.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Health and Sanitation for the purpose of further study.

The motion was agreed to.

VOTE RECONSIDERED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the vote by which House Bill No. 9, Printer's No. 552 was recommitted be reconsidered.

Mr. OMINSKY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from York, Mr. Cohen vote on the motion to recommit this bill?

Mr. HERBERT B. COHEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Ominsky vote on the motion to recommit this bill?

Mr. OMINSKY. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. COHEN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I desire to know the purpose of the gentleman's motion.

Mr. COHEN. The purpose of the motion, Mr. Speaker, is to get House Bill No. 9, Printer's No. 552 back on the calendar. I, by error, moved to recommit said bill, due to the fact that one of my advisors incorrectly informed me that this is the bill which should be recommitted.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1609, entitled:

An Act to further amend the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further regulating the affairs of boroughs, and revising, amending and changing the law relating thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1693, entitled:

An Act authorizing townships of the second class to adopt and enforce zoning ordinances regulating the location construction and use of buildings the size of courts and open spaces the density of population and the use of land.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Townships

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 45, entitled:

An Act to amend section nine hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by changing the time when the court of quarter sessions is authorized to fill vacancies in borough offices.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Boroughs.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1400, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public saftey; regulating the use of highways, and the operation of vehicles. tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs. incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, regulating the sale and further regulating the installation, use and operation of traffic regulation devices, signals, signs and markings, and the operation of motor vehicles on the highways; affecting the powers of municipal authorities in certain cases and of the Secretary of Highways; and changing and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 982, entitled:

An Act providing for the construction, reconstruction, maintenance and repair of sidewalks at dangerous places along State highways, by the Department of Highways, and making an appropriation from the Motor License Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1254, entitled:

An Act to amend section five of the act, approved the thirty-first day of March, one thousand eight hundred and seventy-six (P. L. 13), entitled "An act to carry into effect section five of Article fourteen of the Constitution relative to the salaries of county officers, and the payment of fees received by them into the State or county treasury, in counties containing over one hundred and fifty thousand inhabitants," as amended; changing the dates on which county officers, their deputies and clerks shall be paid.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1880, entitled:

An Act providing for the settlement and compromise of certain claims of the Commonwealth against boroughs for the construction, reconstruction, maintenance and repair of highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration House Bill No. 289, entitled:

An Act to amend section seven hundred and ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence, imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles, imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by changing the dates when reductions of registration fees shall become effective.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1608, entitled:

An Act to further amend clause fifty-three of section one thousand two hundred two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" by further regulating contracts by boroughs,

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1467, entitled:

An Act to amend section one thousand six hundred seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, providing for the furnishing of the National Flag Code to certain pupils and for the use thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1574, entitled:

An Act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees thereof; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling, and testing; authorizing the commission to examine the business, papers, and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture for the purpose of a public hearing.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2129 (Senate Bill No. 377), entitled:

An Act to re-enact and further amend the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred nine) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" extending said act to all counties of this Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2135 (Senate Bill No. 674), entitled:

An Act to amend the title and section one of the act approved the twelfth day of July, one thousand nine hundred thirty-five (P. L. 805), entitled "An act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes, and providing a method of procedure," by further providing for the acquisition and possession of occupied property and structures.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 994 (Senate Bill No. 100), entitled:

An Act to amend sections forty and forty-seven of the act, approved the eleventh day of March, one thousand nine hundred and nine (P. L. 19), entitled "An act relating to warehouse receipts," providing how warehouse receipts may be negotiated.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2004 (Senate Bill No. 305), entitled:

An Act to amend the act, approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing counties of the second class to assist political subdivisions in the county in negotiations and contests with public service companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1770 (Senate Bill No. 153), entitled:

An Act to amend the act approved the twentieth day of March, one thousand nine hundred and thirteen (P. L. 6), entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise, securities, or services, and providing penalties for the violation thereof," by including display or placard advertising, and changing the penalties prescribed, and the manner of proving violations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2127 (Senate Bill No. 288), entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing the manner of creation of townships of the first class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2134 (Senate Bill No. 673), entitled:

An Act authorizing the Secretary of Highways to abandon portions of State highway routes within the limits of State parks or Federal Resettlement projects under certain conditions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1464, entitled:

An Act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Department of Highways of the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the Board and fixing the compensation of members and employes thereof, providing that the awards of such Boards shall be final and authorizing an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 752, entitled:

An Act regulating the removal of sand, gravel and coal from the beds of streams, lakes and other bodies of water, wholly or partly within, or forming part of the boundary of this Commonwealth and providing for the imposition, collection and lien of charges for such materials taken, removed or dredged from such waters title to which is in whole or in part in the Commonwealth, requiring persons, associations, copartnerships and corporations to secure permits from the Water and Power Resources Board and to file bonds with the Department of Revenue; providing for appeals and providing penalties and refunds.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1628, entitled:

An Act to amend section eight hundred and one of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one, (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," limiting the requirement of bonds of township treasurers to fidelity bonds and regulating such bonds.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1619, entitled:

An Act to amend sections one thousand one and one thousand seven hundred one of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," as amended; further regulating the annual budgets of such townships.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The House proceeded to the second reading and consideration of House Bill No. 1190, entitled:

An Act to amend section three hundred forty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended increasing the amount of the contracts for which advertising is required

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred forty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by the act approved the seventh day of May one thousand nine hundred and thirty-five (Pamphlet Laws 143) is hereby further amended to read as follows

Section 348 Contracts All contracts made by the commissioners of any county involving an expenditure exceeding one hundred dollars except contracts for building rebuilding or repair of bridges or for painting or tightening the bolts of iron bridges as hereinafter provided for shall be in writing and shall immediately after their execution be filed with the controller No contract shall be made nor the payment thereof certified by the controller for over [three] five hundred dollars unless made with the lowest and best bidder after due notice to be published by the controller when directed by the commissioners if he approves the purpose of the proposals invited All bids shall be received by the controller under seal and shall be opened in his presence by the commissioners and the contracts awarded thereon The controller shall keep a record of all such awards and shall certify no warrants for contracts not made agreeably thereto Provided however That on an appeal heretofore or hereafter taken from a controller's report the court shall not be required to enter or to sustain a surcharge for failure to comply with the provisions of this section where it appears that the county commissioners acted honestly and in good faith for the best interests of the county and where no loss or damage resulted to the county from such non-compliance

On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. RUSH. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2112, entitled:

An Act relating to political subdivisions requiring political subdivisions against which civil suits are brought to notify owners or occupants of real property who are personally liable thereon on pain of losing the right to indemnity

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter every political subdivision against which a civil suit is brought for any cause of action on which an owner or occupant of real property is primarily liable shall give notice of such action personally or by registered mail to such owner or occupant within thirty days after it knows through its solicitor or any member of its governing body that such owner or occupant is primarily liable on such cause of action

Any political subdivision failing or neglecting to give the notice required by this act shall be thereafter stopped from asserting any right to be indemnified by such owner or occupant or maintaining any action therefor

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 920, entitled:

An Act requiring operators of swimming pools to which admission fees are charged to have an oxygen inhaler at such pools and a person in attendance competent to use the same making failure to comply a misdemeanor and prescribing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every person copartnership association or corporation who or which operates or maintains any swimming pool whether natural or artificial and whether indoors or outdoors for the use of which any admission fee is charged and collected shall at all times during the season while such pool is used have at such pool an oxygen inhaler in proper working condition for use in any case of emergency and shall at all times when bathing is permitted keep in attendance a person competent to use such oxygen inhaler in case of emergency

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. BRADLEY. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Health and Sanitation for the purpose of a public hearing.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2053, as follows:

An Act abolishing poll taxes in cities of the second class A

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter no city of the second class A shall have power to impose any poll tax for general revenue purposes and all such taxes in such cities are hereby abolished

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1508, entitled:

An Act making an appropriation to the Department of Agriculture for a suitable exhibit at the Seventh World's Poultry Congress

Whereas The Seventh World's Poultry Congress will be held in the United States in the early part of one thousand nine hundred and thirty-nine which is its first meeting in the United States and

Whereas The United States is now the leading poultry producing and consuming nation of the World and

Whereas The Federal Government is expected to make a substantial appropriation to provide a suitable national display of all breeds and varieties of poultry ducks geese turkeys and wild-fowl and to show the development and importance of the poultry and allied industries and

Whereas The several states are being requested to prepare and display exhibits portraying the development and importance of the industry in their respective states and several states have already made such appropriations and

Whereas Pennsylvania ranks first in the value of eggs produced fourth in the value of chickens raised fifth in the number of eggs produced and seventh in the number of chicken raised therefore

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ten thousand dollars ($10,000) is hereby appropriated to the Department of Agriculture to provide at the Seventh World's Poultry Congress an exhibit in keeping with the importance of the poultry interests of the Commonwealth of Pennsylvania and for the payment of all expenses in connection therewith Said appropriation shall be expended by the Department of Agriculture under the supervision of an advisory committee to be composed of one representative selected by the Pennsylvania State Poultry Association one selected by the Egg and Poultry Co-operatives of Pennsylvania one selected by the Pennsylvania State College one selected by the Allied Poultry Industries and a representative of the Department of Agriculture selected by the Secretary of Agriculture

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. SCHROPE. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 809, entitled:

An Act to amend section four thousand four hundred and one and four thousand four hundred and two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by placing under civil service truck drivers and truck drivers' helpers in cities of the third class

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four thousand four hundred and one and four thousand four hundred and two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" are hereby amended to read as follows

Section 4401 Examinations Required of All Appointees No person or persons may be appointed to any position whatever in the police department or in the engineering or electrical department or in the position of building inspector or to any salaried position whatever in the fire department (except volunteer departments) or health officers other than registered physicians or as sanitary policemen or inspectors of the health department or to any position as truck driver or truck driver's helper with having first passed all the examinations hereinafter provided for and having been appointed in the manner and according to the terms and provisions and conditions of this article

Section 4402 Appointment of Examining Boards There shall be the following civil service boards in each city (a) A board for the examination of applicants for appointment to any position in the police department (b) a board for the examination of applicants for appointment to any salaried position in the fire department (except volunteer departments) or health officers other than registered physicians or as sanitary policemen or inspectors of the health department (c) a board for the examination of applicants for appointment to any position in the engineering or electrical departments or to the position of building inspectors or to any position as a truck driver or truck driver's helper

Each of said boards shall consist of three citizens who shall be elected by council for terms of four years or until their successors are elected and qualified One of the members of the boards provided for in clauses (a) and (b) of this section shall be an educator and one shall be a physician Any person may be appointed to one or more of said boards

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. JIROLANIO. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities.

On the question,

Will the House agree to the motion?

Mr. WAGNER. Mr. Speaker, in reference to the recommittment of House Bill No. 809, introduced by me and which pertains to placing under civil service truck drivers and truck drivers' helpers in cities of the third class, I wish to state that I was and am opposed to the bill being returned to committee and would have been recorded as against such action if a roll call had been taken.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 369, as follows:

An Act to amend section one of article fifteen of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" as amended by reducing the number of newspapers for official advertising

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of article fifteen of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" as last amended by the act approved the eleventh day of May one thousand nine hundred and eleven (Pamphlet Laws 238) is hereby further amended to read as follows

Section 1 All contracts relating to city affairs shall be let to the lowest responsible bidder after reasonable notice When the contract exceeds five hundred dollars such notice shall be by advertisement when less than that amount or when purchased at public sale advertisement may be dispensed with Every contract shall be let by the Mayor and head of the proper department All bids shall be filed with the City Controller and shall be opened publicly by the Mayor and head of the proper department or either of them at a time and place to be designated in the advertisement or notice to bidders and the figures stated to those present No contract shall be let until councils have passed an ordinance providing for the letting of the same by the Mayor and head of the proper department

All contracts shall be in writing signed and executed in the name of the city by the [city recorder] Mayor and head of the proper department No contracts shall be entered into or executed directly by the councils or any committee thereof

All contracts shall be countersigned by the controller and filed and registered by number date and contents in the [city recorder's] Mayor's office and attested copies furnished to the controller and the department charged with the work

Every contract for public improvements shall be based upon estimate of the whole cost furnished by the proper officer through the department having charge of the improvement and no bid in excess of such estimate shall be accepted Every such contract shall contain a clause that it is subject to the provisions of this act and the liability of the city thereon shall be limited by the amounts which shall have been or may be from time to time appropriated for the same In each and every instance where a contract is let to any person firm company or corporation by any city of the second class or any officer officers or departments of such city for any work material supplies construction or excavation of any kind the person firm company or corporation shall give bond to the city to the amount of fifty per centum of

the estimated cost with security to be approved by the [city recorder] Mayor

No contract for work to be done for or property or materials to be sold or supplied to the city or any department thereof shall be made with any councilman officer or employe of such city or with any firm copartnership or association of which such councilman officer or employe is a member and if any councilman officer or employe during the term for which he shall have been elected or appointed knowingly acquires an interest in any such contract he shall forfeit his office At the expiration of the present contract and every three years thereafter the [city recorder] Mayor of each of the cities of the second class shall contract for a term of three years with not less than [three] two nor more than [five] three daily newspapers [one of which shall be a daily newspaper printed in the German language] printed published and distributed within the county in which such city of the second class is situated for the publication of all official advertising the cost of which is payable out of the municipal treasury which said official advertising shall include all ordinances of councils [city recorder's] Mayor's proclamations all official reports of the city officers all notices for opening widening straightening grading paving and curbing and vacation of streets lanes and alleys and the construction of sewers including all viewers' reports and proposals for public work and supplies such contracts to be let to the lowest bidder agate measure per line for each thousand of circulation the basis of the circulation to be the average daily sales (exclusive of Sunday weekly semi-weekly and tri-weekly issues and also exclusive of all credits for returned or unsold newspapers and newspapers distributed free of charge) of such newspaper for six months next preceding the month in which such advertising may be published

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 877, as follows:

An Act to amend section one of the act approved the twentieth day of March one thousand nine hundred and thirteen (Pamphlet Laws 6) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof" by extending the provisions of the act to statements and assertions made by radio broadcast and providing certain exceptions to the application of the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twentieth day of March one thousand nine hundred and thirteen (Pamphlet Laws 6) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whoever in a newspaper periodical circular form letter or other publication published distributed or circulated in this Commonwealth or by radio broadcast originating in this Commonwealth in any advertisement in this Commonwealth [knowingly] makes or disseminates or causes to be made or disseminated any statement or assertion concerning the quantity the quality the value the merit the use the present or former price the cost the reason for the price or the motive or purpose of a sale of any merchandise securities or services or concerning the method or cost of production or manufacture of such merchandise or the possession of rewards prizes or distinctions conferred on account of such merchandise or the manner or source of purchase of such merchandise or securities which is untrue or calculated to mislead and which is known to be or which by the exercise of reasonable care should be known to be untrue deceptive or misleading by the person copartnership association or corporation making or disseminating or causing to be made or disseminated said advertisement shall be guilty of a misdemeanor and on conviction be sentenced to pay a fine of not more than one thousand dollars or by imprisonment in the county jail not exceeding sixty days or by both such fine and imprisonment

Provided however That the provisions of this act shall not apply to any owner publisher printer agent or employe of a newspaper or other publication or periodical or owner or operator of a radio broadcasting station who in good faith and without knowledge of any false deceptive or misleading statements or assertions publishes causes to be published or takes part in the publication of such advertising or advertisements

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 185, as follows:

An Act to provide for an additional law judge of the court of common pleas in the twenty-first judicial district

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in addition to the judges provided for in the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred sixty-seven) entitled "An act to designate the several judicial districts of the Commonwealth as required by the Constitution and to provide for the election and commissioning of judges learned in the law for the said districts" an additional law judge is hereby authorized and provided for the court of common pleas of the twenty-first judicial district who shall possess the same qualifications which are required by the Constitution and laws for the president judge of said district and who shall hold his office for a like term and by the same tenure and shall have the same power authority and jurisdiction and shall be subject to the same duties restrictions and penalties and shall receive the same compensation provided for by law of judges learned in the law of the courts of said judicial district

Section 2 At the next municipal election after the passage of this act the qualifield electors of the said twenty-first judicial district shall elect in the same manner prescribed by law for the election of a president judge a competent person learned in the law to serve as said additional law judge of the court of common pleas of said twenty-first district form the first Monday in January one thousand nine hundred and thirty-eight for a term of ten years Vacancies in the office hereby created whether caused by death resignation expiration of term or otherwise shall be filled in the same manner as is required by law in case of a similar vacancy in the office of president judge

Section 3 The Governor is hereby authorized to appoint one competent person learned in the law as such additional law judge of the court of common pleas of the said twenty-first judicial district to serve until the first Monday of January succeeding the next municipal election

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1330, entitled:

An Act relating to magistrates and magistrates' courts in the City of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates imposing certain duties on the City Controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the County of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the County of Philadelphia providing for the appointment and employment of stengraphers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be know and may be cited as "1937 Magistrates' Court Act"

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. OMINSKY. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1001, entitled:

An Act to amend the title and sections one and two of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plan transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street map providing penalties for the violation of this act and repealing certain statutes" by extending the provisions of the act to cities of the first class and by changing the provisions as to the number and qualifications of the personnel of the commission

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street map providing penalties for the violation of this act and repealing certain statutes" is hereby amended to read as follows

A Supplement to an act entitled "An act for the government of cities of the first and second class" approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street map providing penalties for the violation of this act and repealing certain statutes

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. OSTROFF. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2047, as follows:

An Act to amend section two thousand five hundred fifty-six of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended requiring fidelity bonds of deputies and clerks of city treasurers the premiums thereof to be paid jointly by the county city and school district

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand five hundred fifty-six of the act approved the twenty-third day of June one thousand nine hundred and thirty-one Pamphlet Laws 932) entitled "An act relating to cities of the

third class and amending revising and consolidating the law relating thereto" as last amended by section two of the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 363) ishereby further amended to read as follows

Section 2556 Treasurer as Tax Collector of City County School and Poor Taxes Compensation Assistants Expense to be Shared The compensation or commission of the said treasurer as collector of city county school and poor taxes shall during the terms of the tax collectors in office at the time this act takes effect be and remain as now provided by law Thereafter the said tax collector shall be paid an annual salary for the collection of all city county school and poor taxes which salary shall be fixed before the election of any tax collector jointly by the city council the county commissioners and the board of school directors within the limits hereinafter prescribed In fixing the salary of the tax collector the city the school district and the county shall each have one vote

In cities having a population of twenty-five thousand inhabitants and less the annual salary of the tax collector shall not be less than one thousand six hundred dollars ($1,600) nor more than three thousand five hundred dollars ($3,500)

In cities having a population of more than twenty-five thousand inhabitants and not exceeding fifty thousand the annual salary of the tax collector shall not be less than three thousand five hundred dollars ($3,500) nor more than five thousand dollars ($5,000)

In cities having a population of more than fifty thousand inhabitants and not exceeding fifty-five thousand inhabitants the annual salary of the tax collector shall be six thousand dollars ($6,000)

In cities having a population of more than fifty-five thousand inhabitants the annual salary of the tax collector shall not exceed seven thousand five hundred dollars ($7,500)

The tax collector shall appoint all necessary deputies clerks and assistants whose number and salaries shall be fixed jointly by the city council the board of school directors and the county commissioners in the same manner as in the case of the tax collector Said deputies clerks and assistants shall give fidelity bond payable to the Commonwealth for the use of the city county and school district conditioned on the faithful accounting and payment over all tax moneys received by them

The city shall provide and furnish for the tax collector at his office as city treasurer suitable office space light heat furniture and janitor service

The city county and the school district shall in equal proportions pay the cost of stationery supplies printing notices postage telephone service and incidental expenses necessarily incurred in the conduct of the tax collector's office the premiums on the bonds of his deputies clerks and assistants and the salaries of the tax collector and his deputies clerks and assistants Said salaries shall be paid monthly or semi-monthly in the same manner as other officers of said city county and school district

The city county and the school district shall be required to pay each one-third of the premium on the bond required to be given by law by the tax collector to the Commonwealth The city treasurer upon the expiration of his term of office shall surrender the unsatisfied tax duplicate or duplicates in his possession to his successor in office who shall collect the unpaid taxes charged therein and settle the duplicate or duplicates as provided by law Before such duplicates are surrendered to a successor the tax accounts of the outgoing treasurer shall be adjusted and balance to the satisfaction of the incoming treasurer and the respective taxing authorities before any release of the bond of the outgoing treasurer shall be given

Section 2 This act shall become effective on the first day of June one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1129, entitled:

An Act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the folowing words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

(a) "Dealer in farm produce" means any person association copartnership or corporation engaged in the business of buying receiving selling exchanging negotiating or soliciting the sale resale exchange or transfer of any farm produce and includes every person association copartnership or corporation receiving or purchasing farm produce on consignment or on a net return basis

(b) "Department" means the Department of Agriculture of this Commonwealth

(c) "Farm produce" includes all agricultural horicultural vegetable fruit and floriculture products of the soil poultry eggs nuts flowers and honey but shall not include timber products tea coffee or livestock

(d) "Net return basis" means a purchase for sale of farm produce from a producer or shipper at an unfixed or unstated price at the time the produce is shipped from the point of origin and it shall include all purchases made "at the market price" "at net worth" and on similar terms which indicate that the buyer is the final arbiter of the price to be paid

(e) "On consignment" means any receiving or sale of farm produce for the account of a person other than the seller wherein the seller acts as the agent for the owner

(f) "Producer" means any producer of farm produce in this Commonwealth

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. SHOEMAKER. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1176, as follows:

An Act to amend article three of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" as amended removing the authority of the Superintendent of Police to appoint additional patrolmen at the expense of persons asking such appointment

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article three of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" as amended

by the acts approved the twentieth day of June one thousand nine hundred and one (Pamphlet Laws 586) and the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws 1360) is hereby further amended to read as follows

Article III

Department of Public Safety

Section 1 The Department of Public Safety shall be under the charge of one director who shall be the head thereof The care management administration and supervision of the police affairs and all matters relating to the public health to the fire and police force fire alarm telegraph erection of fire-escapes and the inspection of buildings and boilers markets and food sold therein and the construction protection and repair of buildings erected for police and fire purposes shall be in charge of this department

No person shall be employed in this department as a policeman or fireman who is not a citizen of the United States or who has been convicted of crime unless pardoned or who cannot read and write understandingly in the English language or who shall not have resided within the State at least one year preceding his appointment

[The Superintendent of Police whenever directed by the Department shall appoint and cause to be sworn in any number of additional patrolmen to do duty at any place in the city designated by and at the charge and expense of the person or persons who may ask for such appointment They shall be subject to and obey the orders rules and regulations of the department and conform to the general discipline and special regulations thereof

The city recorder may upon any emergency or apprehension of riot or mob take command of the police force and appoint as many special patrolmen as he may deem advisable During their service the special appointees shall possess the powers and perform the duties of regular employes of the department and shall receive such compensation as shall be authorized by the city recorder not exceeding that of the regular officers of the force performing corresponding duties]

The department shall make suitable regulations under which the officers and members of the fire telegraph and police force shall be required to wear an appropriate uniform It shall be a misdemeanor punishable by a fine not exceeding five hundred ($500) dollars and imprisonment not exceeding six (6) months or either or both in the discretion of the court for any person to falsely personate by uniform insignia or otherwise any officer or member of the department

The city councils may provide by ordinance a fund for the care maintenance and relief of aged retired disabled or injured policemen or firemen and the families of such as may be injured or killed in the service

No policeman or fireman appointed under this act shall be dismissed without his written consent except by the decision of a court either of trial or inquiry duly determined and certified in writing to the city recorder which court shall be composed of persons belonging to the police or fire force equal or superior in official position therein to the accused Such decision shall only be determined by trial of charges with plain specifications made by or lodged with the director of the department of public safety of which trial the accused shall have due notice and at which he shall have the right to be present in person The persons composing such court shall be appointed and sworn by the director of the department of public safety to perform their duties impartially and without fear or favor and the person of highest rank in such court shall have the same authority to issue and enforce process to secure the attendance of witnesses and to administer oaths to witnesses as is possessed by any justice of the peace of this Commonwealth

Such charges may be of disability for service in which case the court shall be one of inquiry whose decision may be for the honorable discharge from the service of the person concerned or of neglect or violation of law or duty inefficiency intemperance disobedience of orders or unbecoming official or personal conduct in which cases the court shall be one of trial and its decision may authorize the director of the department of public safety to impose fines and pecuniary penalties to be stopped from pay or to suspend from pay or duty or both for a period fixed by them not exceeding one year or to dismiss from the service

It shall be lawful for the director of the department of public safety at his discretion to suspend from duty before trial any person charged as aforesaid until such trial can be had with or without pay as such court shall afterward determine but no trial shall be delayed for more than one month after charge has been made

The finding of the court of trial or inquiry as aforesaid shall be of no effect until approved by the city recorder

The laws in relation to health buildings and building inspection remain unaffected by any of the provisions thereof and the board of health and the building inspectors shall remain as heretofore and shall be attached to the Department of Public Safety

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1299, as follows:

An Act to establish a separate orphans' court in and for the County of York

Whereas The County of York according to the United States census of one thousand nine hundred and thirty has a population of one hundred and sixty-seven thousand one hundred and thirty-five and

Whereas Section twenty-two of Article five of the Constitution is a mandatory provision which requires the General Assembly to establish a separate orphans' court in every county wherein the population shall exceed one hundred and fifty thousand and

Whereas This mandatory provision of the Constitution has not been carried into effect by the Legislature at its three general sessions held since the census of one thousand nine hundred and thirty therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in the County of York a separate orphans' court be and is hereby established the name and style of which shall be the Orphans' Court of York County which court shall be a court of record and shall consist of one judge learned in the law

Section 2 At the municipal election in the year one thousand nine hundred and thirty-seven a judge of said court learned in the law shall be elected and duly commissioned to hold office from the first Monday of January next suceeding such election for the same term and in the manner as the judges of the court of common pleas of the county The annual salary of the said judge shall be the same as is paid to the judges of the court of common pleas of the said county and shall be paid in the same manner as the salaries of said judges of the court of common pleas are now or may be hereafter made by law payable

Section 3 The Governor is hereby authorized to appoint one competent person learned in the law as a judge of the orphans' court hereby established to hold office until the first Monday of January one thousand nine hundred and thirty-eight

Section 4 The terms of court of the said orphans' court shall be the same as the terms of the court of common pleas of the said county and may also be held at such other times and as often as the judge thereof shall deem necessary and proper

Section 5 The said court shall have and exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the orphans' courts of the

Commonwealth under and by virtue of the laws thereof

Section 6 The commissioners of the said county shall provide proper and suitable apartments in which the said orphans' court shall be held and its business transacted and in which the records thereof shall be safely and securely kept

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 412, entitled:

An Act providing for the establishment of a judicial council to make a continuous study of the organization procedure and practice of the courts and to make recommendations based on such study imposing duties on the prothonotaries clerks and other officers of the various courts and making an appropriation

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created a council to be known as the Judicial Council of Pennsylvania for the continuous study of the organization rules and methods of procedure and practice of the judicial system of the Commonwealth the work accomplished and the results produced by that system and its various parts to the end that procedure may be simplified business expedited and justice better administered The prothonotaries and clerks of the various courts and other officials thereof shall make to the council such reports from time to time as the council shall prescribe

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. PERRY. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

BILL ON THIRD READING

Mr. MOOMAW. Mr. Speaker, I desire to call up at this time House Bill No. 1572, Printer's No. 429, on page 22, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. MOOMAW.

The House resumed the consideration on third reading of House Bill No. 1572, entitled:

An Act to amend sections one eight eleven and thirteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1513) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" extending the provisions of said act to unfired pressure vessels

On the question,

Will the House agree to the bill on third reading?

Mr. MOOMAW. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 8, page 3, line 19 by striking out following the word "inspected" the following: "as frequently."

Amend section 8, page, line 20 by inserting after the word "department" the following: "except that in no case shall regular inspections be required more than once in every twelve months."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1125, entitled:

An Act to amend sections one two and six of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 492) entitled "An act to provide for the equalization of educational opportunity and the encouragement of the study of citizenship by recognition of extension education for boys and girls who are employed and for adults as a function of the public schools of this Commonwealth and to facilitate the proper organization and administration of such extension education" by providing educational recreational and social opportunities for out-of-school youth who are not employed by reducing the number of petitioners required for applications for extension classes and by requiring certain qualifications for teachers and leaders in extension education.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flinchbaugh,	McGee,	Simon,
Alexander,	Flannery,	McKinney,	Simpson,
Allen,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Habbyshaw,	Merrell,	Smith, John A.,
Aukerman,	Haberlen,	Mihm,	Snyder,
Baine	Hagerty,	Moomaw,	Sollenberger,
Baker, F. T.,	Hall,	Mooney,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Sproul,
Balthaser,	Hamilton, R. S.,	Moul,	Stackpole,
Bierly,	Harkins,	Muir,	Stank,
Blank,	Harmuth,	Munley,	Stewart,
Bohn,	Hays,	Murrin,	Stockham,
Boies,	Hering,	Nagel,	Strode,
Boltz,	Hess,	O'Brien,	Terry,
Boose,	Hetrick,	O'Connor,	Thomas,
Boyer,	Hindman,	O'Keefe,	Thompson,
Bradley,	Hirsch,	Ominsky,	Toole,
Brancato,	Holland,	O'Neill,	Tronzo,
Brigerman,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, S.,	Tumelty,
Brown,	Hontz,	Patterson, W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,

Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kilroy,	Preston,	Walsh,
Cohen, H. B.,	Kline,	Readinger,	Wampole,
Cohen, R. E.,	Kroll,	Reese,	Watkins,
Coleman,	LaRue,	Reising,	Weidemann,
Coolahan,	Leisey,	Richter,	Weiss, D. H.,
Corrigan,	Levy,	Robinson,	Weiss, S. A.,
Costanzo,	Lewis,	Rothenberger,	Welliver,
Davies,	Long,	Royer,	Welsh,
Decker,	Longaker,	Rush,	Westrick,
DeNote,	Lopresti,	Sarraf,	Whalen,
Dickinson,	Lovett,	Scanlon,	Whitenight,
Donohoe,	Lyons,	Schor,	Wilson,
Dougherty,	Mallen,	Schrock,	Winner,
Downey,	Marino,	Schrope,	Wood,
Dubbs,	Matthews, H. T.,	Schumacher,	Woodside,
Dyson,	Matthews, J. F.,	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Siegel,	Furman,
Flanagan,	McFall,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1361, entitled:

An Act to amend section five hundred and fifty-three of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred and three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" extending the time within which appeals from auditors' reports may be taken

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McGee,	Simon,
Alexander,	Flinchbaugh,	McKinney,	Simpson,
Allen,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Habbyshaw,	Merrell,	Smith, John A.,
Aukerman,	Haberlen,	Mihm,	Snyder,
Baine,	Hagerty,	Moomaw,	Sollenberger,
Baker, F. T.,	Hall,	Mooney,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Sproul,
Balthaser	Hamilton, R. S.,	Moul,	Stackpole,
Bierly,	Harkins,	Muir,	Stank,
Blank,	Harmuth,	Munley,	Stewart,
Bohn,	Hays,	Murrin,	Stockham,
Boles,	Hering,	Nagel,	Strode,
Boltz,	Hess,	O'Brien,	Terry,
Boose,	Hetrick,	O'Connor,	Thomas,
Boyer,	Hindman,	O'Keefe,	Thompson,
Bradley,	Hirsch,	Ominsky,	Toole,
Brancato,	Holland,	O'Neill,	Tronzo,
Brigerman,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, C. S.,	Tumelty,
Brown,	Hontz,	Patterson, J. W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kilroy,	Preston,	Walsh,
Cohen, H. B.,	Kline,	Readinger,	Wampole,
Cohen, R. E.,	Kroll,	Reese,	Watkins,
Coleman,	LaRue,	Reising,	Weidemann,
Coolahan,	Leisey,	Richter,	Weiss, D. H.,
Corrigan,	Levy,	Robinson,	Weiss, S. A.,
Costanzo,	Lewis,	Rothenberger,	Welliver,
Davies,	Long,	Royer,	Welsh,
Decker,	Longaker,	Rush,	Westrick,
DeNote,	Lopresti,	Sarraf,	Whalen,
Dickinson,	Lovett,	Scanlon,	Whitenight,
Donohoe,	Lyons,	Schor,	Wilson,
Dougherty,	Mallen,	Schrock,	Winner,
Downey,	Marino,	Schrope,	Wood,
Dubbs,	Matthews, H. T.,	Schumacher,	Woodside,
Dyson,	Matthews, J. F.,	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,	McFall,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1359, entitled:

An Act to amend section one thousand and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred and six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" extending the time within which appeals from auditors' reports may be taken

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McGee,	Simon,
Alexander,	Flinchbaugh,	McKinney,	Simpson,
Allen,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Habbyshaw,	Merrell,	Smith, John A.,
Aukerman,	Haberlen,	Mihm,	Snyder,
Baine,	Hagerty,	Moomaw,	Sollenberger,
Baker, F. T.,	Hall,	Mooney,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Sproul,
Balthaser,	Hamilton, R. S.,	Moul,	Stackpole,
Bierly,	Harkins,	Muir,	Stank,
Blank,	Harmuth,	Munley,	Stewart,
Bohn,	Hays,	Murrin,	Stockham,
Boles,	Hering,	Nagel,	Strode,
Boltz,	Hess,	O'Brien,	Terry,
Boose,	Hetrick,	O'Connor,	Thomas,
Boyer,	Hindman,	O'Keefe,	Thompson,
Bradley,	Hirsch,	Ominsky,	Toole,
Brancato,	Holland,	O'Neill,	Tronzo,
Brigerman,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, S.,	Tumelty,
Brown,	Hontz,	Patterson, W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kilroy,	Preston,	Walsh,
Cohen, H. B.,	Kline,	Readinger,	Wampole,
Cohen, R. E.,	Kroll,	Reese,	Watkins,
Coleman,	LaRue,	Reising,	Weidemann,

Coolahan,	Leisey,	Richter,	Weiss, D. H.,
Corrigan,	Levy,	Robinson,	Weiss, S. A.,
Costanzo,	Lewis,	Rothenberger,	Welliver,
Davies,	Long,	Royer,	Welsh,
Decker,	Longaker,	Rush,	Westrick,
DeNote,	Lopresti,	Sarraf,	Whalen,
Dickinson,	Lovett,	Scanlon,	Whitenight,
Donohoe,	Lyons,	Schor,	Wilson,
Dougherty,	Mallen,	Schrock,	Winner,
Downey,	Marino,	Schrope,	Wood,
Dubbs,	Matthews, H. T.,	Schumacher,	Woodside,
Dyson,	Matthews, J. F.,	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,	McFall,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2118, entitled:

An Act to further amend section six of the act, approved the second day of May, one thousand eight hundred ninety-nine (Pamphlet Laws, one hundred eighty-four), entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods, wares and merchandise, and providing for the collection of said tax," by clarifying the provisions relating to appeals.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Skale,
Allmond,	Gerard,	Mellott,	Sloan,
Arnold,	Gillette,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boies,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hindman,	O'Keefe,	Thomas,
Boyer,	Hirsch,	Ominsky,	Thompson,
Bradley,	Holland,	O'Neill,	Tronzo,
Brancato,	Holmes,	Ostroff,	Trout,
Brigerman,	Holstrom,	Patterson, C. S.,	Tumelty,
Broad,	Hontz,	Patterson, J. W.,	Turner,
Brown,	Horting,	Peale,	Vallbus,
Brownfield,	Huntley,	Pearson,	VanAllsburg,
Burrows,	Imbrie,	Perry,	VanSickle,
Cadwalader,	Jirolanio,	Pershing,	Vogt,
Caesar,	Kane,	Piole,	Wagner,
Caputo,	Keenan,	Powers,	Wall,
Chervenak,	Kilroy,	Preston,	Walsh,
Coakley,	Kline,	Readinger,	Wampole,
Cohen, H. B.,	LaRue,	Reese,	Watkins,
Cohen, R. E.,	Leisey,	Reising,	Weidemann,
Coleman,	Levy,	Richter,	Weiss, D. H.,
Coolahan,	Lewis,	Robinson,	Weiss, S. A.,
Corrigan,	Long,	Rothenberger,	Welliver,
Costanzo,	Longaker,	Royer,	Welsh,
Davies,	Lopresti,	Rush,	Westrick,
Decker,	Lovett,	Sarraf,	Whalen,
DeNote,	Lyons,	Scanlon,	Whitenight,
Dickinson,	Mallen,	Schor,	Wilson,
Donohoe,	Marino,	Schrock,	Winner,
Dougherty,	Matthews, H. T.,	Schrope,	Wood,
Downey,	Matthews, J. F.,	Schumacher,	Woodside,
Dubbs,	McArdle,	Serrill,	Wright,
Dyson,	McCullough,	Shaw,	Yanoshat,
Eckels,	McDermott,	Shea,	Yeakel,
Elpern,	McDevitt,	Shepard,	Yourishin,
Finnerty,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1692, entitled:

An Act requiring the consent of the electors of a township of the first or second class when such township or any part thereof is to be annexed to a contiguous borough or city

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flanagan,	McFall,	Simon,
Alexander,	Flannery,	McGee,	Simpson,
Allen,	Flinchbaugh,	McShane,	Skale,
Allmond,	Ganser,	Melchiorre,	Sloan,
Arnold,	Gerard,	Mellott,	Smith, James A.,
Aukerman,	Gillette,	Merrell,	Smith, John A.,
Baine,	Haberlen,	Mihm,	Snyder,
Baker, F. T.,	Hagerty,	Moomaw,	Sollenberger,
Baker, J. J.,	Hall,	Mooney,	Spengler,
Balthaser	Hamilton, F. P.,	Moran,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin,	Stank,
Bohn,	Harmuth,	Nagel,	Stewart,
Boies,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Strode,
Boose,	Hess,	O'Keefe,	Terry,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,
Brancato,	Hirsch,	Ostroff,	Toole,
Brigerman,	Holland,	Patterson, C. S.,	Tronzo,
Broad,	Holmes,	Patterson, J. W.,	Trout,
Brown,	Holstrom,	Peale,	Tumelty,
Brownfield,	Hontz,	Pearson,	Vallbus,
Burrows,	Horting,	Perry,	VanAllsburg,
Cadwalader,	Huntley,	Pershing,	VanSickle,
Caesar,	Imbrie,	Piole,	Vogt,
Caputo,	Jirolanio,	Powers,	Wagner,
Chervenak,	Kane,	Preston,	Wall,
Coakley,	Keenan,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Weidemann,
Coolahan,	LaRue,	Robinson,	Weiss, D. H.,
Corrigan,	Leisey,	Rothenberger,	Weiss, S. A.,
Costanzo,	Levy,	Royer,	Welliver,
Davies,	Lewis,	Rush,	Welsh,
Decker,	Long,	Sarraf,	Westrick,
DeNote,	Longaker,	Scanlon,	Whalen,
Dickinson,	Lopresti,	Schor,	Whitenight
Donohoe,	Lovett,	Schrock,	Wilson,
Dougherty,	Lyons,	Schrope,	Winner,
Downey,	Mallen,	Schumacher,	Wood,
Dubbs,	Marino,	Serrill,	Woodside,
Dyson,	Matthews, H. T.,	Shaw,	Wright,
Eckels,	Matthews, J. F.,	Shea,	Yanoshat,
Elpern,	McArdle,	Shepard,	Yeakel,

Finnerty,	McCullough,	Shoemaker,	Yourishin,
Fiss,	McDermott,	Shugarts,	Zappala,
Fitch,	McElroy,	Siegel,	Furman,

NAYS—5

Habbyshaw,	Moul,	Muir,	Turner,
McKinney,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2128, (Senate Bill No. 371), as follows:

An Act to amend sections twenty-one and forty-seven of the act approved the twentieth day of June one thousand nine hunred and nineteen (P. L. 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" by providing for the filing of bond with the Department of Revenue and by limiting the amount to be retained by registers of wills for their own use for collection of inheritance taxes as agents of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-one of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws five hundred twenty-one) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" is hereby amended to read as follows

Section 21 The registers of wills upon their filing with the [Auditor General] Department of Revenue the bond hereinafter required shall be the agents of the Commonwealth for the collection of the said tax in the case of resident decedents For services rendered in collecting and paying over the same they shall be allowed to retain for their own use upon the gross amount collected during any year five per centum upon the tax collected if such tax shall amount to a sum of fifty thousand ($50,000) dollars or less three per centum on the amounts collected in excess of fifty thousand ($50,000) dollars and not exceeding one hundred thousand ($100,000) dollars one per centum on the amounts collected in excess of one hundred thousand ($100,000) dollars [and not over two hundred thousand ($200,000) dollars and one-half of one per centum on the amounts collected in excess of two hundred thousand ($200,000) dollars and not over one million ($1,000,000) dollars and one-quarter of one per centum on the amounts collected in excess of one million ($1,000,000) dollars] Provided that the total amount to be so retained by such registers of wills for their own use shall not exceed the total sum of ten thousand dollars ($10,000) during any year

Section 2 That section forty-seven of the said act is hereby amended to read as follows.

Section 47 The act approved May sixth one thousand eight hundred and eighty-seven entitled "An act to provide for the better collection of collateral inheritance taxes" and the amendments and supplements thereto and the act approved the eleventh day of July one thousand nine hundred and seventeen entitled "An act for the imposition and collection of certain inheritance taxes" and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed but nothing in this repealer shall affect or impair the lien of any taxes heretofore assessed or any tax due owing or payable or any remedies for the collection of the same or to surrender any remedies powers rights or privileges acquired by the Commonwealth under said act approved May sixth one thousand eight hundred and eighty-seven entitled "An act to provide for the better collection of collateral inheritance taxes" its amendments and supplements and the said act approved the eleventh day of July one thousand nine hundred and seventeen entitled "'An act for the imposition and collection of certain inheritance taxes" or to relieve any person or corporation from any tax or penalty imposed by said acts Provided That the registers of wills shall not retain any amount for their own use for the collection of taxes under said acts as agents for the Commonwealth.

Section 3 This act shall become effective immediately upon its final enactment.

On the question,

Will the House agree to the bill on third reading?

MOTION TO RECOMMIT

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the committee from which it emanated, the Ways and Means.

On the question,

Will the House agree to the motion?

POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Delaware will state his point of order.

Mr. TURNER. Mr. Speaker, this bill did not have the name of the Ways and Means Committee on it.

The SPEAKER. The point of order is well taken, but the bill has been residing in that committee for some time.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from York will state his question of parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, as far as his House is concerned, did not this bill emanate from the Committee on Ways and Means?

The SPEAKER. As far as the House is concerned it did emanate from the Ways and Means Committee.

Mr. TURNER. Mr. Speaker, I again insist upon my point of order, that this bill did not emanate, either insofar as the House is concerned or in any other way from the Committee on Ways and Means. It had been reported from the Committee on Ways and Means. It more than likely emanated from the fertile brain of somebody in the Senate.

The SPEAKER. Does the gentleman from Delaware

have his dictionary with him? If so, will he please send it to the desk.

Mr. TURNER. I do not need a dictionary for that, Mr. Speaker.

The SPEAKER. The Chair is in quite a predicament on his rulings on the point of order and question of inquiry. He ruled that the point of order of the gentleman from Delaware and the question of inquiry raised by the gentleman from York are well taken.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I withdraw my previous motion and I now move that this bill be recommitted to the Committee on Ways and Means for further study and amendment.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 75, as follows:

An Act to promote the safety of travelers and employes upon railroads by prohibiting carriers by railroad hauling trains excessive in length providing penalties and providing for enforcement by the Public Service Commission or any other agency empowered to enforce the law

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any railroad corporation its officers or agents officers of the court receivers or any person copartnership or association operating a railroad in this Commonwealth to run or operate over its road or any part of its road any freight train consisting of more than seventy cars exclusive of caboose

Section 2 It shall be unlawful for any carrier by railroad to operate or permit to be operated in this Commonwealth over any line of railroad owned or operated by it any passenger train consisting of more than fourteen cars

Section 3 It shall be unlawful for any carrier by railroad to operate or permit to be operated in this Commonwealth over any line of railroad owned or operated by it any mixed train consisting of more than seventy cars in all or of which more than fourteen are cars constructed for the purpose of transporting passengers mail express or a combination or combinations of any of the same

Section 4 Any railroad corporation its officers or agents Officers of the court receiver or any person copartnership or association violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a penalty of one hundred dollars for each violation

Section 5 It shall be the duty of the Public Service Commission or any other agency empowered to enforce the law to enforce the provisions of this act

Section 6 The provisions of this act are severable and if any of the provisions thereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 7 All acts or parts of acts inconsistent herewith are hereby repealed

Section 8 This act shall become effective immediately upon final enactment

And said bill having been read the third time, considered and agreed to.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken.

Mr. REISING. Mr. Speaker, I ask for a verification of the roll.

YEAS—145

Achterman,	Eipern,	McArdle,	Scanlon,
Alexander,	Falkenstein,	McCullough,	Schor,
Allen,	Finnerty,	McDermott,	Schrope,
Allmond,	Fitch,	McElroy,	Shaw,
Arnold,	Flanagan,	McFall,	Shea,
Aukerman,	Flannery,	McGee,	Shepard,
Baine,	Ganser,	McShane,	Shoemaker,
Baker, J. J.,	Gerard,	Melchiorre,	Shugarts,
Bierly,	Haberlen,	Mellott,	Siegel,
Blank,	Hagerty,	Mihm,	Skale,
Bohn,	Hamilton, F. P.,	Moomaw,	Smith, James A.,
Boles,	Harkins,	Mooney,	Smith, John A.,
Bradley,	Harmuth,	Moran,	Spengler,
Brancato,	Hays,	Munley,	Stank,
Broad,	Hering,	Murrin,	Thomas,
Brown,	Hess,	Nagel,	Thompson,
Brownfield,	Hetrick,	O'Brien,	Toole,
Burrows,	Hindman,	O'Connor,	Tronzo,
Caesar,	Hirsch,	O'Keefe,	Tumelty,
Caputo,	Holland,	Ominsky,	Valibus,
Chervenak,	Holmes,	O'Neill,	VanSickle,
Coakley,	Holstrom,	Ostroff,	Vogt,
Cohen, H. B.,	Hontz,	Patterson, C. S.,	Wagner,
Cohen, R. E.,	Horting,	Patterson, J. W.,	Walsh,
Coleman,	Jirolanio,	Pearson,	Watkins,
Coolahan,	Keenan,	Pershing,	Weiss, D. H.,
Corrigan,	Kilroy,	Piole,	Weiss, S. A.,
Costanzo,	Kline,	Powers,	Welsh,
Davies,	Kroll,	Preston,	Westrick,
Decker,	Levy,	Readinger,	Whalen,
DeNote,	Lewis,	Reese,	Wilson,
Dickinson,	Long,	Reising,	Wright,
Donohoe,	Lopresti,	Robinson,	Yanoshat,
Dougherty,	Lovett,	Ruffennach,	Yourishin,
Downey,	Marino,	Rush,	Zappala,
Dubbs,	Matthews, H. T.,	Sarraf,	Furman,
Fekel,	Matthews, J. F.,		

NAYS—52

Atkins,	Huntley,	Rothenberger,	Stockham,
Baker, F. T.,	Imbrie,	Royer,	Strode,
Balthaser	LaRue,	Schrock,	Terry,
Boltz,	Leisey,	Schumacher,	Trout,
Boose,	Longaker,	Serrill,	Turner,
Boyer,	Lyons,	Simon,	VanAllsburg,
Cadwalader,	McDevitt,	Simpson,	Wall,
Dyson,	McKinney,	Sloan,	Wampole,
Fiss,	Merrell,	Snyder,	Weidemann,
Flinchbaugh,	Moul,	Sollenberger,	Winner,
Gillette,	Muir,	Sproul,	Wood,
Habbyshaw,	Peale,	Stackpole,	Woodside,
Hall,	Perry,	Stewart,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. PERRY filed the following reasons for his vote:

Since the presentation of this bill to the House of Representatives, there has been sent me and are now in my possession, many petitions opposing the passage of this bill. In addition thereto, hundreds of my constituents have personally visited me to voice their opposition to its passage. One of these petitions is from the Altoona Works Local No. 42 of the Brotherhood Shop Crafts of America, representing more than eleven thousand employes of the Locomotive and Car Departments of the Pennsylvania Railroad, Altoona Works, Altoona, Pa.

Similar petitions are signed by many hundreds of business men and working men of my Legislative District. These petitions oppose the passage of the bill, alleging

that it will seriously retard the prosperity of their community and will result in a stringent curtailment of employment in my community, and by reason thereof harm the working man and his dependents of my community.

Therefore, because of the extremely wide-spread and definite objection by my constituents, and believing that the vast majority of these constituents are opposed to the passage of this legislation, in response to their petitions I cast a negative vote to this bill.

Mr. SOLLENBERGER filed the following reasons for his vote:

I have on my files hundreds of petitions on H. B. 75. These petitions have come from industrial leaders, professional men, small business men and women, and laborers. Eighty-five (85%) per cent of them are in opposition to the bill. Thus in compliance to the wishes of my constituency I am casting a negative vote on the bill.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 918, as follows:

An Act to amend section five hundred forty-seven as amended and sections eight hundred two and nine hundred two of and to add section nine hundred two A to the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the method of making appropriations expenditures contracts employments and purchases by the townships relating to the preparation of the annual budget on a uniform form prepared by representatives of the township supervisors the Department of Highways and the Department of Internal Affairs providing for public notice of the preparation of such budget relating to the filing of such budget with the Department of Internal Affairs requiring the auditors to file an annual financial report with said department conferring jurisdiction of certain cases upon justices of the peace and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred forty-seven of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1299) is hereby further amended to read as follows

Section 547 Completion Publication and Filing of Auditors' Statement Filing of Reports with Department of Internal Affairs The auditors shall complete their audit settlement and adjustment within as short a time as possible and in no case shall more than twenty days be expended on such audit They shall within ten days thereafter publish by advertisement in at least one newspaper of general circulation printed in the township or county or by posting at least five copies in public places in the township a concise itemized statement of the receipts and expenditures of the several officers for the proceeding fiscal year They shall also within ten days thereafter file a copy of such statement with the secretary and another copy of such statement with the clerk of the court of quarter sessions When any two offices are exercised by the same person only one statement shall be required

The auditors shall also annually make a report of the financial condition of the township to the Department of Internal Affairs within sixty days after the close of the fiscal year signed by each auditor and duly verified by the oath of one of the auditors Any auditor refusing or wilfully neglecting to file such report shall upon conviction thereof in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond said sixty days and costs All fines recovered shall be for the use of the Commonwealth

The report to the Department of Internal Affairs shall be presented on a uniform form prepared and furnished as herein provided

Section 2 That sections eight hundred two and nine hundred two of said act are hereby amended to read as follows

Section 802 Letting Contracts All purchases of materials equipment [and/or] and machinery for the construction reconstruction and improvement of roads and bridges involving an expenditure in excess of two hundred dollars shall be by contract in writing It shall be unlawful for the supervisors to evade the provisions of this section by making two or more contracts for small amounts which should have been in one If the auditors find there has been any such evasion they shall refuse to approve the same The supervisors shall not hire any work to be done purchase any material or make any contract in any amount which will cause the sums set aside in the budget for such purposes to be exceeded No contracts or purchases not provided for by moneys in the budget or which shall cause any account in the budget to be exceeded shall be valid But nothing herein contained shall prevent the making of contracts for governmental services for a period exceeding one year but any contracts so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years

All [such] contracts which in this section are required to be in writing and all contracts for the construction reconstruction and improvement of roads and bridges shall be valid only when approved by the Department of Highways of the Commonwealth

A record of all purchases of material equipment [and/or] and machinery for road purposes involving an expenditure of less than two hundred dollars shall be kept by the supervisors and furnished to the Department of Highways in the annual report

Section 902 Annual Budget The board of township supervisors of townships of the second class shall annually before their organization meeting in January or as soon thereafter as practicable and at least thirty days prior to the adoption of the annual budget prepare a proposed budget for the ensuing fiscal year [beginning on the first Monday of January] which shall be filed with the treasurer In all townships in which the estimated expenditures in the budget exceed five thousand dollars ($5,000) the budget shall be prepared on a uniform form prepared and furnished as hereinafter provided [Such] The estimates in the budget for the purpose of aiding the board in determining how much road [tax] and other taxes to levy shall specify

(a) The amount of money necessary for the maintenance repair and improvement of highways including sluices

(b) The amount of money necessary for the repair and construction of culverts and bridges

(c) The amount of money necessary for the purchase hire repair and custody of tools implements and machinery

(d) The amount of money necessary for each other governmental activity of the township for which a special tax levy may or may not be authorized

[(d)] (e) The amount of money necessary for the payment of debts or other miscellaneous purposes

Upon the preparation of a proposed budget in which the estimated expenditures exceed five thousand dollars ($5.000) the supervisors shall either give public notice of the detailed contents thereof or of the fact that the proposed budget will be available for public inspection at a designated place in the township After the expiration of twenty (20) days following the giving of public notice the board of supervisors after making such revisions and changes in the budget as appear advisable shall adopt the budget and the necessary appropriation measures required

to put it into effect In townships in which the estimated expenditures do not exceed five thousand dollars ($5,000) the supervisors shall as soon as possible after the expiration of thirty days following the preparation of the proposed budget adopt the budget and the necessary appropriation measures required to put it into effect

The total appropriation shall not exceed the revenues estimated as available for the fiscal year

In all townships in which the estimated expenditures in the budget exceed five thousand dollars ($5,000) the board of supervisors shall within fifteen days after the adoption of the budget file a copy of the same in the office of the Department of Internal Affairs

The supervisors may by resolution transfer unencumbered moneys from one [fund to another except] road tax account to another but no moneys shall be transferred from the fund allocated for the payment of debts or from any fund raised by a special tax levy for a particular purpose Any such transfer shall be made only during the last nine months of the fiscal year No money shall be paid out of the township treasury except upon appropriation made according to law

Section 3 That said act is hereby amended by adding thereto the following section

Section 902A Preparation and Distribution of Forms Uniform forms for the annual report of township auditors to the Department of Internal Affair and the uniform forms for the annual budget to be used as herein provided shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Township Supervisors one representative from the State Department of Highways and the Secretary of Internal Affairs or his agent who shall be a person trained in the field of municipal finance

Such representatives of the Association of Township Supervisors shall be appointed by the president of said organization within sixty days after the effective date of this act As far as possible such representatives shall be chosen to represent townships in the various population groups among the range of townships of the second class The president of said organization shall supply to the Secretary of Internal Affairs the names and addresses of such representatives immediately upon their appointment The representative of the Department of Highways shall be appointed by the Secretary of Highways

Said representatives shall serve without compensation but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in cooperation with said committee In the event that said committee should for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After they are prepared he shall issue said forms and distribute them annually as needed to the proper township officers

Section 4 The provisions of this act shall become effective immediately upon its approval by the Governor They shall be first put into operation in connection with the preparation of budgets for the fiscal year nineteen hundred and thirty-eight and the preparation of annual reports of financial transactions for the fiscal year nineteen hundred and thirty-seven.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	Finnerty,	Matthews, H. T.,	Schrope,
Alexander,	Fiss,	Matthews, J. F.,	Schumacher,
Allen,	Fitch,	McArdle,	Shaw,
Almond,	Flanagan,	McCullough,	Shea,
Arnold,	Flannery,	McDermott,	Shepard,
Atkins,	Flinchbaugh,	McDevitt,	Shoemaker,
Auhrman,	Ganser,	McElroy,	Shugarts,
Baime,	Gerard,	McFall,	Siegel,
Baker, J. J.,	Gorski,	McGee,	Simon,
Balthaser,	Habbyshaw,	McShane,	Simpson,
Berlin,	Haberlen,	Melchiorre,	Skale,
Bank,	Hagerty,	Mellott,	Smith, James A.,
Bohn,	Hall,	Merrell,	Smith, John A.,
Boles,	Hamilton, F. P.,	Mihm,	Sollenberger,
Boltz,	Hamilton, R. S.,	Moomaw,	Spengler,
Boose,	Harkins,	Mooney,	Sproul,
Boyer,	Harmuth,	Moran,	Stackpole,
Bradley,	Hays,	Moul,	Stank,
Brancato,	Hering,	Munley,	Stewart,
Brigerman,	Hess,	Murrin,	Thomas,
Broad,	Hetrick,	Nagel,	Thompson,
Brown,	Hindman,	O'Brien,	Toole,
Brownfield,	Hirsch,	O'Connor,	Tronzo,
Burrows,	Holland,	O'Keefe,	Tumelty,
Cadwalader,	Holmes,	Ominsky,	Valibus,
Caesar,	Holstrom,	O'Neill,	VanAllsburg,
Caputo,	Hontz,	Ostroff,	VanSickle,
Chervenak,	Horting,	Patterson, C. S.,	Vogt,
Coakley,	Huntley,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Imbrie,	Peale,	Walsh,
Cohen, R. E.,	Jirolanio,	Pearson,	Wampole,
Coleman,	Kane,	Perry,	Watkins,
Coolahan,	Keenan,	Pershing,	Weidemann,
Corrigan,	Kilroy,	Piole,	Weiss, D. H.,
Costanzo,	Kline,	Powers,	Weiss, S. A.,
Davies,	Kroll,	Preston,	Welliver,
Decker,	LaRue,	Readinger,	Welsh,
DeNote,	Leisey,	Reese,	Westrick,
Dickinson,	Levy,	Reising,	Whalen,
Donohoe,	Lewis,	Richter,	Whitenight,
Dougherty,	Long,	Robinson,	Woodside,
Downey,	Longaker,	Rothenberger,	Wright,
Dubbs,	Lopresti,	Royer,	Yanoshak,
Dyson,	Lovett,	Rush,	Yourishin,
Eckels,	Lyons,	Sarraf,	Zappala,
Elpern,	Mallen,	Scanlon,	Furman,
Falkenstein,	Marino,	Schor,	

NAYS—18

Baker, F. T.,	Serrill,	Terry,	Wilson,
Gillette,	Sloan,	Trout,	Winner,
McKinney,	Snyder,	Turner,	Wood,
Muir,	Stockham,	Wall,	Yeakel,
Schrock,	Strode,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. VALIBUS. Mr. Speaker, I desire to call up at this time House Bill No. 1223, Printer's No. 488, on page 23, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. VALIBUS.

The House resumed the consideration on third reading of House Bill No. 1223, entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 851) entitled "An act fixing the pay and mileage of jurors and witnesses" increasing the pay and changing the mileage of jurors and witnesses

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Habbyshaw,	Merrell,	Smith, John A.,
Baine,	Haberlen,	Mihm,	Snyder,
Baker, F. T.,	Hagerty,	Moomaw,	Sollenberger,
Baker, J. J.,	Hall,	Mooney,	Spengler,
Balthaser,	Hamilton, F. P.,	Moran,	Sproul,
Bierly,	Hamilton, R. S.,	Moul,	Stackpole,
Blank,	Harkins,	Muir,	Stank,
Bohn,	Harmuth,	Munley,	Stewart,
Boles,	Hays,	Murrin,	Stockham,
Boltz,	Hering,	Nagel,	Strode,
Boose,	Hess,	O'Brien,	Terry,
Boyer,	Hetrick,	O'Connor,	Thomas,
Bradley,	Hindman,	O'Keefe,	Thompson,
Brancato,	Hirsch,	Ominsky,	Toole,
Brigerman,	Holland,	O'Neill,	Tronzo,
Broad,	Holmes,	Ostroff,	Trout,
Brown,	Holstrom,	Patterson, S.,	Tumelty,
Brownfield,	Hontz,	Patterson, W.,	Turner,
Burrows,	Horting,	Peale,	Valibus,
Cadwalader,	Huntley,	Pearson,	VanAllsburg,
Caesar,	Imbrie,	Perry,	VanSickle,
Caputo,	Jirolanio,	Pershing,	Vogt,
Chervenak,	Kane,	Piole,	Wagner,
Coakley,	Keenan,	Powers,	Wall,
Cohen, H. B.,	Kilroy,	Preston,	Walsh,
Cohen, R. E.,	Kline,	Readinger,	Wampole,
Coleman,	Kroll,	Reese,	Watkins,
Coolahan,	LaRue,	Reising,	Weidemann,
Corrigan,	Leisey,	Richter,	Weiss, D. H.,
Costanzo,	Levy,	Robinson,	Weiss, S. A.,
Davies,	Lewis,	Rothenberger,	Welliver,
Decker,	Long,	Royer,	Welsh,
DeNote,	Longaker,	Rush,	Westrick,
Dickinson,	Lopresti,	Sarraf,	Whalen,
Donohoe,	Lovett,	Scanlon,	Whitenight,
Dougherty,	Lyons,	Schor,	Wilson,
Downey,	Mallen,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. YOURISHIN. Mr. Speaker, I desire to call up at this time House Bill No. 135, Printer's No. 452, on page 25, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. YOURISHIN.

The House resumed the consideration on third reading of House Bill No. 135, entitled:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators, or those attempting to form an association, of labor groups, to approve or disapprove their incorporation, or their attempted association, or right to do business within the Commonwealth.

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Luzerne, Mr. Yourishin.

The SPEAKER. Will the gentleman from Luzerne, Mr. Yourishin, permit himself to be interrogated.

Mr. YOURISHIN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, will the gentleman from Luzerne explain the purpose of this bill?

Mr. YOURISHIN. Mr. Speaker, the purpose of this bill is that the Secretary of the Commonwealth shall inquire into the purposes of any labor organization that may be looking for a charter in the State of Pennsylvania, be it foreign or domestic, where the name may be similar to some legitimate organization that is in operation at the present time, and to prohibit the charter being issued under certain conditions.

Mr. TURNER. Mr. Speaker, does not the gentleman from Luzerne realize that under the present corporation law you must file your name in order to ascertain whether there is any conflict?

Mr. YOURISHIN. I do, Mr. Speaker, but this bill provides that certain names cannot be used where labor organization already have such names or trade names, and it provides that no name can be used that is in any way within or near the name that is being used by labor organizations at the present time.

Mr. TURNER. Mr. Speaker, does not the bill go further than the question of name?

Mr. YOURISHIN. Mr. Speaker, it protects the names of labor organizations now.

Mr. TURNER. Mr. Speaker, does it not include other than names? In other words, does it not place in the hands of the Secretary of the Commonwealth the power to determine whether they shall receive a charter or not, and not alone the question of names?

Mr. YOURISHIN. The name is in conflict with what is in the bill, Mr. Speaker, or in any way near the names that may be in this bill, the names of the organizations. The bill reads as follows:

"Groups of working men and women or wage earners having the name of Organized Labor Labor Federation of Labor Brotherhood of Labor Union Labor Union Labor Committee Trade Union Trades Union Union Labor Council Building Trades Council Building Trades Union Allied Printing Trades Council Trades Union Building Trades Union Allied Printing Trades Council Allied Trade Union Central Labor Body Central Labor Union Federated Trades Council Local Union National Union State Union International Union District Labor Council District Labor Union American Federation of Labor of Pennsylvania State Federation of Labor of the component parts thereof or the significant words therein or seals or insignias where same are used in Juxtaposition or with interspace shall be filed or recorded for the purpose of effecting incorporation or permitting the formation and association or by authorizing it to do business in this state unless such certificate designation shall be accompanied by an endorsement thereon by the Secretary of the Commonwealth that he has held a hearing into the aims and purposes of each organization and has determined that it will not be harmful to the community in which it proposes to operate."

Mr. TURNER. Mr. Speaker, is there anything in that act which says that the Secretary of the Commonwealth

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shall refuse a charter by reason of a similarity of names?

Mr. YOURISHIN. Mr. Speaker, the act uses the words, "Where same are used in juxtaposition or with interspace." It covers names anywhere near the names of the present labor organizations.

Mr. TURNER. Mr. Speaker, it does say in the act that if certain names are used they shall apply to the Secretary of the Commonwealth, but it does not say anything about the Secretary of Commonwealth refusing to grant the charter by reason of a similarity of names. The act says that it cannot become a corporation unless the Secretary of the Commonwealth has endorsed thereon "That he has held a hearing into the aims and purposes of each organization and has determined that it will not be harmful to the community in which it proposes to operate or to the Commonwealth and that there is a necessity therefor for such incorporation or association."

Mr. YOURISHIN. That is correct, Mr. Speaker, where there is a labor organization, and the Secretary of the Commonwealth feels that a new labor organization may be formed in order to create some harmful effect to the community, he can refuse to issue such a charter.

Mr. TURNER. Mr. Speaker, where in the act does it say anything about a dual union, a union bearing a similar name?

Mr. YOURISHIN. Mr. Speaker, by giving the Secretary of the Commonwealth the right to say whether or not such union shall be chartered.

Mr. TURNER. Mr. Speaker, It does not so say.

Mr. YOURISHIN. Mr. Speaker, it says plainly that "unless such certificate designation shall be accompanied by an endorsement thereon by the Secretary of the Commonwealth that he has held a hearing into the aims and purposes of each organization."

Mr. TURNER. Mr. Speaker, that does not say anything about a dual union or whether a dual union would be harmful to some other union or not.

Mr. YOURISHIN. But, Mr. Speaker, he can refuse to give them that endorsement.

Mr. TURNER. Mr. Speaker and members of the House, apparently the gentleman from Luzerne and I cannot get together on the questions and answers. Therefore I am going to state the proposition as I see it.

In the first part of this bill it provides that wherever certain names are used,—then it gives a list of the names,—that there shall be a certificate of application" filed or recorded for the purpose of effecting incorporation or permitting the formation and association or by authorizing it to do business in this state unless such certificate designation shall be accompanied by an endorsement thereon by the Secretary of the Commonwealth when he has held a hearing into the aims and purposes of each organization and has determined that it will not be harmful to the community in which it proposes to operate or to the Commonwealth that there is a necessity therefor for such incorporation or association."

Under the present law, the corporation act, these corporations, these unions are all corporations of the first class. That is, they are corporations not for profit. Their applications are made to the Courts of Common Pleas of Pennsylvania. Before you can make an application to a Court of Common Pleas for a charter you must now send into the Department your intention to apply and set forth the name that you are going to use, and they will not permit you, they will not give you a certificate which is necessary to get your charter in the Common Pleas Court, unless or if your name conflicts with the name of an already existing corporation. Now, I can see no harm, I think it might be very proper to say that we cannot use certain names because those names are already used in the State of Pennsylvania, but the question as to whether a corporation, whether its aims and purposes will not be harmful to the community, the question as to whether the aims and purposes of the organization will not be harmful to the community, is one of the prerogatives of the Common Pleas Court in determining whether a charter will be given to a corporation of the first class. So that this bill would take out of the Corporation Act of this Commonwealth that provision and would take that away from the courts, and would place it solely and entirely in the hands of the Secretary of the Commonwealth to determine whether any labor union that has applied for a charter in Pennsylvania,—whether its aims and purposes were such that it would not be harmful to the community and that there is a necessity therefor. There is no appeal under this act to any court. It is solely placing within the hands of the Secretary of the Commonwealth a power which I do not believe that he should exercise. I believe that it should be the right of any group of men and women in the Commonwealth of Pennsylvania who want to organize a union,—and I think unions should be incorporated,—to go into the courts and in the usual course and in the usual manner to apply for a charter. But I do not believe that it is right, I think it is placing far too much power in the hands of one individual, the Secretary of the Commonwealth, to determine who shall exercise the right of a union in the Com-right or whether they be wrong,—it would freeze in the hands of a very few people,—whether they be right or whether they be wrong,—it would would freeze in their hands full power to exercise the right to organize unions in the Commonwealth of Pennsylvania, and the opportunities for abuse on the part of the Secretary of the Commonwealth would be exceedingly great. I believe that this is placing a halter upon the necks of labor in Pennsylvania, that it is not giving them the opportunity to exercise their free right as citizens, to assemble and to organize in any group that they may desire, and I think this act should be amended. If it is the purpose to protect certain names then I think it should be amended so that it will specifically express that purpose, and if that be not the purpose, if there is hidden in the last part of the act language to give the Secretary of the Commonwealth the power to determine what labor unions in the Commonwealth of Pennsylvania should be given that right, then I believe we should defeat this act.

Mr. YOURISHIN. Mr. Speaker and members of the House, labor in the State of Pennsylvania feels that it has a right to ask someone to say whether or not some group that may want to injure some particular labor organization can go into any county court and secure a charter, not for the purpose of organization but for the purpose of possibly injuring organized labor within the State that has been organized for some time. We have had several instances of legitimate labor organizations conducting their business legitimately, and because some unscrupulous employer felt that he did not want any labor organization in his shop, he got a few men and they secured a charter and then used a trade name similar to the one used by the regular labor organization, to

try to break up that labor union. Labor feels, of course, that this bill will give them protection and prevent anyone from coming into the State, organizing a dual union and going into some court and getting a charter under the guise of a labor union. We feel that the Secretary of the Commonwealth, after we have had a hearing on both sides, can decide readily as to whether or not a charter should be issued to any group that may try to horn in on a legitimate organization of the State of Pennsylvania.

I ask the members of this House to vote for this bill. This bill has the endorsement of the Pennsylvania Federation of Labor. We went over it thoroughly and we feel that the Secretary of the Commonwealth should have the right to say what organization is to operate in this Commonwealth.

Mr. BROWN. Mr. Speaker, I would like to interrogate the gentleman from Luzerne, Mr. Yourishin.

The SPEAKER. Will the gentleman from Luzerne permit himself to be interrogated.

Mr. YOURISHIN. I will, Mr. Speaker.

Mr. BROWN. Mr. Speaker, I would like to ask the gentleman from Luzerne, Mr. Yourishin, whether or not in his opinion this is a special piece of legislation.

Mr. YOURISHIN. Mr. Speaker, no, I do not think it is a special piece of legislation. It prevents dual labor unions operating in the same industry and causing a lot of turmoil.

Mr. BROWN. Mr. Speaker, is this not a departure from our general law, insofar as it has to do with applications for charter for corporations, in that under this law a certain type of organization would have a hearing?

Mr. YOURISHIN. Mr. Speaker, I will say that I am no lawyer and am unable to answer that question. I am sorry.

Mr. BROWN. Mr. Speaker and members of the House, I have no objection to this bill at all, but it seems to me that we are trying to give labor something and we are giving them nothing. If this bill is made law every organization in the State, every church organization could require a special provision for charter for churches; every fraternal organization could come in and do the same thing. I think if labor wants to be helped labor ought not to be given these laws yhich undoubtedly will be invalidated by the courts. This is a special piece of legislation, providing a special way by which a special group of people can get charters, and I think it is unconstitutional and the bill ought to be sent back for further study.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Luzerne, Mr. Yourishin.

The SPEAKER. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. YOURISHIN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, will not the gentleman from Luzerne agree to place this bill on the postponed calendar?

Mr. YOURISHIN. Until I can get some of you lawyers to agree as to the phraseology or language of the act, I will, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

RESOLUTIONS

SYMPATHY EXTENDED

Messrs. LONGAKER, WINNER, WAMPOLE and CADWALADER offered a resolution which was twice read by the Clerk as follows:

In the House of Representatives, April 12, 1937.

Charles Johnson, a resident of Plymouth Township, Montgomery County, a famous political leader and prominent in the affairs of the State Government for many years, has passed away at the age of eighty-three years. He was born on a farm in Montgomery County where he spent his early life filling various local township offices. Later he engaged in the real estate business and was elected sheriff of Montgomery County. Subsequently, be became Resident Clerk of the House of Representatives, then Insurance Commissioner, Deputy Auditor General, Secretary of the Commonwealth and the first Secretary of Revenue. He was for many years the Republican leader of Montgomery County, was at different times Treasurer and Secretary of the Republican State Committee, and attended National and State Conventions of the Republican Party.

He was president of the Peoples National Bank, a director of the Norristown Penn Trust Company, and of a number of industrial corporations.

Quiet and unassuming in his private and public life he yet possessed a quality of leadership equaled by but few men in the history of the Commonwealth.

Resolved, That the Members of the House express their sincere sympathy to the members of the family of Charles Johnson in their bereavement, and that a copy of this resolution be transmitted to the family by the Chief Clesk of this House.

On the question,

Will the House adopt the resolution?

Mr. LONGAKER. Mr. Speaker and members of the House, in the passing of Charles Johnson of Montgomery County, Pennsylvania has lost an illustrious son. He was respected and revered by all who knew him, regardless of political affiliation, creed or color. His kind and unassuming manner made loyal friends in all walks of life.

I first met Mr. Johnson in February of 1934, and as a candidate for the Assembly in that year I had many occasions to observe his courteous and kindly attitude towards friend and foe alike. I shall always cherish the fact that I was the last candidate for public office supported by this splendid character in his capacity as the active leader of the Republican party in Montgomery County.

I therefore particularly request the membership of this House to act favorably on the resolution now under consideration.

On the question recurring,

Will the House adopt the resolution?

It was unanimously adopted.

Mr. WHALEN offered a resolution which was filed with the Clerk under the Rules.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

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APPROVAL OF RESOLUTION RECALLING HOUSE BILLL No. 257

Commonwealth of Pennsylvania,
Governor's Office.
Harrisburg, April 8, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 257, Printer's No. 402, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. DeNOTE. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. MELCHIORRE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. DeNote, vote on the final passage of this bill?

Mr. DeNOTE. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Melchiorre, vote on the final passage of this bill?

Mr. MELCHIORRE. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. DeNOTE. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. DeNOTE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 6 of the title, by striking out at the end of the line after the word "amended" the following: "[changing the order in which]"

Amend page 1, line 7 of the title, by striking out at the beginning of the line before the word "shall" the following: "[officers of such cities]" and inserting in lieu thereof the following: "by providing that the city controller"

Amend page 1, line 8 of the title, by inserting at the end of the line after the word "act" the following: "in lieu of the succession of the officers of such cities heretofore provided by law in such case."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1161.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 8, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1161, Printer's No. 252, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. BLANK. Mr. Speaker, I move that the vote by hich this bill passed finally be reconsidered.

Mr. McSHANE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Blank, vote on the final passage of this bill?

Mr. BLANK. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. McShane, vote on the final passage of this bill?

Mr. McSHANE. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. BLANK. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. BLANK. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend page 4 by striking out "lines 7 and 8."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 916.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 8, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 916, Printer's No. 401, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. BLANK. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. McSHANE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Blank, vote on the final passage of this bill?

Mr. BLANK. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. McShane, vote on the final passage of this bill?

Mr. McSHANE. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. BLANK. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. BLANK. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 12 of the title, by inserting at the end of the line after the word "class" the following: "and terminating the terms of certain mercantile appraisers"

Amend section 1 (section 1), page 2, line 19 by striking out after the words "hundred and" and before the word "and" the word: "[nineteen]" and inserting in lieu thereof the word: "thirty-seven"

Amend page 2 by inserting after line 27 the following new section: "Section 2 The terms of mercantile appraisers in cities of the first class in office immediately prior to the thirtieth day of December one thousand nine hundred thirty-seven are hereby terminated as of that date."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1128.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 8, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1128, Printer's No. 260, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

MESSAGE AND BILL LAID ON TABLE

Mr. SHAW. Mr. Speaker, I move that the message together with the bill be laid upon the table.

The motion was agreed to.

BILLS INTRODUCED AND REFERRED

By Mr. REISING. HOUSE BILL No. 2160.

An Act making an appropriation to the Department of Public Instruction for the use of the State Board of Pharmacy in enforcing the "Pure Drug Law."

Referred to the Committee on Appropriations.

Br. Mr. MOOMAW. HOUSE BILL No. 2161.

An Act making an appropriation to the Children's Aid Society of Franklin County, Chambersburg, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. HERBERT B. COHEN. HOUSE BILL No. 2162.

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief, and expenses; defining the purposes for which such moneys may be expended; prescribing the powers and duties of the State Emergency Relief Board and certain State departments; prohibiting political activity by employes of the State Emergency Relief Board; and prescribing penalties.

Referred to the Committee on Appropriations.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. JACOB F. MATTHEWS. RESOLUTION No. 66.

In the House of Representatives, April 12, 1937.

Whereas, The practice has prevailed in the past to transfer, from time to time, moneys from the Motor License Fund to the General Fund to meet current payments from said fund; and

Whereas, Said practice retards the highway program of the Commonwealth and tends to create unemployment; and

Whereas, All of said transfers, it is alleged, have not been returned to the Motor License Fund, therefore be it

Resolved, That it is the sense of the members of the House of Representatives that no future transfer shall be made from the Motor License Fund to the General Fund or any other fund of the Commonwealth, and that all taxes and license fees which are by law dedicated for the construction and improvement of highways and administration expenses in connection therewith and highway debt service charges shall not hereafter, to the extent of such dedication, be used for or diverted by transfer or otherwise to any other purpose whatever.

Referred to the Committee on Highways.

By Mr. WHALEN. RESOLUTION No. 67.

In the House of Representatives, April 12, 1937.

Whereas, it is widely reported that female employees in departmental bureaus of the Commonwealth are working from fifty to sixty, or more, hours a week and,

Whereas, it is further reported that admissions and claims to this effect have been set out in answers to the Questionaire submitted to the Governor's Personnel Committee of Five and,

Whereas, legislation is now pending in the General

Assembly limiting the maximum working hours per week for female employees in industry to forty (40)

Now Be it Resolved that the Labor Committee of the House of Representatives be authorized directed to investigate these complaints and make recommendations if any are found necessary.

Referred to the Committee on State Government.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 5, 1937.

Whereas, We have in Pennsylvania many diversified industries engaged in the business of manufacturing, producing and selling various products and commodities; and

Whereas, The State Government through its various agencies is a large consumer and distributor of many of these products and commodities; and

Whereas, In certain instances discriminatory practices have been set up by certain administrative agencies, which tend to handicap Pennsylvania industries which are in competition with certain foreign state industries of like nature; and

Whereas, This practice results in a lessened employment in the State; and

Whereas, It is the duty of the General Assembly to deal with the problem of unemployment and relief, and particularly when such problems are directly tracable to the question of unemployment; therefore be it

Resolved (if the House of Representatives concur), That any economic advantage granted to foreign industries works to the disadvantage of Pennsylvania industry and tends to increase unemployment in this Commonwealth, and where such advantage results from policies adopted by an administrative agency, it is hereby declared that such policies are deemed contrary to the spirit of the discretionary powers vested in such agency.

Resolved, That the General Assembly believes that the policies of all administrative agencies should at all times be formulated to encourage and foster Pennsylvania industry by requiring it, in order to gain a market, to sell certain products and commodities below a price charged by and paid to industries outside Pennsylvania for products and commodities of the same grade or character.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

The SPEAKER. The resolution is referred to the Committee on State Government.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate of Pennsylvania, April 12, 1937.

Whereas, There is a National Movement to name a transcontinental highway as the Grand Army of the Republic Highway, and

Whereas, Several other states have already designated in their states such a highway which connects up with United States Route Number Six in Pennsylvania, therefore be it

Resolved (if the House of Representatives concur), That the General Assembly requests the Secretary of Highways in the exercise of the powers conferred upon him by law to change the name of the highway known as United States Route Number Six to the Grand Army of the Republic Highway.

Resolved, That a copy of this resolution be transmitted to the Secretary of Highways by the Chief Clerk of the Senate.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

The SPEAKER. The resolution is referred to the Committee on Highways.

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 12, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 19th, at nine o'clock; and when the House of Representatives adjourns this week, it reconvene on Monday evening, April 19th, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

ANNOUNCEMENTS BY THE CLERK

There will be a public hearing tomorrow, Tuesday, April 13th, at 6:30 p. m., on House Bills Nos. 1554 and 1649, the Milk Control Bills before the Committee on Agriculture in the Hall of the House.

There will be a public hearing tomorrow, April 13th, at 8:00 p. m., on House Bill No. 608 to abolish capital punishment before the Committee on Judiciary General in the House Caucus Room.

COMMITTEE MEETINGS FOR TOMORROW

Agriculture 10:00 a. m. in Room 521. This meeting was originally scheduled for 11:00 a. m. but is now called for 10:00 a. m.

Banking at 10:15 a. m. instead of 11:00 a. m. as usual, in Room 325.

Counties after tomorrow's session in Room 324.

Cities at 11:30 a. m. in Room 101.

Judiciary General at 11:00 a. m. instead of 10:00 a. m. as usual, in Room 325.

Labor after tomorrow's session in Room 521.

Military Affairs at 12:30 p. m. in Room 100.

Municipal Corporations at 12:00 noon in Room 301.

Pensions and Gratuities at 12:00 noon in Room 544.

State Boards at 10:00 a. m. in Room 101.

ADJOURNMENT

Mr. PEARSON. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 11:47 p. m.) the House adjourned until Tuesday, April 13, 1937, at 1:00 p. m.

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